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Truth Claim or Language Game?

Bjerg, Ole; Presskorn-Thygesen, Thomas

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Ole Bjerg and Thomas Presskorn-Thygesen

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Conspiracy Theory:
Truth Claim or Language Game?

Ole Bjerg and Thomas Presskorn-Thygesen

Copenhagen Business School

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Introduction

> What has become of critique when a book that claims that no plane ever crashed into Pentagon can be a bestseller? (Latour, 2004: 228)

> The relation between the official versions and divergent versions of a certain number of affairs constitutes a central question for liberal democracies. (Boltanski, 2014: 211)

Within few hours after the January 2015 attack on the editorial office of the French satirical newspaper, Charlie Hebdo, alternative media sites were posting articles, videos and analyses contradicting the mainstream account of the shootings as an act of terrorism. In turn, these media sites suggested that the events in Paris were a case of 'false flag attacks' orchestrated in clandestine by American, French and/or Israeli intelligence services. Similar patterns of reporting could be observed during subsequent attacks in Copenhagen in February 2015, Paris in November 2015, and Brussels in March 2016. Parallel to the coverage in the established media, alternative commentators, bloggers and YouTubers would be putting forward observations and speculations to support wholly different interpretations implicating governments and state agencies in the events.

The phenomenon of such alternative reporting on contemporary political events seems to signify a significant trait of our current *Zeitgeist*, namely, the pervasiveness of conspiracy theories. The immediate fascination power of conspiracy theories is that they invoke the same kind of 'whodunnit' questions that are found in crime fiction and spy novels and they incite us to imagine an alternative reality, which is more spectacular, more intriguing, but also more horrifying than the one that we are familiar with. As suggested, however, by the above quotes from Latour and Boltanski conspiracy theories also call for reflections of a more philosophical and political nature. Regardless of the credibility of

particular conspiracy theories, they are a significant political and cultural phenomenon, which deserve intellectual scrutiny concerning their origins, rationality and practical effects. This is what the current article aims to provide.

Such scrutiny should include not only conspiracy theories themselves but also the operations by which the distinction between conspiracy theories and non-conspiracy theories are drawn in mainstream politics, media and academic debates. ‘Conspiracy theory’ is no trivial word. As we are going to see, any use of the concept of conspiracy theory always already implies a demarcation between legitimate, rational knowledge and illegitimate, irrational non-sense. Furthermore, the concept not only refers to a given type of proposition but it also invariably calls into question the sanity and credibility of the person making or asserting the proposition, the conspiracy theorist.

In this article, we explore the intricate relation between epistemology and politics in the definition and use of the concept of conspiracy theory. Using Wittgenstein's early and late theories of language we first demonstrate how the concept oscillates between a seemingly neutral categorization of particular types of theories and a powerful tool to exclude, discard and suppress these very same types of theories. Secondly, we apply Agamben's theory of sovereignty in order to locate conspiracy theorising within a contemporary paradigm of politics signified by the institution of the state of exception. Exploring conspiracy theories through theses lenses also allow for a critical view of the way in which official authorities currently deal with conspiracy theories and popular suspicion: Paradoxically and counterproductively, governments begin to act like conspiratorial entities in order to pre-empt supposed conspiracy theories. A more elaborate outline of the argument is provided at the end of the following review of existing research literature on conspiracy theory.

Existing research literature on Conspiracy Theory

Conspiracy theories flourish in gossip, at special conventions, and on blogs, web forums and other outlets on the internet. Beyond the descriptive approaches that try to take stock of the heterogeneous body of outlets and theories (for overviews see, e.g., Knight 2003; Greig, 2006; Hegstad, 2014), the existing academic research literature may be roughly divided into three major categories each characterized by a specific approach to conspiracy theories.

The first category of academic research is constituted by studies that analyse conspiracy theories as expressions of some kind of psychological, social, or even political pathology. The classic reference for this approach is provided by Hofstadter's seminal article on *The Paranoid Style in American Politics* (1964). The paranoid style of thinking 'evokes the qualities of heated exaggeration, suspiciousness, and conspiratorial fantasy.' (1964: 3). While distancing himself from the clinical use of the concept of pathology, Hofstadter views conspiracy theories as the symptom of a pervasive pathological trend in the political life of his time. Recent studies continuing along Hofstadter's line of thinking include the works of Robins and Post (1997), Pipes (1998), or Lewandonsky et al. (2013). Given their interest in pathology, these studies are less concerned with conspiracy theories as such and more concerned with the people, who believe and construct these theories, the conspiracy theorists. As recently argued by Dentith (2014) the focus on pathology implies an often problematic and reductive approach to the very belief in conspiracy theories (also see the critique by Gray, 2010: 21-24 and Pigden, 1995): Although the studies of conspiracy theories as symptoms of pathology are not explicitly concerned with the truth value of the factual claims proposed in conspiracy theories, their view that conspiracy thinking is emotionally motivated tends to implicitly rule out even the mere

possibility that some people may believe in conspiracy theories based on an evaluation of evidence or because they take the theories themselves to be simply true.

