

## The Iraq Inquiries: Publicity, Secrecy and Liberal War.<sup>1</sup>

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Since 2003 the British state has conducted several public inquiries into the Iraq War. These inquiries have been impeded by official secrecy, justified on the grounds of national security. This leads to an apparent dilemma in which the liberal democratic practice of publicity is balanced against security. I reject this balance. Instead I show how publicity and official secrecy are *both* apparatuses of security. Indeed the suspicion of official secrecy and the act of publicity is constitutive of liberal war. Thus those who demand ‘open government’ may reinscribe a technique of governing that supports the British government’s case for war against Iraq.

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## Introduction

RT HON TONY BLAIR: *It is worth just going to the -- and I think -- but forgive me if I mention a document and if you haven't -- but I think you have got the options paper we got before...*

SIR RODERIC LYNE: *The March options paper is in the public domain. You can get it on the Internet. I'm not certain offhand whether or not it has been declassified...*

RT HON TONY BLAIR: *Right. Maybe I will just say what it told me.*

SIR RODERIC LYNE: *...by the government which was elected under your leadership.*<sup>2</sup>

This exchange took place during a public hearing of The Iraq Inquiry in January 2010. While describing how his government's policy toward Iraq shifted after 11<sup>th</sup> September 2001, Blair referred to an 'options paper' that had guided discussions in Number 10. The paper had been leaked on the Internet months before. Yet the Labour government now refused to declassify the document – so while the inquiry committee had full access, it could not be shared or discussed in public hearings. The ex-prime minister attempted to offer a justification for his government's policy only to find that the government, which he had formerly led, refused to lift a veil of official secrecy. The public who watched the hearing had to trust Blair and the inquiry committee. Yet one of the reasons for having The Iraq Inquiry, and the reason for having open hearings, was a profound sense of public suspicion and distrust of government. A sense of the ridiculous hung in the air; the public gallery guffawed at the farce. Sir Roderic's smile betrayed a note of frustration, while Blair's wore a sheepish unease.

Behind the discomfiture of both men was the incongruity of official secrecy with the UK's self-proclaimed self-understanding as a liberal democracy. Liberal International Relations (IR) scholars have long claimed that 'publicity' is constitutive of a distinctive way of war and peace. According to Doyle, for instance, one of the 'pillars' of the liberal democratic peace is a 'republican representative democratic government' in which legislators and public opinion restrain the executive from acts that contravene the interests of the electors (Doyle 2005: 464). However this restraint can only be effective if the government also practises 'publicity' – a term Doyle borrows from Kant and equates with 'transparency' (although, as I will note below, the Kantian position does not necessarily support this equation). By practising publicity liberal republics 'signal' to each other that their stated intentions are 'credible' because insincere declarations will soon be exposed as 'rash acts and exposed bluffs', while regimes that fail to convincingly display their commitment to these principles of democratic openness are 'perceived to be in a state of aggression with their own people' and thus 'their foreign relations become, for liberal governments, deeply suspect' (2005: 464). Practices of publicity thus help to constitute distinctive relations between liberal and illiberal regimes. Liberal regimes treat fellow liberals with 'trust and accommodation' and 'a presumption of amity', while non-liberals 'suffer from a presumption of enmity' and are met with 'distrust and opposition' (2005: 464). The moral defensibility of war is partly founded in the knowledge that the

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<sup>2</sup> For an audio/visual record or written transcript of this hearing see (Blair 2010)

liberal state operates in accordance with publicity while the enemy does not. (See also Gaubatz 1996; Kydd 1997; Lipson 2003)

The UK's participation in the Iraq War both confirmed and challenged these assumptions. On the one hand, the British government's justification for war depended on the claim that the Iraqi regime practised deception not publicity. On the other hand, the UK's identity as a liberal democracy was called in question when the government was accused of misleading the electorate and Parliament. Since 2003 several public inquiries have been appointed to scrutinize how the decision to go to war was made. (The most prominent have been those by the Foreign Affairs Committee; the Intelligence and Security Committee; and the Hutton, Butler and ongoing Chilcot public inquiries.) Many of the questions animating the inquiries have focused on whether the government deceived the citizenry about the factual basis and motive for war. The purpose of such inquiries is to provide an authoritative and convincing account that represents any failure as temporary in order to restore public trust (Burton and Carlen 1979: 48). In the context of the Iraq public inquiries, a convincing account has been difficult to produce because the government has kept certain evidence, such as the March Options Paper, secret. While critics claim that individual statesmen have abused official secrecy to cover up embarrassing mistakes or private interests that could not be reasonably defended in public, the government claims that unrestricted openness would not be in the public interest because of the risk of harm to national security. In the language of the British government, publicity is *balanced* against national security. This balancing calls into question the neat dichotomy between liberal and illiberal ways of war and peace; there appears to be an inconsistency between the liberal identity to which Britain aspires and the constraints imposed by security.

In this paper I offer a different understanding of the British practice of publicity and secrecy and its relationship with security. I argue that practices of publicity and practices of official secrecy are both apparatuses of security. What is meant by 'security' depends on questions such as: security for whom? From what threat? By what means? And so on (Baldwin 1997). By providing answers to these questions, the meaning of security is fixed within a particular field of knowledge, practice and expertise (Huysmans 1998: 231). One aim of this paper is to show how different answers to these questions emerge out of the history of liberal governance, and how practices of publicity and secrecy emerge as solutions to problems that are discovered in the course of this history. On the one hand, official secrecy – *arcana imperii* – is a technique of governing that constitutes security *of the state* by protecting sensitive knowledge about the state's strengths and weaknesses. On the other hand, practices of publicity emerge as a technique of governing that constitutes security *of the individual*. These latter practices begin from a critique that the state, and the security of the state achieved through official secrecy, cannot protect the individual from the iniquities and ineptitudes of statesmen. By contrast, the act of making statecraft public – that is, open and transparent – is a form of disciplinary power in the hands of citizens. The act of placing statesmen under the gaze of publicity produces an impression of continuous surveillance. This surveillance compels statesmen to conform to wider societal norms. But both approaches, despite offering different answers to the questions of 'security for whom?' and so on, share the same underlying dynamic of security in modernity: to mediate a fear of uncertainty (Huysmans 1998).

