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SECRECY AND CONSPIRACY

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ABSTRACT

In the literature on conspiracy theories, the least contentious part of the academic discourse would appear to be what we mean by a "conspiracy": a *secretive* plot between two or more people toward some end. Yet what, exactly, is the connection between something being a conspiracy and it being secret? Is it possible to conspire without also engaging in secretive behavior? To dissect the role of secrecy in conspiracies – and thus contribute to the larger debate on the epistemology of conspiracy theories – we define the concepts of "conspiracy," "conspirator," and "secret," and argue that while conspirators might typically be thought to commit to keeping secrets *once their conspiracy is underway*, the idea that conspiracies are *necessarily* secretive to start with is not as obvious as previously thought.

1. INTRODUCTION

In the debate about what a "conspiracy theory" is, and the subsequent debate as to its epistemological virtues or vices, it is sometimes lost that these things called "conspiracies" happen often enough for them to be unremarkable, which calls into question the pejorative way in which talk of these things called "conspiracy theories" is typically parsed.

Our purpose in this paper is to not rehash the debate as to whether belief in conspiracy theories is rational or irrational. Rather, we are interested in what counts as conspiratorial; what is the domain of these things we call "conspiracies"? Specifically, we are interested in the role of secrecy in conspiratorial activity, given that while it is commonly accepted conspiracies are secretive, what exactly that secrecy entails turns out to be realisable in a variety of ways to the conspirator, some of which challenge a common sense notion of what it is to engage in a conspiracy. We are going to argue that while conspirators typically commit to keeping secrets *once their conspiracy is underway*, the idea that conspiracies are *necessarily* secretive is, if not contentious, not as obvious as previously thought.

To dissect the role of secrecy in conspiracies, we aim to define the concepts of "conspiracy," "conspirator," and "secret" such that they shine a light on both the epistemology of these things called "conspiracy theories," while also carving out some conceptual space in the epistemology of secrecy. Our aim is to explicate both what counts as a "conspiracy," and contribute to the analysis of secrecy itself.

To explore, then, what it is to conspire, and thus uncover what role secrecy plays in conspiracies, we will work with the following, perfectly general and non-pejorative, definition of what counts as a conspiracy theory.

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conspiracy theory: any explanation of an event which cites a conspiracy as a salient cause.

Now, according to this definition, any explanation which refers to some conspiracy as *the* cause of an event is a conspiracy theory, regardless of whether it is generally frowned upon by epistemic peers (the pejorative gloss of "conspiracy theory"), or has been classified as an "official theory" – and thus part of orthodox history – by some influential institution. This definition is in line with the philosophical works of Brian L. Keeley (2007), David Coady (2012), and Matthew R. X. Dentith (2014), Lee Basham (Forthcoming), Charles Pigden (Forthcoming), as well as that of a number of social scientists (Husting and Orr 2007; Pelkmans and Machold 2011), media studies scholars (Bratich 2008), and cultural studies experts (Knight 2000).

So, why do so many other conspiracy theory theorists avoid this simple unpacking of the term "conspiracy theory"? The common usage of "conspiracy theory" carries extra baggage, and alludes to wacky, typically unwarranted ideas which are advanced by the kind of people we usually deem to be crazy. It is hard to deny that this connotation exists, given that, as philosophers Lee Basham, David Coady and Charles Pigden have all argued separately, the term "conspiracy theory" is used not just to label certain views as bad, but often in such a way to shut down debate about those views (Basham 2011; Coady 2012; Pigden Forthcoming). Could it be that, since we take "conspiracy theory" to be an almost single derogatory word, unpacking the term might defang the charge that some proposition is "just" a conspiracy theory?

After all, it seems that almost everyone in the debate agrees as to what we mean by "theory"; it is a putative hypothesis that claims some phenomenon is responsible for an event in the world. Yet as soon as we front "theory" with "conspiracy," all hell breaks loose. So, is part of the problem really a debate about what counts as a "conspiracy" when we talk about these things called "conspiracy theories"?

The term "conspiracy" is bandied about a lot in public discourse, and not everything which is alleged to be conspiratorial actually is an example of a conspiracy. In the same respect that "conspiracy theory" is sometimes used as a rhetorical device which makes out certain hypotheses as crazy, irrational or unwarranted, we sometimes use "conspiracy" to make actions appear more sinister or suspicious than they might otherwise be. For example, in 2015 someone might have said "The promotion of Jeremy Corbyn to leader of the Labour Party of the UK was the result of a *conspiracy* by the unions!" In the US, given the bizarre trajectory of the 2016 US Presidential campaign, an establishment Republican might opine that "Donald Trump was a Democratic plant, who *conspired* to hand the Presidential election to Hillary Clinton!" Whilst it is possible both these theses are true, it is also possible these remarks are a way of letting off steam, or an indirect attack; sometimes we call things we do not like a "conspiracy" because we do not like certain figures or organizations, and we want to impute sinister motives on those who support them (Husting and Orr 2007).