The second category of academic research is constituted by studies that approach conspiracy theories as expressions of contemporary culture on par with art or literature. In contrast to the approach inspired by Hofstadter, this category of research literature tends to have a more hermeneutic and less dismissive approach to conspiracy theories: Some conspiracy theories may be factually wrong, while others contain some or many elements of truth, but in any case they should be viewed as meaningful responses to the experience of certain political, social and cultural conditions rather than simply dismissed as pathological. In this category of literature we find the works of Dean (1998), Melley (1999), Knight (2001), Fenster (2008), Uscinski et. al. (2011), Boltanski (2014) as well as the studies compiled by West and Sanders (2003). Authors engaged in this kind of political or cultural studies differ in terms of whether conspiracy theorizing should be seen as a potent form of political resistance (Fiske, 1993), a way of disclosing 'state crimes against democracy' (deHaven Smith, 2013) or rather a disempowering diversion from true critique (Jameson, 1988; Latour, 2004; Showalter, 2013).

Within the third category of academic research, we find philosophical studies that analyse the epistemology of conspiracy theories. There seems to be two interrelated questions within this category of research literature. The first concerns the proper definition of a conspiracy theory. The second concerns the rationality of conspiracy theories. While there is only little disagreement on the first question, authors participating in the discussion can be ordered on a spectrum with regard to their position on the second question. At one end of the spectrum we find authors such as Sunstein and Vermeule that tend to dismiss conspiracy theories as not only irrational and false but even dangerous and so not worthy of the attention

of rational intellectuals (Sunstein and Vermeule, 2009; Sunstein, 2014). At the other end of the spectrum, we find authors such as Coady (2003, 2007), Pigden (1995, 2006, 2007) and Anton et. al. (2014) who argue that even if many conspiracy theories are indeed irrational and outrageous, we should never discard a theory without proper examination purely on the basis that it has been labelled as a 'conspiracy theory'. Using Pigden's (1995: 3) concise phrase, 'the belief that it is superstitious to posit conspiracies is itself a superstition'.

In the context of the current journal, the issue of conspiracy theories has most significantly come up in the special issue on 'Secrecy and Transparency' (Birchall 2011a). Birchall (2011b) and Horn (2011) both identify and criticize the contemporary tendency to categorically equate secrecy with illegitimacy and criminality while praising transparency as an ultimate good. The present article works further in the direction of these approaches (Birchall, 2011b; Horn, 2011). In line with their shared call for a more balanced and pragmatic approach to secrecy and transparency, we need an equally pragmatic approach to conspiracy theories.

The argument of the current paper may be outlined through specifying its contribution and position in relation to the three strands of existing research literature. The paper begins with a clarification and analysis of the epistemology of conspiracy theories. In this analysis, we side with philosophers from the third category of academic research such as Pigden (1995, 2007) and Coady (2003, 2007) arguing that conspiracy theorizing cannot and should not be dismissed as outright irrational. The examination of the epistemology of conspiracy theories is structured by concepts from the early as well as the late Wittgenstein's writings on the nature and practical use of language (1922, 1953). The well-known antagonism between the early and late Wittgenstein yields a tension within his authorship as a whole (for discussion of continuities and discontinuities see e.g. Diamond 1991; Crary and Read 2000; Hacker 2000;

Medina 2002). Yet, it is exactly this tension that makes Wittgenstein's philosophy uniquely applicable in displaying a complex duality pertaining to the epistemology of conspiracy theories. The early Wittgenstein (1922) presents a vision of language as exclusively concerned with the assertion and denial of empirical fact. In Russell's (1922) apt phrase, language is in 'the business of asserting and denying facts'. This strict epistemological conception of language is capable of clearly articulating the demand that conspiracy theories should be tested against the facts (Pigden 1995; Coady 2007). The later Wittgenstein, by contrast, turned his attention away from the representational content of language to its actual *usage* (Wittgenstein 1953: §43; cf. Presskorn-Thygesen and Basbøll 2015). The later Wittgenstein thus pinpoints that concepts are not mere representational devices but rather tools serving various and highly diverse practical, pragmatic and rhetorical functions. Within the context of the present article, this tension between the early and the late Wittgenstein allows us to identify a paradoxical duality in the concept of conspiracy theories: On the one hand, a conspiracy theory seem like a theory to be empirically tested like any other hypothesis, but on the other hand, the actual usages of the concept of a 'conspiracy theory' often carry the implication that even its possible truth is excluded. In its actual employment, the concept is implicated with a rhetoric of exclusion (Husting and Orr 2007).

This epistemological clarification is then mobilized in a political analysis along the lines of the studies in the second category of literature. But rather than focusing on conspiracy theories as such, we direct our attention toward the political reactions to the espousal of such theories and towards the rhetorical function of labelling of certain claims as conspiracy theories. Our intuition is that it is the nature of these reactions rather than the proliferation of conspiracy thinking as such that constitutes the 'paranoid style' in contemporary politics.

This intuition brings us into contact with the field of inquiry opened by the first category of literature that focuses on pathology. But rather than exploring the possible paranoia and irrationality of conspiracy theorists, we analyse how contemporary designations of certain questions and explanations are at odds with the ordinary constitution of a democratic public sphere as committed to public debate and open rational inquiry. From this perspective, the real pathology emerges on the side of the mainstream reactions to so-called conspiracy theorists. It does not come in the form of individual pathology in the clinical sense but rather in the form of an epistemic state of exception, which threatens to undermine the functioning of public debate and intellectual critique. The political dimension of the argument is informed by Agamben's writings on sovereignty and the state of exception (1998, 2005, 2013). As Agamben has argued, these concepts carry a broad diagnostic potential in today's societies. In this context, they allow one to detect significant similarities that would otherwise 'elude our gaze' (Agamben 2009: 31).