Thus rather than consider the tension between openness and secrecy in the recent public inquiries as a balance between publicity and security, this chapter will treat the inquiries as a site of contestation between two different apparatuses of security. This

understanding has two implications. One is that invocation of the metaphor of balance – the discourse through which secrecy is justified – functions as a sophisticated tool of governance whereby the British government links secrecy with security and publicity with insecurity. This does not necessarily mean that secrecy is being used to hide wrongdoings. Instead, the balance metaphor encourages the population to think *like a state* about the ways in which publicity could endanger the capacity of the state to protect the political community and thereby render the future, along with the lives of the citizenry, alarmingly uncertain. The second implication arises from understanding publicity an apparatus of security, and is directed toward those who demand the *act* of making inquiries transparent. There is an affinity between the demands for openness in the inquiry and the British government’s case for war. Legitimacy for war was claimed on the basis that the Iraqi regime concealed secrets about its weapons of mass destruction, which constituted a threat to the UK. The urgency of war was based on the existence of secrets, and the risk that might be posed by these secrets. Similarly, the demands for openness in the inquiry are motivated by the knowledge that official secrets exist, and the suspicion that these official secrets might include wrongdoings that violate societal norms. Obsessing, as we so often do, about making inquiries open intensifies a technique of governing based on the surveillance and, if necessary, coercion of those that continue to defy the gaze of publicity. The act of publicity is not opposed to security practices; it can be constitutive of them.

The remainder of the paper is set out in three sections. Firstly, I explore how the acts both of secrecy and publicity can be a source of security or insecurity for liberal democracies. Secondly, I describe how the act of publicity as a technique of security and the act of secrecy as a source of insecurity were embedded in the practices and discourses surrounding the British government’s case for war. Finally, I note how advocacy for both official secrecy and the act of publicity creates a tension in the British public inquiries. In this situation, the government’s appeal to the need for a ‘balance’ between publicity and security is an effective means of resistance against calls for openness. On the other side, critics continue to demand openness to prevent abuses of secrecy by statesmen. Yet whilst openness facilitates resistance against the state, it nonetheless constitutes a different strategy of security in its own right. This distinctively liberal strategy of security reinforces a central aspect of the government’s case for war.

### **Official Secrecy and the Gaze of Publicity**

In order to begin a differentiation between these different attitudes to secrecy, it is helpful to consider two ways of describing hidden knowledge. Calling the hidden knowledge of the state a ‘secret’ is a relatively recent turn. Instead one could describe hidden knowledge as *arcana*, or ‘mysteries’. One type of arcanum is the *arcana imperii*, the mysteries of state power. Throughout the sixteenth and seventeenth centuries, a wealth of political treatises outlined an art of government based on *raison d’état*. Governing according to *raison d’état* required continuous inquiries and reports to collect technical knowledge about the reality of the state – its population assets, its wealth, areas of strength and weakness and so on (Foucault 2007: 236). This knowledge provided a new way of understanding what could happen in the future on the basis of the knowledge possessed in the present, knowledge that provided the sovereign with certainty as to what the reality of the state was and what the state could be. With this knowledge the sovereign could move beyond an understanding of the future as ‘a whim of the gods’; the future could be calculated and risks could be weighed (Bernstein 1996: 1).

This new form of political knowledge also created the problem of the official secret because the beneficial effects of this knowledge would be lost ‘if everyone were to know what was going on’ (Foucault 2007: 236). Official secrecy became ‘an essential tool of security’ (Horn 2011: 108), precisely because secrecy protects the utility of this factual knowledge. From the moment that the knowledge of *raison d’état* is collected, ‘a precise codification of what can be and what must not be published is also necessary’ (Foucault 2007: 236). The *arcana* represented a form of knowledge that was forbidden to most people (Keller 1990). In order to provide foundations for a political community – the state – *raison d’état* required the sovereign to act beyond the ordinary law by keeping mysteries hidden (Horn 2011: 106). Of course, this is not to suggest that deception was not advocated or practised prior to the emergence of *raison d’état*. There is, nonetheless, an identifiable historical moment when sovereignty becomes a matter of governing an object – the state – and at that moment it becomes important to maintain a competitive advantage by keeping knowledge of this object secure and hidden. This official secrecy is not a tool for the protection of the individual ruler’s interest; secrecy ought now to be exercised for a common good – the protection of state and the population (Viroli 1992: 273-274; Burke 1991: 481).

For this technique of governance, publicity is a source of insecurity. Governments keep official secrets in order to protect themselves and their subjects against external threats. This argument is often still heard from the intelligence community: for instance, it is argued that certain sources and methods will only be effective so long as they are kept secret, or that the identities of individuals must be kept secret in order to ensure the safety of operational staff, or that secrets shared between governments must be protected in order to save embarrassment to allies and, more importantly, maintain the likelihood that information will be shared in the future (Chesterman 2011). It is an unfortunate but necessary side effect of this approach that government deceives the masses (Gibbs 1995: 214). But it can also be maintained that a further source of insecurity is public opinion itself. This is a position often implicit in Realist literature (see the reviews in Gibbs 1995 and Holsti 2004: 1-24; and the work of Carr 1939; Morgenthau 2005: 577-579; and Mearsheimer 2011). The government, according to such writers, should create rather than be a slave to public opinion because the requirements of prudent foreign policy may not match the will of the citizenry. In either case the attitude towards publicity is best expressed by the fictional Sir Humphrey Appleby, ‘My dear boy, it is a contradiction in terms; you can be open or you can have government’ (Jay and Lynn 1980).