In the same respect, some activities we might balk at calling "conspiracies" only lack that name because of, say, political piety or the fear you might be taken for one of "those" conspiracy theorists. Certainly, some of the mocking of conspiracy theories comes out of claims that "That's not really a *conspiracy*, is it?" It might turn out, though, that it really is.

Secrets, we might like to think, would be easier to capture. Yet there is, oddly, less philosophical literature on secrecy than there is on conspiracy theories, to the point that

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Martijn Blaauw in "Privacy, Secrecy and Epistemology," an introduction to a special issue of *Episteme*, admits that there is not yet an epistemology of secrecy (2013a).[1] So like the terms "conspiracy" and "conspiracy theory," everyone assumes they know what a "secret" is. Let us then, in the absence of a standard definition, stipulate the following as capturing the essence of *keeping* a secret:

> S1 keeps (p) secret from S2 iff S1 believes S2 does not know (p), and S1 intends to keep S2 from becoming aware of (p).

So, for example, Susan is aware that Peter is having an affair, but is keeping it secret from their partner Tom. That is to say, Susan does not think Tom knows about Peter's affair and Susan is not willing to tell Tom about it. Not just that; if Tom were to become suspicious about Peter's recent activities, then Susan not just intends but will actively try to keep Tom from coming to know about Peter's affair.[2]

Groups can keep secrets too. The National Security Agency (NSA) was aware that its members were spying on elements of the US public, but kept it secret from the press and prosecutors; they lied to the American people when challenged on the matter. Said secret was, of course, the subject of many a conspiracy theory. Herein lies the intersection between the keeping of secrets and conspiracies; in the case of Peter's infidelity, Susan is not conspiring against Tom. Rather, she is merely keeping secret the affair she knows Peter is engaged in. To conspire against Tom would require that both Susan and Peter work together to keep Peter's affair secret. In the NSA case, certain members of that organization plotted together in secret to keep what they were up to out of the public eye.

It would seem, then, at first glance that conspiracies are a kind of secretive activity, although what kind they are – we will see – is not as obvious as it first seems.

Our position in this paper is to carve out a conceptual space for these things called "conspiracies." Our contention is that whilst much conspiratorial activity involves secrecy, the nature of secrecy in conspiratorial activity is much more complex than is currently acknowledged in the literature. When two or more people plot towards some end, there is the question of not just "Must we keep our actions secret?", but also "From whom must our actions be kept secret?" Our argument is that when these two questions are considered carefully, it turns out that secrecy – at least as it is generally understood – is not always necessary for conspiracy.

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1 Whilst there is Sissela Bok's 1982 book, *Secrets*, which takes concealment or hiding to be the defining trait of secrecy (Bok 1982), most of the literature on secrecy in philosophy tends to be an epiphenomenal property of philosophical discussions of transparency or privacy, such as Dan Boothroyd (2011), who points out that in popular discourse, the talk of secrecy is largely framed in terms of transparency or openness, a point foreshadowed by McMillan *et al.* concerning the ethics of open versus closed research (2006). Jeroen de Ridder (2013) has argued there is nothing inherently wrong with keeping secrets. Finally, there is Martijn Blaauw's work in "The Epistemic Account of Privacy," in which he argues that secrecy has to do with the hiding of facts (Blaauw 2013b).

2 It should be noted that this definition relativizes keeping secrets to S1; S2 might turn out to already know what S1 is *attempting* to keep secret from them (or may come to know it from S3, and so on). As attempting to keep a secret is an *intentional* activity on the part of S1, S1 being wrong about S2 not knowing what S1 is attempting to keep secret from them turns out not to be a problem for the definition of *keeping a secret* as outlined here.

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In the next section we define what counts as a "conspiracy," before moving on to the more difficult question of who counts as a "conspirator" arguing that not all conspirators necessarily know what role they play in a given conspiracy. In the following we argue that our understanding of who counts as a conspirator explains how we parse talk of secrecy, looking at how the organizational structure of a conspiracy influences not just the difficulty of keeping a plot secret, but also from whom such plots are kept, as well as how some conspiratorial activity might only become secret once the plot is set and plans are in motion. Finally, we examine some potential objections to our arguments, looking at whether we really are capturing the right definitions of "conspiracy" and "secrecy."

2. SO, WHAT IS A CONSPIRACY?

When we think about conspiracies, the pre-eminent example – given the importance of *political* conspiracy theories in the literature – is the cover-up. Cover-ups tend to come in one of two flavors (although some conspirators like to mix-and-match):

(1) Either the cover-up is a part of the plan (in order for the goal to be reached, an alternative explanation has to be offered as events unfold; the patsy is set up as the lone gunman for example), or
(2) The cover-up is a response to the conspiracy being discovered or partially uncovered (due to errors in strategy, sloppy execution or a breach of secrecy, a cover story is required and evidence must be destroyed or disinformation put out in order to confuse the public).