Conspiracy + Theory < Conspiracy Theory

> The sense of a proposition is its agreement and disagreement with the possibilities of the existence and non-existence of the atomic facts. (Wittgenstein, 1922: §4.2)
>
> [T]he meaning of a word is its use in the language. (Wittgenstein, 1953: §43)

The typical way of beginning a philosophical analysis of conspiracy theories is by posing the question: What is a conspiracy theory? There are, however, two very different ways of answering this seemingly straightforward question. The first is to formulate a logically consistent definition of the concept of conspiracy theory. The second is to investigate, what we actually mean when we use the phrase 'conspiracy theory' in a sentence. The two quotes above come from the major works of the early

and the late Wittgenstein respectively. The difference in the conception of language between the two quotes corresponds to the two ways of answering: what is a conspiracy theory? As we are going to see, there is a huge gap between these two levels of meaning. This gap is what makes conspiracy theories interesting not merely from a logical but also from a political point of view. Let us begin with the logical definition.

In the early Wittgenstein, we find a conception of language as the expression of a 'logical picture of the facts' (Wittgenstein, 1922: §3). Language is, if properly analysed, revealed to be essentially in the business of asserting and denying facts. On this conception of language and conceptual analysis, the task of philosophy is simply to perform logical analyses of propositions so as to clarify their meaning in terms of their factual claims about empirical reality (*ibid.*: §6.53). Logically analysing propositions and complex concepts is, according to this influential philosophical method, a matter of breaking them into their constituent parts. Understanding them is 'understanding their constituent parts' (*ibid.*: §4.024). Somewhat simplified, a logical analysis of the concept of conspiracy theory would thus utilize a compositional strategy by separating it into its constituent parts: conspiracy theory = conspiracy + theory. Now one can proceed by defining each of these two components separately. Rather than going about this exercise ourselves, let us look at some of the existing definitions that seem to have used exactly this procedure:

> [A conspiracy theory is] 'a theory that explains an event or set of circumstances as the result of a secret plot by usually powerful conspirators.' (Merriam-Webster Dictionary, 2014)

> A conspiracy theory is a proposed explanation of some historical event (or events) in terms of the significant causal

> agency of a relatively small group of persons – the conspirators – acting in secret. (Keeley, 1999: 116)

> [A] conspiracy theory can generally be counted as such if it is *an effort to explain some event or practice by reference to the machinations of powerful people, who attempt to conceal their role (at least until their aims are accomplished).* (Sunstein and Vermeule, 2009: 205)

The first of these is a simple dictionary definition and the two others stem from the academic literature. While there are indeed small variations between the three definitions, they do not differ substantially from each other. 'Theory' is defined in terms of 'explanation' of an 'event'. 'Conspiracy' is defined in terms of 'people', 'powerful', 'secret', and some form of intentionality. The full definition is completed as the two analysed sub-definitions are synthesized.

Even though this kind of definition of 'conspiracy theory' is logically consistent with the definitions of its constituent components 'conspiracy' and 'theory', it falls short in a number of ways, when we look at the meaning of the word in terms of 'its use in the language.' Crucially, the definition seems too broad in terms of its empirical extension as it captures a range of theories that we would clearly hesitate to call 'conspiracy theories' in any meaningful sense of the word (Pigden, 1995, 2006). For instance, much of what goes on in the board rooms of corporations with respect to management, strategy, marketing, finance, mergers and acquisitions, etc. is logically consistent with the above notions of a conspiracy and much of what goes on at business schools that theorize about the management of corporations would thus be called conspiracy theories.

Furthermore, it also seems to be the case that the way we normally use the word conspiracy theory excludes instances where the theory has been

generally accepted as true. The Watergate scandal serves as the standard reference (e.g. Buenting and Taylor, 2010). A similar and more contemporary illustration of the same point is found by looking back at Keeley's (1999) listing of six conspiracy theories with the hindsight provided by Edward Snowden's recent disclosures of NSA monitoring practices. Listed along with theories such as 'the HIV virus ... was the product of American and Soviet biological warfare research' or 'extra terrestrials regularly visit our planet', Keeley also includes the theory that '[a]ll transatlantic communications are monitored and recorded by the U. S. National Security Agency' (Keeley, 1999: 110). Just as the Watergate scandal is now part of the official account of the Nixon administration, the NSA monitoring practices are arguably also part of our present understanding of the way that US intelligence works and neither thus qualify as 'conspiracy theories' anymore. The point here is that when we employ the word 'conspiracy theory' in actual language use, we are implicitly assuming and implying that the claims advanced by the theory are not true.

As Husting and Orr (2007) have argued actual employments of the word 'conspiracy theory' are often implicated with a 'rhetoric of exclusion'. Conspiracy theories are excluded from being even possible candidates for truth. This is also why we sometimes, in ordinary discourse, use the phrase: 'It is *just* a conspiracy theory.' The word 'just', linguistically, functions as a pragmatic modifier, which indicates that we take for granted that the theory is obviously not true. Conversely, speakers proposing views that might be interpreted as conspiratorial must ward off this implicit assumption of obvious falsity by using various forms of disclaimers of the type: 'I am not a conspiracy theorist, but...'

In summary, if we subject the concept of conspiracy theory to a strictly logical conception of language and define it simply as the addition of 'conspiracy' and 'theory', we overlook all of the implicit connotations

inherent in its meaning as conceived by the late Wittgenstein's theory of language in use. Even if some attempts at strict logical definition do indeed capture some of these connotations by adding the proviso that conspiracy theories must be controversial from the standpoint of 'official explanations' (Coady, 2003: 199; also cf. Clarke, 2007; Anton, 214), they still do not capture the often present pragmatic implication that 'conspiracy theories', unlike any other sort of theory or hypothesis, are not even worth empirical inquiry. We will illustrate and apply this point in the next section.