Yet secrecy can also be understood as source of insecurity, and publicity understood as a technique of security. Another way of describing hidden knowledge is as a ‘secret’. The root of the word ‘secret’ is *secretum*, meaning that which is separated or set apart. In this sense the secret refers to a social relation – a ‘secrecy effect’ – separating those who know something from those who do not know but crucially *suspect* that there is something to know, without knowing anything about what the secret might be (Derrida et al.: 246). Whereas the relationships of power constituted by the *arcana imperii* emerge from the value of a substantive piece of information that is forbidden to most people, the power relations constituted by the secrecy effect arise from separating those who know from those who suspect (Derrida et al.: 246; see also Horn 2011). This understanding of secrecy is embedded in the language of government today. A Secretary of State is, quite literally, one who is entrusted with keeping secrets. Interestingly, the word ‘cabinet’ as in cabinet minister or cabinet secretary – is derived from the Old French ‘cabane’ for a secret storehouse or treasure chamber.

This alternative conceptualisation of secrecy becomes more significant if the suspected secret is considered a source of insecurity. Official secrecy always contains the possibility of threat by creating a space, exempt from law, where violence and corruption may breed. It does not constitute a crime but it does ‘contain the *possibility* of criminal acts’ (Horn 2011: 108). This leads to a suspicion that the secret is something that could not be legitimized were it to be public; that secrecy is not being used as part of a prudent strategy of power, but has instead become an opportunity for statesmen to transgress public law. The secrecy effect coupled with possibility of wrongdoing drives a public sphere obsessed with state secrecy,

Everybody either doubts or knows that ‘there is something’ ... This curiosity revolving around the political secret comes with a considerable degree of moralization: in a political culture that favours publicity and transparency, anything that refuses to be subjected to public scrutiny and debate is *a priori* unlawful and immoral (Horn 2011: 124)

State secrecy, accordingly, can be a source of insecurity as well as an apparatus of security. Of course, the suspicion of secrecy as a source of wrongdoing is not unique to liberal democracies. What is notable, however, is the emergence of institutionalised practices of publicity in Britain as a *response* to the secrecy effect and the suspicion of secrecy. The problem of official secrecy in Britain emerged not because of the existence of state secrecy, but because of the public awareness of its existence and the possibility for abuse that secrecy entailed. In 1844, for instance, the Italian exile Joseph Mazzini uncovered the British government’s practice of postal espionage. (Vincent 1999: 1-24). British liberals responded by demanding the unveiling of official secrecy.

For the purposes of this essay, Bentham’s writings on publicity serve as a helpful illustration. Bentham bemoaned the secrecy with which statesmen conducted foreign affairs (Bentham 1843b). In conditions of secrecy, even men of good character may be swayed by the trappings of power but ‘the eye of the public makes the statesmen virtuous’ (Bentham, 1843d: 145). Suspicion, Bentham claims, ‘always attaches to mystery’ (Bentham 1843c: 310), whereas regimes that enact publicity are trustworthy and imbued with public confidence. Bentham, accordingly, argued that politicians should be subject to the ‘gaze’ of publicity, achieved through an extensive range of material and procedural regulations practically instituted within political assemblies. Architecturally, for instance, the political assembly ought to approximate a circular design from which a centrally positioned chair could survey against any ‘habitual disorder’ present amongst the assembly members. In a prominent position there should also be a public gallery full of random, irregular, and anonymous strangers, a constant reminder of the imminent public scrutiny in the chamber. The tenor of every motion and speech, along with the details of votes and the documentation used in preparation for debates should all be recorded and published (Bentham 1843c: 314-15). It is assumed, in advance, that there is something that is being hidden: ‘there is a secret. Someone is guilty’ (Dean 2001: 631). Publicity, in the Benthamite sense, is a ‘system of distrust’ (Bentham 1843c: 314); it involves a constant suspicion that something is being withheld and must be exposed; there is always the promise of a revelation. Yet this suspicion of the secret is insatiable; we can never know if we have all the information and so the public gaze is unyielding (Dean 2001: 645). Bentham gave several reasons as to why the mechanism of publicity was beneficial, but first and foremost publicity constrained statesmen to ‘perform their duty’ (Bentham 1843c: 310).

This leads us to ask how the gaze of publicity could compel statesmen to act properly. Bentham's conceptualisation has been interpreted in different ways. On the one hand Bentham suggested that through publicity, 'a bit of reasoning and discussion will penetrate all classes of society' (Bentham 1843c: 311), leading Habermas to cite Bentham's publicity as an early acknowledgement of the possibilities of the bourgeois public sphere, the public use of reason and even the conditions of communicative action (Habermas 1991: 99; see also the discussion in Gaonkar and McCarthy 1994: 555). On the other hand, another interpretation renders Bentham's publicity with a 'double aspect' rooted in disciplinary power. The resemblance between the assembly and the panopticon is striking. The purpose of the panopticon was to give the inhabitants of the apparatus the impression that their actions would be under constant, invisible surveillance. The overseer always sits in the back of the prisoner's mind – even if he is invisible in the real world. The statesmen in the public assembly are overseen by a public gallery and are constantly aware that every word will be published to the tribunal of public opinion outside the assembly. Public opinion, which might not be objectively perceived, is always an influential presence in the back of the statesman's mind (Splichal 2006). Like the panopticon, the political assembly can be understood as part of a formula of power through transparency, 'an apparatus of total and circulating mistrust' in which each aspect of the assembly induces self-surveillance from statesmen (Foucault 1980: 158). By placing them under the constant gaze, statesmen are compelled in act in the public interest, to perform their duty rather than be swayed by the trappings of power. The procedures and material practices of publicity in the assembly grant the citizenry a certain form of political liberty that is itself a branch of security – 'security against improper conduct' by the members of the government – which is itself the primary object of government in the pursuit of the ultimate end of government: greatest happiness of the greatest number (Bentham 1843a: 302). Exposing statesmen to the gaze of publicity ensures that statesmen are likely to pursue foreign policies in a manner that is publicly defensible.