When two or more people engage in a cover-up, this seems like a *prima facie* example of a conspiracy, although what counts as "covering up" can be open to interpretation. For example, in 2010 the cities in the larger Auckland region of Aotearoa (New Zealand) were amalgamated into one "super city." As part of the process, the various information technology (IT) systems of the region were to be replaced by a new, single system within three years. Nine years later, the new IT system has yet to be finished, and is significantly over budget. This has led to questions being asked as to where the money has gone, why the new IT system is not up and running, and why news about the failed rollout has been slow to leak to the public.

Now, if a department bungles the rollout of a new computer system, and takes steps to minimize the public knowing about their blunder, is this a conspiracy or merely a cover-up? Would it be right to talk about any putative hypothesis about the bungled rollout as being a conspiracy theory? The question, surely, is one of intent; if the bunglers *intended* to mislead, then such a cover-up seems *prima facie* conspiratorial. However, if the bunglers merely did not want to advertise their blunder, then they may have engaged in a cover-up (via their failure to report what they have done to the public); but surely such a cover-up fails the test of being the kind of *intentional activity* we normally associate with a conspiracy?

Certainly, it is true that any full account of what counts as a conspiracy must talk about the intent of the conspirators. Typically, we talk about the intention of conspirators as desiring to bring about some end, rather than making particular claims about how they cover up said activity. After all, a cover-up can be orchestrated in a variety of ways. It

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is both arbitrary and unnecessary to claim that cover-ups fail the test of being conspiratorial where there is no *explicit* evidence of someone saying "Do not let 'them' know about what we are up to." What makes any cover-up a putative conspiracy is the intent to obtain some end. The fact that members of the public *were not actively looking for evidence* does not make a cover-up any less conspiratorial. A cover-up based upon members of the public failing (or not knowing) to ask the right questions is still a conspiracy and a lie by omission is, after all, still a lie.[3] Think of it this way: if no one knows what you are up to, no one knows what questions they should be asking to uncover your potential misdeeds. Indeed, in a relatively closed society this is precisely how governmental and corporate agencies get away with conspiring. "No," they will surely say, "we weren't covering that up. You just didn't ask about it."[4]

A cover-up, then, seems like an exemplar of conspiratorial activity (although it is hardly the only kind of conspiracy). As such, any case in which two or more people work together towards some goal – and typically (but as we will argue, not necessarily) intend to keep their activities a secret from at least one other person – is a conspiracy. This might be taken to be too broad a definition, because it admits in any cover-up – including that of organizing a surprise party – as being a conspiracy. We do not think this is a problem, but we address that in the final sections of this paper.

3. WHO ARE THE CONSPIRATORS?

Does everyone in a conspiracy have to be "in the know," or are some members of the conspiracy going to turn out to be dupes or patsies? For example, if you run your conspiracy from the corporate office, does the person who delivers your coffee halfway through the meeting where you decide to falsely claim tax credits count as a conspirator? Is the person who couriers the objectionable material to the branch office in on it, or are they just an accessory?

Who counts as a conspirator versus who is an accessory might seem like a trite question, but it speaks to an interesting characteristic of conspiratorial activity – just who knows exactly what is going on? As it turns out, being in a conspiracy means sometimes being part of a very *peculiar kind of secret*.

Keeping secret your conspiratorial activity is easy – or, at least, much easier – if you can restrict who knows about what it is you are up to. In hierarchical organizations – such as most governments and corporations – it is feasible that a conspiracy could be formulated

3 When one is said to 'lie by omission' it is commonly thought that there is something you *ought* to have been told but – because you somehow failed to intuit that you should ask about it – were not. As such, a lie by omission may be a strange kind of lie – because nothing was actually said – but it is still a very much the kind of deceit we associate with lying (take, for example, adultery; if you, my partner, fail to ask about the affair *you have no knowledge of*, my failing to mention it is deceitful in the same way that denying and thus lying to you about the affair would be).

4 Take, for example, the Freedom of Information Act of the US. You can request any non-classified government document that you might want, but you have to know said document exists in order to request it. As such, government organizations need do only a little work to ensure that whatever malfeasance they are up to is kept secret, because members of the press or public cannot go on a fishing expedition; requesters need to know something about the material they are requesting, so government departments need only ensure that the public have little to no grounds to be suspicious of what they are doing.

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at the top, and actioned by the middle and lower rungs, without the majority of people who are doing the work ever really knowing about it.[5] Indeed, a conspiratorial plan which has been broken into enough small steps might very well look innocuous to someone "inside the conspiracy" (even though to an outsider it might seem obvious what is going on).