Tractatus ideologico-philosophicus

In the early Wittgenstein, we find two crucial distinctions. On the one hand, he distinguishes between true and false propositions. True propositions are factual claims that correspond with empirical reality (1922: §4.06-4.063). This is a pretty straightforward concept of truth. On the other hand, the early Wittgenstein also distinguishes between propositions that make sense (*Sinn*) and nonsensical (*unsinnig*) propositions. According to Wittgenstein, propositions make sense in so far as they contain factual claims about reality (1922: §4.022). If the claim corresponds with reality, the proposition is true. If the claim does not correspond with reality, the proposition is false. The obvious implication is that even false propositions can be sensical. 'The Earth revolves around the Moon' would be an example of a false but sensical proposition.

At least on the classic interpretation of the *Tractatus*, Wittgenstein hereby relegates most of the propositions of philosophy to the domain of nonsense by insisting that all significant propositions must represent empirical reality, which, in his rather unconventional view, involves being truth-functions of lower-level elementary propositions describing very simple aspects of reality (Anscombe, 1959; Hacker, 2000). He argues that most philosophers do not understand this hidden logic of language and do

not respect its limitations. Decisively, this means that most of the questions posed by philosophy are pseudo-problems , since their answers cannot be tested against empirical reality. The task of philosophy, which Wittgenstein (1922: §6.53) takes upon himself, is thus merely to clarify the nonsensical status of these problems by showing how they emerge only as the result of misguided use of language.

Returning from these general considerations about the nature of language back to the specific topic of this paper, we can demonstrate how the political function of the concept of conspiracy theory is performed through a "short circuit" of the two conceptions of language that we find in the early and the late Wittgenstein respectively. What is inconsistently combined in this "short circuit" is the seeming adherence to open rational empirical inquiry combined with a simultaneous rhetoric of exclusion deeming empirical examination superfluous if not inappropriate. Let us take a contemporary and controversial example to illustrate the point: On the 22th of July 2014, *The Guardian* published an article about the crash of Malaysian Airline MH17 over Ukraine five days prior. The title of the article reads: 'MH17: Five of the most bizarre conspiracy theories. From Zionist plots to the Illuminati, some wildly imaginative alternatives are being promoted by the likes of Russian TV' (Reidy, 2014). The article begins by making a distinction between two different types of accounts of the tragic event as it asks: 'Was this a cock-up or a conspiracy?' In the category of 'cock-up' theories we find one version of the event:

> Russian-backed Ukrainian separatists gained access to a sophisticated Buk ground-to-air missile system, most likely via Russian channels. They were keen to shoot down Ukrainian planes. Unfortunately, they did not have the equipment or expertise to differentiate between civilian and military aircraft, and the result was the horrific death of MH17's 298 innocent passengers. (Reidy, 2014)

The article now proceeds by listing five 'alternative' versions all falling into the category of conspiracy theories:

1. The Ukrainians did it
2. It was the Ukrainians, attempting to shoot down Vladimir Putin
3. MH17 was shot down to conceal the truth about HIV/Aids
4. It was Israel
5. The "Illuminati" did it. (Reidy, 2014)

At the time of writing the current paper, the truth about the crash has not yet been established, but this is not the decisive issue in our context. In fact, this leaves us in a better position to make a sober analysis of the way the concept of conspiracy theory works both logically and politically.

As the *Guardian* article makes its first distinction between 'cock-up' and 'conspiracy', it performs an operation that is effectively similar to the early Wittgenstein's dismissal of non-factual claims as nonsensical. The article does not present six different versions of the events that we would then have to examine on an equal footing in order to determine, which one corresponds to empirical reality. In turn, the designation of five of the versions as conspiracy theories immediately relegates them beyond the sphere of rational examination. Since they do not *a priori* make sense, there is no point in even investigating, whether they are true. This leaves us with only the cock-up theory, which we do not even have to examine either, as it is the only logical explanation that is left.

The main critical question is, of course, if the article follows the strict method of logical analysis prescribed by early Wittgenstein, as it makes the distinction between the cock-up theory, that makes sense, and the conspiracy theories that are nonsensical? It would not seem so. While the primary target of the early Wittgenstein's critique was fellow philosophers, who had entangled themselves in metaphysical speculations, it soon emerges that the target of the *Guardian* article is rather fellow media

organizations such as 'the likes of Press TV and Russia's RT, both government-run channels for serious international players' (Reidy, 2014). We see here how the initial analytical distinction between cock-up and conspiracy is grafted on to a politically loaded distinction between the enlightened free Western press and the state governed Eastern press. The article concludes on a high note, which perfectly illustrates the level of the political stakes in the demarcation between critical journalism and irrational conspiracy thinking:

> It is no good to say they are merely "alternative" ways of looking at the world, as some of their defenders will counter. There is reality and there is fantasy. We cannot engage with the world, or hope to improve it, without first knowing the true state of things. Conspiracy theories destroy any hope of that. (Reidy, 2014)