The 'security' that Bentham refers to here is different from what we usually understand by 'national security'. The security provided by the act of publicity is, however, no less important for the governance of the liberal state. A defence of secrecy in the name of security *of the state* works like this: by keeping secrets (such as the details of critical infrastructure, methods of defence, sources of intelligence and so on) institutions such as the armed forces or security services will be better equipped to defend the territory and the population of the nation-state. By defending territory and population in this way, it is possible to have a foundation for public law and order, and it is from this public law and order that justice and liberties may be realised by the citizenry. This is how secrecy can be considered foundational to modern political life, and how the democratic principles of openness must occasionally be suspended. On the other hand, a defence of publicity in the name of security *of the individual and of civil society* works differently. From the eighteenth century, there emerged in liberal societies like Britain a societal demand to limit government. This liberal critique suggests that public authority could never possess the kind of detailed knowledge to legislate and plan for every eventuality. Instead the involvement of the citizenry in parliamentary democracy was the most effective way of supplying just enough government to protect society (including the protection of society against its own excesses and misjudgement) while preventing too much government which might otherwise intentionally or unintentionally stifle or mismanage the economic and social practices that maximise the health and productivity of the population (see for instance the account in Burchell 1991; based on Foucault 2007). In this way 'security'

always a contested concept and the differing techniques of governance that ensue are not always compatible.

Bentham's approach, crucially, is not the only way to understand publicity. Bentham's approach, for instance, differs from that of Kant. Contrary to the apparent interpretation by some Liberal IR scholars, Kantian 'publicity' does not *necessarily* require actual transparency. Kant's maxim is that 'all actions affecting the rights of other human beings are wrong if their maxim is not compatible with their being made public' (Kant 2006: 104). The test is hypothetical. Officials could conduct the test by asking themselves 'Could I still get away with this if my action and my reason for doing it were publicly known?' If the answer is no then the action is wrong but 'Kant's test does not imply a moral requirement that every political action actually be published' (Luban 1996: 191). Policies of secrecy, moreover, may pass the publicity test if the maxim is morally acceptable. Bentham's public gaze *only* works as an act in reality. It cannot be a thought experiment. One consequence for my argument in this paper is that, by describing publicity as it understood as the Benthamite gaze of publicity, I am not suggesting that publicity, in all its forms, necessarily entails this disciplinary potential.

It is, however, this Benthamite *act* of publicity that characterised the moves to 'democratise' foreign policy in Britain. Throughout the late-nineteenth and early twentieth century official secrecy remained intact, largely because society trusted the state, acting in secret, to maintain economic growth and imperial power (Vincent 1999: 316). It was not until the latter half of the twentieth century that a broad section of society became sympathetic to those who argued that official secrecy was a hindrance to the prudent management of public policy (Vincent 1999: 317). From the 1960s, ad hoc public inquiries into suspected misdemeanours – such as those by Denning, Franks, Scott, and now Hutton, Butler and Chilcot – have offered an intriguing glimpse into the secret state. Occurring alongside these ad-hoc inquiries, standing committees of inquiry such as the Foreign Affairs Select Committee and the Intelligence and Security Committee have been granted powers to 'sweep away some of the cobwebs of secrecy which needlessly veil too much of government business'<sup>3</sup>. The Freedom of Information Act (2000) allows private citizens a 'general right of access' to information held by public authorities. These reforms are striking examples of the existence of a liberal attitude in favour of transparency and can be understood, as I have outlined, as constitutive of a particular approach to the security of liberal democracy.

### **Iraqi Secrecy and the British Case for War**

There is no reason to confine this technique of security to domestic politics. In this section I describe how the British case for war, that is, the effort of the British government to persuade the legislators, the media and public opinion to support the war, relied on the legitimacy of act of publicity writ large at the level of international relations.

The Blair Government had to persuade its own party, Parliament, the public and media that going to war was a necessity, not a choice. In the words of a current committee member of The Iraq Inquiry it was a case of 'selling the threat' (Freedman 2004). In this task the government was broadly successful, at least in attaining the formal support of the legislature (Roe 2008). Britain's *casus belli* for war was Iraq's failure to comply with United Nations Security Council Resolution 1441, but behind the formal justification, the

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<sup>3</sup> Hansard HC vol 224, col 64 (6 May 1992), John Major



necessity and urgency of force depended on a complex set of claims. In order to construct Iraq as a security threat, three propositions were frequently set out: the aggressive intent of the regime, the aggressive capacity of the regime (in terms of weapons of mass destruction that Iraq possessed and/or could produce), and the existential threat posed to the United Kingdom by terrorist organisations armed with such weapons (Bluth 2004). The urgency of taking military action was established by advancing three further claims: Iraq had demonstrated ‘rogue behaviour’ in the past by using chemical weapons; Iraq was committed to protecting and expanding its weapons of mass destruction capabilities through a purposeful programme of concealment, deception and intimidation; and finally the international community’s policy of containment and inspection was unable to overcome these acts of obstruction (Keohane 2005; Bluth 2004). This was, if you like, the *logos* of war – the rational substance of the government’s argument concerning the risk of inaction and nonviolence compared to action and state violence (Mythen and Walklate 2008: 235). Yet this argument for war also included a necessary *pathos* – an appeal to the audiences’ emotions. Specifically, the emotional appeal was to the same suspicion that underpins the gaze of publicity: a suspicion created by an awareness that Iraq held secrets and a suspicion that those secrets veiled a threat to the political community. The government’s argument depended greatly on emphasising the capacity of the Iraqi regime to keep secrets, rather than factual claims about the substantive content of those secrets.

The British government’s case for war first needs to be situated in relation to the longstanding mistrust and surveillance of Iraq by the international community since 1990, which itself signifies a shift in attitudes away from a sovereign right to state secrecy in international relations. After World War 1, American and British officials believed they had no right to enforce weapons inspections against post-empire Germany (Florini 2002). Eighty years later though, American and British officials threatened war to enforce such inspections against Iraq; by the 1990s, ‘the right to coerce such disclosures from an aggressor ... was broadly taken for granted by the international community’ (Florini 1998: 52). The suspension of Iraq’s right to state secrecy began following Operation Desert Storm. In April 1991, UN Resolution 687 marked the introduction of an apparatus through which the United Nations could oversee the removal and destruction of Iraq’s weapons of mass destruction stockpiles and production capacity. UNSCOM inspectors were given the authority to come and go, without visas, to inspect any facility at any time with full and free access to all locations, personnel and information (UN 2013). The animating ideas behind the surveillance and inspection practices shared much with Bentham’s assembly as I have discussed it. The programme of inspection was the most up-to-date version of the ‘all-ordering eye’ of panopticonism (Debrix 1999: 274). These procedures were designed to produce trust and certainty in the face of the mistrustful assumption that Iraq would always attempt to cheat and deceive unless placed under the impression of its own constant surveillance. The inspection process was, in the words of Hans Blix, ‘a process of verification for the purpose of creating confidence. It is not built upon the premise of trust. Rather, it is designed to lead to trust’ (Blix 2003). An Iraqi regime kept under constant surveillance was a preferable alternative to the forcible removal of the regime (Debrix 1999: 280).

Yet this dream of successful deterrence based in panopticonism that banished doubt was itself soon rendered doubtful. Iraq mounted its own policy of surveillance against the UN inspectors that intensified a ‘mode of suspicion and uncertainty’ (Debrix 1999: 282). The programme of inspections set out in resolution 687 ‘too often turned into a game of ‘hide and seek’ (Blix 2003). Inspections, often facilitated by UNSCOM’s right to

aerial photography, revealed an Iraqi ‘web of deception’: new desert hiding places and facilities to which inspectors were denied access. Inspections did not so much provide evidence of concealed weapons as show that Saddam was lying about the existence of locations that plausibly could contain prohibited materials (Debrix 1999: 282). The existence of these locations fuelled a suspicion that there was a guilty secret to be found. Surveillance demonstrated that transparency and trust could *not* be achieved. UN panopticonism provided evidence ‘negating the possibility of transparency’, proving that Saddam was up to his ‘old tricks’ and that as a result ‘every effort would have to be made and maintained to discipline and punish him’ (Debrix 1999: 283). In 1998, Operation Desert Fox was justified by Iraq’s continued refusal to cooperate with UN weapons inspectors and intended ‘to prod Saddam into resuming cooperation’ (Roe 2008: 623).

By September 2002 the British Government had resolved to persuade the public, the media and parliament of the Iraqi threat and the necessity of military action. In order to claim that Iraq constituted a ‘current and serious threat’ to the UK’s national interest (British Government 2002: 3), the Government did not refer so much to evidence of Iraqi WMD as to the institutional *capacity* to hide it from view. Following in the footsteps of the International Institute for Strategic Studies (IISS 2002), the government published the ‘September Dossier’ alleging that Iraq was concealing equipment and documentation in advance of inspections; it emphasized ‘Iraq’s history of deception, intimidation and concealment in its dealings with the UN inspectors’ (British Government 2002). Highlighting Iraqi deception was important to the government’s attempts to delegitimize the regime. During the drafting process of the September dossier, Jonathan Powell, then Chief of Staff to the Blair Government, wrote an email to Alastair Campbell, David Manning and John Scarlett with the following advice:

If I was Saddam I would take a party of western journalists to [one of the factories referenced in the dossier] to demonstrate there is nothing there. How do we close off that avenue to him in advance? (Powell 2002)

While highlighting Iraq’s lack of openness with the international community, the British government stressed how its own publication of intelligence-led assessments demonstrated a profound degree of openness between the government and the governed. In the Foreword to the dossier, the Prime Minister wrote that he ‘wanted to share with the British public the reasons why I believe this issue to be a current and serious threat to the UK national interest’ (British Government 2002). Implicit in Blair’s speech was the assumption that British publicity and Iraqi deception constituted a distinction between liberal self and illiberal other.

In January 2003, Blix reported in a statement to the Security Council that UNMOVIC had identified a series of ‘unresolved disarmament issues’; UNMOVIC ‘[did] not contend that weapons of mass destruction remain in Iraq, but nor do they exclude that possibility’ (Blix 2003). This was evidence, claimed foreign secretary Jack Straw, that ‘Saddam has made this a charade of an inspection’ (Straw cited in BBC 2003). Days later, Number 10 published another dossier: *Iraq: Its Infrastructure of Concealment, Deception and Intimidation*. The document again emphasized the Iraqi regime’s capacity to hide information and materials, and to obstruct the United Nations (British Government 2003). In the preparation of the dossier the Secret Intelligence Service (SIS) provided Number 10 with ‘intelligence-derived’ material, which was published by the Intelligence and Security Committee several months later. The material provided a narrative account of the

working conditions of a UN weapons inspector. The text evokes suspicion of secrecy, an insatiable appetite for something to know – the *pathos* of publicity.

The best analogy is to Stalin's Soviet Union in the 1930s with show trials, the terror and the systematic deceit of all foreign visitors by all who meet them...

Your arrival has been so long in coming that Saddam has had plenty of time to hide anything he does not want you to find. So you know your task ... is going to be near to impossible before you start...