The concept of conspiracy theory is no trivial word in such instances of public discourse. It carries powerful political implications as it functions to relegate certain questions beyond the sphere of critical scrutiny: While it is relatively clear what makes sense and what does not – and certainly it is a *sensible* proposition that non-separatist Ukrainians could have shot down MH17 – are we not are sometimes willing to dismiss a perfectly sensible hypothesis as nonsensical 'conspiracy theory' simply in virtue of the fact that it represents a version of historical events that contradicts the hegemonic power constellation? While this use of 'conspiracy theory' as implicated with a rhetoric of exclusion is neatly captured by the later Wittgenstein's stress on the many purposes of conceptual usage, there is arguably still room for caution here. Even if, as the late Wittgenstein (cf. 1953, §23) demonstrates, the early Wittgenstein's prescriptions of the correct use of language are inappropriate for many of the multiple ways that we actually use language, they seem as apt advice when we talk about conspiracy theories. We should, as also emphasized by Bale (2007),

make sure that when we dismiss certain propositions as nonsensical conspiracy theories, it is because they make claims that are truly beyond any form of factual verification or refutation.

Of course, some conspiracy theories might strike us as the attempt of 'the poor person's cognitive mapping' (Jameson 1988: 357; also cf. Žižek 2006: 375-376) to grasp a complex phenomenon in the terms of a simple narrative ('global capitalism' as the simple result of 'a Jewish conspiracy' etc.). Yet, if we follow the rhetoric of exclusion inherent to the use of the term 'conspiracy theory' and dismiss them without further examination, we lose the very criterion of empirical falsification by which they could be legitimately dismissed at all. But even more damaging than this epistemological problem, highlighted by Wittgenstein, such a blanket dismissal entails that we are running the political risk of losing sight of actual conspiracies such as the famous Los Angeles transit system conspiracy leading to conviction in 1949, the Watergate scandal of 1972 or the recent Volkswagen scandal of 2015. In the next sections, we will leave Wittgenstein's epistemic and linguistic perspective and utilize Agamben to examine the extent to which this political risk of blind exclusion is realized even in the liberal democracies of today.

The War on Epistemic Terrorism

> We must speak the truth about terror. Let us never tolerate outrageous conspiracy theories concerning the attacks of September 11th; malicious lies that attempt to shift the blame away from the terrorists themselves, away from the guilty. To inflame ethnic hatred is to advance the cause of terror. (President George W. Bush, UN speech, November 10, 2001)

The events on 9/11 seem to have created an intimate relation between terrorism and conspiracy theories. This relation plays out on more than one level. There is the immediate fact that 9/11 functioned as a catalyst

for the so-called 'War on Terror', while at the same time becoming the object of more conspiracy theories than perhaps any other event in recent history. In this section, however, we want to suggest another and perhaps more subtle relation between terrorism and conspiracy theories that may be observed in the aftermath of 9/11. Let us start by looking at terrorism.

The USA Patriot Act issued by the U.S. Senate in October 2001 arguably constitutes the emblematic instance for our time of the legalization of exceptional measures justified by the imminent threat of terror. These measures are, however, not unique to the US context and we have seen similar legal procedures instituted in France following the November 2015 attacks. Given its emblematic character and the subsequent proliferation of similar measures, Agamben (2005: 3, 22) argues that the Patriot Act requires us to revitalize the concept of the 'state of exception' derived from Carl Schmitt's (1922) early 20th century legal theory. For Agamben, this figure from Western legal history carries a philosophical or a diagnostic message for today's societies (cf. Durantaye, 2014). As underlined in Agamben's more recent diagnoses of the current state of Western democracies (2011) and its civil liberties (2013), the Patriot Act as well as a number of other contemporary legal measures requires us to rethink the structure of contemporary political discourse and the current paradigm of government in terms of a 'state of exception' that is proliferating beyond strictly juridical domains. It is this analytical extension of Schmitt's concept that the next sections of our article will apply in the analysis of the political function of conspiracy theories.

Agamben describes the paradigmatic shift in politics and the exercise of sovereignty instituted in the aftermath of 9/11in the following way:

> [M]odern totalitarianism can be defined as the establishment, by means of the state of exception, of a legal civil war that allows for the physical elimination not only of political adversaries but of entire categories of citizens who for some

> reason cannot be integrated into the political system. /.../ the state of exception tends increasingly to appear as the dominant paradigm of government in contemporary politics. (Agamben, 2005: 2)

At the heart of modern democracies we find the separation into the three branches of government: the legislative, executive, and judicial. However, the institution of a state of emergency as a permanent order, that Agamben addresses, blurs the boundaries between these three branches and it tends to subsume both legislative and judicial power under the executive branch of government. In November 2001, then President Bush issued a military order on the *Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism*. A key implication of the order was that so-called 'enemy combatants' captured in the War on Terror would be tried before 'military tribunals' thus exempting them from the basic legal rights they would have otherwise enjoyed as POWs under the Geneva Convention or as suspects under US Criminal Law. This military order exemplifies the way that the executive branch assumes the power to make legal decisions excluding persons from the normal procedures of the legislative and judicial system.

In relation to our specific context, one could here suggest a striking similarity or homology between the concept of terrorism and that of a conspiracy theory: Terrorism seems to relate to our current paradigm of government and sovereignty as conspiracy theories relate to our current paradigm of knowledge and truth. We thus suggest that conspiracy theories are conceived as a kind of 'epistemic terrorism'. Let us elaborate on this suggestion by charting the structural similarities between terrorism and conspiracy theory. When someone is suspected of having committed a simple crime such as robbing a bank, the legal system normally performs two distinct operations. First, the person is accused of being a robber. Second, the person is convicted as being a robber. The purpose of this

distinction is of course to allow for the legal system to correct itself in case the accusation turns out to have been wrong and the person is actually innocent. But in the case of terrorism, the distinction between accusation and conviction seems to collapse. It is as if the mere accusation is at the same time already a conviction. Terrorism is not merely a simple crime. It is an offence so serious that it transcends the question of guilt. A terrorist is, as it were, so evil that we cannot even determine his guilt in a court of law. In turn, he is simply detained indefinitely.