Are your escorts being a bit too helpful to you by engaging in long arguments with other Iraqi officials so that you can get in and do your job – while any incriminating evidence is hastily being hidden behind the scenes?  
(ISC 2003: 47-48)

On 18 March, the House of Commons voted with the Government for military action by a majority of 412 to 149. Labour MPs voted with Blair 254 to 84. The suspicion of secrecy and the equation of secrecy with threat were not accepted by all, although Parliamentary Labour Party support cannot be divorced from the pressures of the whip as well as 'loyalty, tribalism, and also the possibility that bringing down a Prime Minister might lose you your seat in an election' (Hopkins 2008). Robin Cook, who resigned from the cabinet on 17 March and who had been heavily involved in the formulation of policy toward Iraq until 2001, claimed that Iraq probably had no WMD in the conventional sense and posed little threat to Britain (Cook 2003: 361-66). In support, however, the Conservative parliamentary opposition repeated the Government's emphasis on Iraq's deception, the implicit assumption of threat that this entailed, and that the use of force would be in the national interest. 'The Prime Minister rightly pointed out', leader of the opposition Iain Duncan Smith noted, 'that Saddam Hussein has lied to the UN for 12 years. Even now, we do not know the full extent of his arsenal, or of his facilities to develop weapons'; the onus was on Iraq to prove that this deception was not a cover for material threat, rather than for the government to prove the opposite: 'the blame for further military action', Smith noted, 'lies squarely in the hands of Saddam Hussein. It is his regime only that has made further military action necessary.'<sup>4</sup>

In the days before war, cartoonist Clay Bennett published a sketch in *The Christian Science Monitor* that aptly captured the security imperative at work. Accompanying a caricature mug shot of Saddam Hussein the caption read: WANTED: FOR WHAT HE POSSIBLY IS DOING, WHAT HE COULD BE CAPABLE OF DOING, OR WHAT HE MIGHT BE PLANNING ON DOING (Bennett 2003). The government's case for the urgency of the threat did not, for the most part, emphasize evidence of Iraq's possession or capability to produce weapons of mass destruction. Instead, the government emphasized that the Iraqi regime's institutional architecture was designed to deceive and subvert any efforts to expose itself to scrutiny by the United Nations weapons inspection teams. The success of this argument in mobilising formal support for war depended upon a multitude of factors, but I have tried to illustrate that an important contributory factor was the acceptance of publicity as an apparatus of security.

The government's audience had to be sensitive to a 'secrecy effect', that is, a suspicion created by an *awareness* that secrets were being kept by Iraq from the international

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<sup>4</sup> Hansard HC vol. 401 col. 776 (18 March 2003), Iain Duncan Smith

community. A vital constituent of the British government's case for war was a shifting attitude against the right to state secrecy in international relations. The establishment of the UN apparatus of surveillance upon Iraq – and more broadly the establishment of international inspection regimes generally – attempted to expose the regime to publicity but were rendered ineffectual by an Iraqi 'web of deception'. The goal of inspections was to ensure compliance. The Britain case for war was based, in part, on the claim that this apparatus of publicity was no longer effective. The coercive removal of Hussein in response to this secrecy effect would not arise without a suspicion of secrecy as a source of insecurity. For the British Government's strategy to work, the audience, to which it appealed for support had to be susceptible to this *pathos*; they had, in particular, to share a suspicion that the secrets in question *could* be the possession of or capacity to produce WMD. If the audience also accepted the rest of Blair's argument - that an Iraqi regime with WMD that might also trade weapons with terrorists posed an unacceptable risk - then the combination of this *logos* of risk and the *pathos* of suspicion could be persuasive.

### Upsetting the balance of openness and secrecy

The shift in attitudes against a sovereign right to secrecy, and the British government's mobilisation of the suspicion of secrecy as a source of threat, consolidated the distinction between liberal and illiberal regimes. Yet this shift in attitudes also created a serious crisis for Britain when the government itself was accused of deception. The events are well documented, but a few influential moments are worth recalling. Three days after the publication of the so-called February dossier, a Cambridge academic noticed that much of the document was plagiarised from an article in *Middle East Review of International Affairs*. Suspicions were raised further when, on 12 May, Clare Short, Secretary for International Development, resigned claiming that the Prime Minister had 'duped' the country into war (Short 2003). On 29 May, Andrew Gilligan made the infamous claim that, according to an intelligence source, the September Dossier had been 'sexed-up' to include the '45-minute claim'. These concerns might have been less influential had the government's suspicions of retained WMD been proved correct. In January 2004, however, the Iraq Survey Group's chief, David Kay, stated that 'we were almost all wrong' and that no significant evidence of research or development of WMD after 1991 had been found (Kay 2004).

The British government was now, ironically, suspected of a similar wrongdoing of its own. Any attempt to relieve this concern would require an unveiling of the state, and Britain accordingly has engaged in a season of public inquiries. The task of such public inquiries is to restore credibility; they must 'represent failure as temporary, or no failure at all' (Burton and Carlen 1979: 48); they must 'receive and effectively incorporate criticism whilst guaranteeing legitimacy and renewing authority' (Scruton 2004; 48). A successful inquiry can reintroduce public trust and reintroduce the self-understanding of a distinctive liberal legitimacy. Much of this success depends on the presumption of openness in proceedings. There is no better illustration of this self-understanding than the words uttered by then-Secretary of State for Defence, Liam Fox, presenting the Baha Mousa public inquiry report to parliament.

In any conflict ...what separates us from our adversaries are the values with which we prosecute it ...To represent Britain, in war as well as in peace, is to represent our inherent democratic values ... When those values are transgressed, it is vital that we get to the bottom of what has happened, are open about the issues and their causes, ...and do all that we can to prevent it from happening

again. Only in that way can we ensure that those values hold firm in how we think of ourselves and in how others perceive us (Fox 2011).

Yet the problem is that the inquiries have thus far failed to enact a sufficient degree of openness. For the sake of space I will focus here on the most recent ‘Chilcot’ Inquiry. (For analyses of the previous inquiries see for instance Danchev 2004; Runciman 2004; Aldrich 2005). Originally intending to report in 2011, the inquiry has been delayed into 2015 largely because of the declassification process whereby the Inquiry and the Cabinet Office must negotiate requests for publication of official documentation that the committee wish to include in support of their conclusions (Chilcot 2012). From the beginning of the inquiry, Sir John Chilcot emphasised the importance of ‘ensuring that our proceedings are as open as possible because we recognise that it is one of the ways in which the public can have confidence in the integrity and independence of the inquiry process’ (Chilcot 2009). The Cabinet Office, however, has the final say on declassification on the basis of a special protocol (Cabinet Office 2009). The protocol warns against the release of any information which would, or would be likely to: endanger life; breach the principle of legal professional privilege (LLP); prejudice ongoing legal, investigative, civil or criminal proceedings elsewhere; or breach the Data Protection Act. For my purposes, the most important exception to the public right to know concerns those circumstances where disclosure would or would likely:

cause harm or damage to the public interest, guided by the normal and established principles under which the balance of public interest is determined on grounds of Public Interest Immunity...including, but not limited to ... national security, defence interests or international relations. (Cabinet Office 2009)

Testing this likelihood, and the final decision, rests with Cabinet Office and on several occasions the Cabinet Secretary found that the balance of public interest was not in declassification. For instance, amidst requests by the Inquiry for the declassification of official communication between the Prime Minister and the US President, the Cabinet Office decided that the public interest in publishing particular exchanges between state leaders would not outweigh the risk of harm to the UK’s international relations that would likely be caused by the Cabinet Office authorising their disclosure.

Exchanges between the UK Prime Minister and the US President represent particularly privileged channels of communication, the preservation of which is strongly in the public interest. Even where immediate sensitivity may have passed, disclosure of the material could still prejudice relations by inhibiting future exchanges. A UK Prime Minister may be less likely to have these exchanges (or allow them to be recorded) if he is concerned that this information would be disclosed at a later time against his wishes. Inhibiting this type of free and frank exchange would represent real prejudice to the UK’s relations with the US. (O’Donnell 2011)

The relationship between publicity and security is framed as one of balance: balancing the public interest in knowing against the risk of harm to the well-being of the UK as a result of that knowing. O’Donnell justifies secrecy on the basis that there is a greater public interest in maintaining a healthy diplomatic relationship between state leaders than there is in the public knowing the content of particular exchanges. These diplomatic channels are seen as vital to the stability and security of the UK.

The metaphor of balancing public interest between publicity and national security can be interpreted as a creative device through which the state can contest demands for openness and reassert the value of the *arcana imperii*. The balance metaphor does not acknowledge the manner in which publicity could constitute security of the liberal individual. This is not surprising; to do so would require the state to recognise itself as a potential threat to the political community. Instead the balance metaphor encourages the citizenry to think like a state, to think in terms of *raison d'état* and the *arcana imperii*. In the context of the protocol above, any exception to openness that can be justified in the name of security – such as ‘harm or damage to the public interest’ by endangering economic interests or the defence of the realm – cannot be resisted because the counter-argument is occluded - namely that publicity *in itself* functions as an apparatus of security of individual agents against the iniquities or ineptitudes of the state. In fact, the protocol allows the executive to show how publicity itself could damage the public interest through loss of life, damaged international relations and so on, thereby rendering the future, along with the lives of the citizenry as fearfully uncertain

Of course, the actual disagreement between the inquiry and government over the declassification of these exchanges only serves to heighten the suspicion of wrongdoing. If the inquiry and the government can't agree about what needs to be secret, claim critics, how can those outside the inquiry have confidence in it? (Ames 2010) These critics of official secrecy have tended to base their objections to secrecy on three assumptions. Firstly, critics contend that official secrecy is being used to hide wrongdoings that would not be defensible in public. Lord Owen, a former foreign secretary and privy councillor, regarded the Cabinet Office refusal to declassify the Blair/Bush exchanges as an indication of attempts by the ‘culprits’ Blair and Cameron to ‘hid[e] behind conventions that are totally inappropriate given the nature of the inquiry’ (Owen 2013). Secondly, therefore, critics argue that an act of transparency is a necessary response to a culture of secrecy and the loss of trust. While the Cabinet Office’s metaphor of balance is always predisposed toward secrecy as the ultimate guarantor of security, critics locate the ultimate guarantor of security in the gaze of publicity, especially in those circumstances where a secret is suspected and that secret is a suspected wrongdoing. Declassification is necessary, Owen claims, so that the inquiry can prove whether ‘black lies’ were told to parliamentary prior to war (Owen 2013). Finally, it is assumed that taking away the right to official secrecy will have a substantive impact upon UK foreign policy. Critics point to a cruel irony of maintaining official secrecy in the interests of international relations; revealing what one leader had said to another might be damaging but, given the suspicion of wrongdoing that surrounds these exchanges, keeping these exchanges secret might be more damaging because the executive is not being held to account according to the norms and liberal democratic values of the UK (Ames 2010). By railing against official secrecy, critics seek to hold to account and reform the executive in line with a liberal self-understanding, and in so doing reintroduce a distinction between liberal and illiberal regimes. Openness is required so that ‘everyone understands how the decision was reached so that we can learn lessons and make sure we never again have a government hell-bent on going to war and able to bamboozle Parliament and the British people’ (Clegg cited in Bingham 2010).

While critics may claim that the veil of official secrecy remains intact, the advocates of open government can claim some victories. There can be little doubt that the content of public deliberation, whether in formal or informal spheres, has been enriched by the report and declassified evidence released by the inquiries. Despite the disagreements between The Iraq Inquiry and Cabinet Office over declassification, independent public

inquiries into matters of foreign policy have opened up the machinery of government to the public gaze in radical fashion. The Hutton and Chilcot inquiry websites have published hundreds of official documents that would otherwise have disappeared into the National Archives for thirty years. These inquiries have shown ‘you can publish more than you think you can without bringing down government’ (PASC 2009: 7). The conclusions of inquiries have also identified areas of reform for government particularly with regard to transparency and accuracy in government. The Butler Inquiry, for instance, identified causes for concern such as the informality of Blair’s Number 10, the lack of appropriate record keeping, and the degradation of clear lines of political accountability that are essential for continued public scrutiny (Lord Butler 2004).