A similar logic applies to conspiracy theories. As soon as a certain possible explanation for an event is designated as a conspiracy theory, it is implicitly assumed that the explanation obviously cannot be taken seriously. It is thus futile to investigate the truth value of the claim, since this would imply that one was taking it seriously. Anton (2014: 159) observes how the established media institutions responded to alternative explanations of the events on 9/11 by immediately dismissing these as 'conspiracy theories' or 'lies' without addressing the actual argument of such explanations. In similar fashion as the guilt of suspected terrorists under Bush's 2001 military order is to be determined in special military tribunals, so are the factual circumstances of controversial historical events sometimes determined in special commissions such as the Warren Commission or the 9/11 Commission. Just as the purpose of military tribunals is to produce some form of quasi-legality in the treatment of terrorists, part of the purpose of these commissions is to produce the official version of an event that is subsequently meant to be recorded in the history books.

The point here is of course not that all conspiracy theories are true or that the individuals detained at Guantanamo Bay are somehow all innocent. The point here is merely to show how the procedures by which the truth value of claims designated as conspiracy theories is determined differ from the procedures by which the truth value of 'ordinary' claims is

determined. Just as the legal procedures determining the guilt of terrorists are exceptional in differing from ordinary legal procedures. In summary, what makes it tempting to argue that conspiracy theories are treated as a kind of 'epistemic terrorism' is a shared form of exceptionalism. What is invoked by the concept of conspiracy theory is thus arguably a 'state of epistemic exception'. This is the proposal, which we will seek to contextualize and substantiate in the next section by analysing Sunstein and Vermule's (2009) seminal article on conspiracy theories as an exemplar of such a tendency towards a state of epistemic exception.

The State of Epistemic Exception

In recent years, yet another relation between terrorism and conspiracy theory seems to have emerged. Not only did the events on 9/11 give rise to both the War on Terror as well as a hitherto unseen proliferation of conspiracy theories about the circumstances of the event. And not only does the accusation of someone as a terrorist and the designation of someone as a conspiracy theorist put into motion homologous operations within the field of law and knowledge respectively. Allegedly, conspiracy theories may also serve to inspire and support the dangerous ideologies, which ultimately motivate people to become terrorists.

An illustrative example of this relation can be found in the academic literature on conspiracy theories. Under the headline *Conspiracy Theories: Causes and Cures*, Sunstein and Vermeule puts conspiracy theories on par with an epidemic disease that calls for immediate government action. The paper is interesting as it exemplifies a number of ways in which a proper Wittgensteinian logic is suspended when it comes to the investigation of conspiracy theories. In their initial definition, the authors perform the seemingly innocent procedure of limiting their scope of analysis:

> We begin by narrowing our focus to conspiracy theories that are false, harmful, and unjustified (in the epistemological sense)

> /.../ Our focus throughout is on demonstrably false conspiracy theories, such as the various 9/11 conspiracy theories, not ones that are true or whose truth is undetermined. Our ultimate goal is to explore how public officials might undermine such theories. (Sunstein and Vermeule, 2009: 204)

What happens here is a confusion of the distinction between sensical/nonsensical propositions, on the one hand, and the distinction between true/false propositions, on the other hand. While the first distinction can be made *a priori* the second distinction can only be made *a posteriori*, that is, through comparison with empirical reality. Sunstein and Vermeule, however, take for granted that they have a superior capacity to distinguish between true and false conspiracy theories purely on the basis of logical reasoning.

This philosophical and (ideo)logical move allows them to proceed with the main aim of their paper, namely to provide policy recommendations and arguments as to why governments should counter the proliferation of conspiracy theories through extraordinary measures. Throughout this argument the authors manage to get themselves entangled in a number of curious self-contradictions. On the one hand, they make several references to Popper (1945) and his idea of the open society. The institutions of the open society provide the best bulwark not only against the proliferation of 'false, harmful, and unjustified' conspiracy theories but even against the emergence of conspiracies themselves:

> The first-line response to conspiracy theories is to maintain an open society, in which those who might be tempted to subscribe to such theories are unlikely to distrust all knowledge-creating institutions, and are exposed to evidence and corrections. (Sunstein and Vermeule, 2009: 218)

On the other hand, Sunstein and Vermeule proceed to recommend a number of government measures, which are hardly compatible with the

idea of 'an open society with a well-functioning marketplace of ideas and free flow of information.' The very notion that the countering of conspiracy theories is a matter of government concern and action rather than simply a task to be carried out by the normal functioning of the press, the universities, or other institutions of the open society is itself a very undemocratic idea. Agamben shows how the state of exception is always justified as a necessary measure against extraordinary forces threatening the very constitution of society. '[N]ecessity acts ... to justify a single, specific case of transgression by means of an exception' (Agamben, 2005: 24). In order to save society, no sacrifice is too great, which ultimately leads to the paradox: 'No sacrifice is too great for our democracy, least of all the temporary sacrifice of democracy itself' (Walter Benjamin quoted in Agamben, 2005: 9). Along such lines, Sunstein and Vermeule argues how conspiracy theories constitute a special type of knowledge, which cannot therefore be dealt with through normal deliberative procedures:

> The basic problem with pitching governmental responses to the suppliers of conspiracy theories is that, as we have noted, those theories have a self-sealing quality. They are (1) resistant and in extreme cases invulnerable to contrary evidence, and (2) especially resistant to contrary evidence offered by the government, because the government rebuttal is folded into the conspiracy theory itself. (Sunstein and Vermeule, 2009: 223)

The special quality of conspiracy theories calls for extraordinary measures. Democracy must be sacrificed in order to save democracy. The specific recommendations of the paper illustrate this very clearly. This first one constitutes a curious contradiction in terms itself: 'Government can partially circumvent these problems [of debunking conspiracy theories] if it enlists credible independent experts in the effort to rebut the theories' (Sunstein and Vermeule, 2009: 223). It remains unsaid how experts can be

'independent', while at the same time being enlisted by the government. The task of such government enlisted yet independent experts is to engage in 'cognitive infiltration and persuasion', which includes for instance the following measure:

> [W]e suggest a distinctive tactic for breaking up the hard core of extremists who supply conspiracy theories: cognitive infiltration of extremist groups, whereby government agents or their allies (acting either virtually or in real space, and either openly or anonymously) will undermine the crippled epistemology of believers by planting doubts about the theories and stylized facts that circulate within such groups, thereby introducing beneficial cognitive diversity. (Sunstein and Vermeule, 2009: 219)

To some readers, this may sound like something out of an old STASI manual but the authors fortunately provide the following consolation:

> Throughout, we assume a well-motivated government that aims to eliminate conspiracy theories, or draw their poison, if and only if social welfare is improved by doing so. (Sunstein and Vermeule, 2009: 219)

Of course the question on whether 'social welfare is improved' or not by the combating of particular conspiracy theories depends on a decision that lies solely with the sovereign government. We see here an example of the way that the suspension of democratic norms is performed through a decision, which does not rest on any norm itself. In turn, it rests on the definition of the perfectly empty concept of 'social welfare'. It is an eminently sovereign decision.

Sunstein and Vermeule's paper creates a peculiar paradox. On the one hand, their argument largely rests on the assumption that we can count on most conspiracy theories, or at least theories about conspiracies in the open societies of the Western world, being false. Due to the checks and

balances instituted in the open society, it is almost impossible for conspiracies to get away with their devious plans. On the other hand, the recommendations offered by the paper are in fact that the government should do precisely what conspiracy theorists are claiming that it is already doing. The government should enlist agents (and their allies?) to secretly manipulate the flow of information and exchange of ideas in real and virtual communities by planting doubt and stylized facts. The government can no longer trust the judgment of the people and hence it should conspire to manipulate them into believing, what the government has already determined to be the truth.

Concluding discussion: Paranoid Style in Contemporary Politics

> The relation between the official versions and divergent versions of a certain number of affairs constitutes a central question for liberal democracies. ... [S]peech entails an invitation to believe. Freedom of speech thus goes hand-in-hand with freedom of belief. These two freedoms are based on the foundational liberal ideas of common reason, which, deployed in a deliberative framework, must allow a choice between harmful and/or implausible opinion and useful and/or plausible explanations to be made almost mechanically. But what is to be done when people in increasingly large numbers believe in things deemed senseless or pernicious by members of an elite that considers itself enlightened? (Boltanski, 2012: 211-2)

This passage efficiently captures what is at stake in contemporary struggles over the demarcation between outrageous conspiracy theories and legitimate popular critique. The fact that the question raised by Boltanski is not merely an intellectual problem but also a highly charged political issue is evidenced by the following quote from a 2014 speech by UK Prime Minister David Cameron to the UN:

> As evidence emerges about the backgrounds of those convicted of terrorist offences, it is clear that many of them were initially influenced by preachers who claim not to encourage violence, but whose world view can be used as a justification for it. We know this world view. The peddling of lies: that 9/11 was a Jewish plot or that the 7/7 London attacks were staged. The idea that Muslims are persecuted all over the world as a deliberate act of Western policy. The concept of an inevitable clash of civilisations. We must be clear: to defeat the ideology of extremism we need to deal with all forms of extremism – not just violent extremism. /.../Of course there are some who will argue that this is not compatible with free speech and intellectual inquiry. But I say: would we sit back and allow right-wing extremists, Nazis or Ku Klux Klansmen to recruit on our university campuses? No. (Prime Minister David Cameron, 2014; also see Cameron, 2015)

What we find here is a short circuiting of fact and law. One of the defining values of a free and democratic society is the right to pursue new knowledge with an open and critical mind and to express ones beliefs about the world without having to fear prosecution or other kinds of discrimination. And yet what Cameron seems to be hinting at in this passage is precisely the suspension of such rights. Rather than trusting our established modern institutions such as the free press, the academic communities of scholars at universities, the educational system, or even just the public forum of rational debate with the capacity to weed out false explanations of 9/11 or 7/7 through their normal functioning, he seems to suggest that the government, in one form or another, should take extraordinary measures to 'deal with' allegedly extremist forms of knowledge. The short circuiting of fact and law is an inherent feature of the state of exception. As Agamben concludes:

> If it has been effectively said that in the state of exception fact is converted into law ... the opposite is also true, that is, that an inverse movement also acts in the state of exception, by which law is suspended and obliterated in fact. (Agamben, 2005: 29)

On the one hand, the law is suspended with reference to fact and necessity. Terrorism is a fact that forces us to suspend the laws guaranteeing the public right to free speech. On the other hand, the assertion of certain facts is exempted from consideration or simply ruled out by law. Their expression is prohibited and possibly punished. As we have argued throughout this paper, the use of the concept of conspiracy theory is no innocent operation. It functions not only to dismiss certain ideas and questions as ridiculous or illegitimate, but also and increasingly to mark them as dangerous and possibly unlawful. Whatever one may think of the explanations that people come up with to answer specific questions, the right to pose questions and reflect upon them, is one of the defining characteristics of an open and democratic society.