Yet in the light of the analysis in this paper, perhaps the advocates of open government should also consider the implications of their demands in the wider context of security politics. Those who argued that the concealment by the Iraqi regime constituted a threat and those who now argue against the continuation of official secrecy in the inquiries share the same *pathos* of liberal war: a suspicion of secrecy as a source of wrongdoing. Both the British inquiries and the UN inspections regime perform the act of publicity: placing the subject under surveillance, giving the impression of constant surveillance, and compelling the subject to perform according to wider societal norms. In the context of the inquiries, the government has enacted a strategy of contestation through the metaphor of ‘balancing’ publicity and security. By contrast, the international community did not accept Iraq’s sovereign right to secrecy and the *pathos* of suspicion functioned as part of persuasive argument for war. If the aim of exposing government to scrutiny is to ensure, in Clegg’s words, that a government hell-bent of war can never bamboozle us, we ought to be concerned by this affinity between the case for the inquiries and the case for war. Reforms suggested by the Butler inquiry, for instance, have encouraged greater accuracy and transparency in government, but this does not challenge the wider dynamic that pushes liberals towards war: the urge to confront those untrustworthy subjects that resist publicity because of the threat that their resistance may conceal. Instead the inquiry can perfect this strategy by requiring that the public debate as to the deception and concealment of the actor is as accurate as possible. Put simply, it is difficult for the inquiry to call into question whether there is a national interest in coercively confronting subjects that resist publicity when the inquiry itself is performing the same move.

## Conclusion

I started this paper with an anecdote from The Iraq Inquiry, in which Blair tried to refer to a document that, although anyone could download it from the Internet, could not be publicly acknowledged. The resulting laughter pointed to an absurd contradiction between a self-proclaimed adherence to the democratic principle of open government – of which the public inquiry is an acknowledgment – and inability of government practice to conform. From the claims in this paper I have attempted to unravel this apparent divergence between the claims of the British state to its liberal identity and commitment to publicity, and its practice of entrenched official secrecy.

My argument can be summarised in three claims. Firstly, publicity and secrecy can both be understood as techniques of governing, or apparatuses of security, of the liberal state. On the one hand, the keeping of *arcana imperii* became necessary from the moment that state began to collect technical knowledge about its strength, weaknesses and capacities. According to this strategy of security, which is embedded in the post-Westphalian system of states, this knowledge would only retain its value as long as it remains secret. On the

other hand, the act of publicity functions as an apparatus of security of the individual and civil society against the wrongdoings kept hidden by secrecy. This approach to secrecy depends on a suspicion of wrongdoing created by the awareness that secrets are being kept – the ‘secrecy effect’. This latter approach to security arose out of liberal political discourse in mid-nineteenth century Britain, and must be distinguished from the use of publicity as a Kantian thought experiment for political morality. The act of publicity disciplines the subject through giving an impression of constant surveillance associated with an expectation that deviant behaviour would be punished.

The second section of the paper described how this approach to security through the act of publicity was embedded in the British government’s case for war. The shift in attitudes in the twentieth century away from a sovereign right to state secrecy, and the United Nation’s programme of surveillance and inspections in Iraq produced the ‘secrecy effect’: a suspicion created by an awareness that secrets were being kept by Iraq. The British government argued that Iraq posed an urgent threat because of its historical use of WMD, its obstruction of the UN and the risk posed by Iraqi WMD in a post-9/11 age. But this argument also requires a suspicion that the secrets kept by Iraq were a likely indication of wrongdoing. The argument that military action was an appropriate course of action required the audience to accept that the use of force against the Iraqi regime to dismantle the means of concealment was preferable to allowing Iraqi concealment to continue.

In the third section of the essay, I noted how the simultaneous demands for both state secrecy and the act of publicity created a tension in the British public inquires. Suspicions arose that the government may have committed wrongdoings during the course of making the public case for war. Yet the inquiries appointed to provide an authoritative account of the government’s actions were stymied by the maintenance of official secrecy. The inquiries, consequently, have become a site of fierce contestation between two different and opposing techniques – secrecy and openness. The decision by the Cabinet Office to judge requests for openness according to a balance of public interest between publicity and national security is an effective means of resistance against openness. The balance metaphor renders publicity as a threat to security. In response, however, critics have continued to allege that secrecy is an indication of wrongdoing. Partly because of this contestation the most recent Iraq Inquiry is now long overdue to make its report.

Blair’s discomfiture at The Iraq Inquiry was taken by some as an indication of political secrecy for private gain by crooked statesmen who wished to prevent the inquiry from releasing a public account of how the state went to war. I have attempted to show that the picture is far more complicated. The pursuit of security through secrecy is embedded in the British state; but another approach to security that functions through the gaze of publicity has emerged out of British civil society. If we wish to understand how the state went to war, we must appreciate that the suspicion of secrecy was central to the government’s persuasive argument. It follows therefore that calls for a public inquiry that appeal to the same suspicion of state secrecy and call for the same act of publicity actually re-inscribe this potentially aggressive commitment.

We should think more carefully about the implications of this strategy of security - through the act of publicity - when it is writ large at the level of international relations. The unrepentant liberal may happily acknowledge that a universalist ideology requires a distrust both of Blair and Saddam. What may surprise some, however, is that the bellicose consequences of the argument do not stop. Howard remarked that far from



abolishing war liberalism induced ‘violent passion’ because liberals fail to acknowledge that the world is filled with cultural heterogeneity that impedes the liberal project, and that given the improbability that liberal wars would end in a negotiated peace the only outcome could be endless war or the conquest and homogenization of the whole world under liberal rule (Howard 1978: 77). This intolerance is exemplified by Britain’s involvement in the Iraq War, an act of violence underpinned by a suspicion of the act of political secrecy itself. This liberal technique of governance cannot tolerate heterogeneous attitudes to the legitimacy of political secrecy. Resisting secrecy in the name of publicity does not escape the violence that is committed in the name of security. Rather this resistance is part of the liberal ‘peace’, troubled by subjects – including those actors and regimes beyond the borders of the liberal state – who will not adopt our way of life.

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