Clarke (2007) and Anton (2014) both note how there is a curious symmetry between the 'official' (Al-Qaeda did it) and the 'alternative' (9/11 was an inside job) explanations for the events of 9/11. Even if only the latter qualifies as a conspiracy theory, according to the criteria discussed earlier, both of them make recourse to the existence of a malicious conspiracy, which has planned and executed the attacks. With Hofstadter we may push this homology one step further. Speaking of the 'vital difference between the paranoid spokesman in politics and the clinical paranoiac' he says:

> [A]lthough they both tend to be overheated, oversuspicious, overaggressive, grandiose, and apocalyptic in expression, the clinical paranoid sees the hostile and conspiratorial world in which he feels himself to be living as directed specifically

> against him; whereas the spokesman of the paranoid style finds it directed against a nation, a culture, a way of life whose fate affects not himself alone but millions of others. Insofar as he does not usually see himself singled out as the individual victim of a personal conspiracy, he is somewhat more rational and much more disinterested. His sense that his political passions are unselfish and patriotic, in fact, goes far to intensify his feeling of righteousness and his moral indignation. (Hofstadter 1964: 4)

As we read this passage today, it seems equally fitting as a diagnosis of a full-blown conspiracy theorist and as a diagnosis of the stance adopted by contemporary Heads of State. Instead of opposites, both figures appear as 'overheated, oversuspicious, overaggressive, grandiose, and apocalyptic' expressions of the same overarching 'paranoid style in contemporary politics.' The difference is of course that the former typically operates on exotic websites at the margins of public discourse while the latter has unlimited access to major media outlets and executive power to suspend civil liberties.

With Agamben we can think of the former as an epistemic *homo sacer*, who finds himself banned from the sphere of public reason and discourse. Paraphrasing Agamben's definition of *homo sacer* as someone, 'who may be killed but not sacrificed' (Agamben 1998: 8), the designation of someone as a conspiracy theorist implies that his or her theories 'may be immediately discarded but not falsified by means of the standard rituals of scientific testing.' Epistemic sovereignty, in this sense, implies the power to decide, which theories and theorists should be exempted from universal liberties of scientific scrutiny and censored from public debate.

What if the ideas, questions, and explanations circulating in the field of so-called conspiracy theories are crude expressions of a vital popular curiosity and skepticism, which is the lifeblood of an organic democratic

society? What if the fact that ‘people in increasingly large numbers believe in things deemed senseless or pernicious by members of an elite that considers itself enlightened’ (Boltanski 2012: 212) is a symptom that university scholars and other official experts are no longer capable of explaining the world in ways that make sense to the public? If any of these two propositions are true, we should be much more worried about sovereign decisions to stifle debate and reflection about particular issues than we should about bloggers throwing wild ideas into cyberspace. Unless we wish to contribute to the instantiation of an epistemic state of exception, the role of intellectuals in this situation should still be defined by the classic virtues of the freedom of speech and expression.

However, rather than ending on a high note with a quote by someone like Voltaire, who would no doubt be a great defender of the right to exercise even outrageous conspiracy thinking, let’s conclude with an old joke about the rabbi, Rabinovitch, who wants to emigrate from the Soviet Union. The joke is quoted from Žižek, who sometimes uses it to illustrate the logic of Hegelian dialectics:

> The bureaucrat at the emigration office asks him why [he wants to emigrate]; Rabinovitch answers: 'There are two reasons why. The first is that I'm afraid that in the Soviet Union the Communists will lose power, there will be a counter-revolution and the new power will put all the blame for the Communist crimes on us, Jews - there will again be anti-Jewish pogroms. ...’ ‘But’, interrupts the bureaucrat, ‘this is pure nonsense, nothing can change in the Soviet Union, the power of the Communists will last forever!’ 'Well,’ responds Rabinovitch calmly, ‘that's my second reason.’ (Žižek, 1989: 175)

The Hegelian point is of course that we can only arrive at the second reason when the first has been negated by the bureaucrat. In addition, the joke also provides a funny commentary on totalitarianism in the former

Soviet Union. Now let's imagine a contemporary version of the joke by substituting Rabinovitch with a so-called 9/11 Truther, who wants to emigrate from the United States:

> The bureaucrat at the emigration office asks him why he wants to emigrate; The Truther answers: 'There are two reasons why. The first is that I'm afraid that forces within the US government were behind the attacks on 9/11. As this secret becomes increasingly difficult to contain, their power is threatened and they will institute extraordinary measures to silence skeptical US citizens, which includes sending them to secret FEMA camps.' 'But', interrupts the bureaucrat, 'this is pure nonsense, no-one in their right mind would ever believe that the government was behind the attacks. Even if it were true, the truth would never threaten the status quo, nor would the government ever feel threatened.' 'Well,' responds the Truther calmly, 'that's my second reason.'

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