Some conspirators will more or less be in on the secret; they will make up the central core of the conspiracy, the members who initiated the plan or developed its finer details. Other members may well know enough to know they are conspiring, but in other matters will be in on the conspiracy on a "need to know" basis. Some members may well be actively deceived by other members in order, for example, to hide the real purpose of the conspiracy (Marcus Brutus and Gaius Cassius Longinus may well have truly desired to take over Rome once Julius Caesar was assassinated, but told the rest of the conspirators their desired and expected end was to restore the Republic), or to give the conspirators some degree of plausible deniability (members of the CIA might fail to tell the President some piece of intelligence is dubious to protect a crucial member of the conspiracy).

Who knows what, how much, and who is let in (or more actively, denied access) to the conspiracy – either as part of the plan or in response to detection – reflects the particulars of the desired end, and the social and organizational setting in which the plot takes place. We typically take it that to conspire is to engage in *secretive* activity, but what that entails (and whether it is even true), causes the notion of "conspiracy" to be multifaceted; there are, it turns out, a lot of ways to conspire, *and* to act secretly when doing so.

Take, for example, a common charge against certain conspiracy theories: *surely someone must have known about it*. But, of course someone already did know about it, at least two people, or otherwise it would not be a conspiracy. The question is: Did other people know about it? Well, it depends. Will anyone's knowledge of the full scope of the truth/deceit be perfect? Will they keep silent or prepare a cover story, respond to detection with an active lie? All that turns out to be contingent, a by-product of the fact that it is a very peculiar kind of secret: a conspiratorial one.[6]

So, who counts as a conspirator, and who knows what the conspiracy really entails, presents a conundrum; at what point does the secret become so unwieldy and hard to keep that the conspiracy comes undone? Concerns like this have motivated many conspiracy theory theorists to argue that conspiracies over a certain size are just *prima facie* unlikely.[7] As the conspiracy grows ever larger, someone is bound to share the secret with someone they ought not to; either people are bad at keeping secrets, or the reward for blowing the whistle is just too enticing. Let us, then, propose a spanner in the works; it is easier for *monolithic conspiracies* to remain secret, whilst *diverse conspiracies* are more likely to crumble and be revealed as the number of conspirators grows ever larger.

5 One exponent of this hierarchical approach to discussing the warrant of institutional conspiracies is Lee Basham, who discusses – at length – the idea that in largely hierarchical societies (much like the ones we live in) it is easy to feign openness (Basham 2003, 2011). Our notion of hierarchy differs from his. Whilst Basham takes it that such agents are – at best – dupes of the conspirators, we think people who are not totally clued up on the conspiracy can still be co-conspirators of some kind.

6 In some cases we have to ask if it is even a conspiracy? One person can have a goal, find a patsy with whom to "conspire," and play them all the way.

7 For an analysis of arguments to this extent, see Keeley (1999: 116).

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4. MONOLITHIC AND DIVERSE CONSPIRACIES

In 2015 it was discovered that Volkswagen had managed to cover up the fact they were cheating on environmental tests for six years. Whilst there was some suspicion there was cheating going on generally in the automotive industry, the sheer scale of Volkswagen's duplicity at the time was a surprise. No member of senior management or the engineering teams had leaked or given any clue as to the fact Volkswagen was engaged in a massive, corporate conspiracy. How was this possible? Well, Volkswagen is a hierarchical institution, one with a clear system of governance which is top-down and carefully managed. You only know what you need to know at Volkswagen, and any information which might be damaging to Volkswagen is supposed to go at least partially up the chain of command before getting out of Volkswagen; there were, in the end, mechanisms in place which prevented news of Volkswagen's conspiracy spreading.

Compare the Volkswagen case – which we might call a "monolithic" conspiracy because of the shared governance of all the people involved in the cover-up – with some of the Inside Job hypotheses about 9/11. One of the "Made It Happen On Purpose" (MIHOP) theories claims the Twin Towers were brought down by controlled demolition. One example of such a theory can be found in the work of Richard Gage, who suspects that the explosives that brought down WTC1 and WTC2 were installed in the central core of the Twin Towers during an elevator modernization program prior to September 11, 2001. This putative claim of conspiracy involves a set of diverse actors; diverse in the sense that – unless you believe in some hidden-hand government like the New World Order or the Illuminati – the various agents the conspiracy theory alleges were responsible belong to groups with *no shared governance*, let alone any central mechanism of control. As the building was still in use during the elevator modernization, the demolition charges would have to have been installed in the Twin Towers at the same time as other building professionals were working on upgrades, not to mention janitorial staff, office workers and the like all being present (and some likely satisfying their curiosity as to what was going on behind closed doors). The various "Controlled Demolitions" hypotheses require that a diverse set of actors were responsible for the destruction of the Twin Towers. It seems that in this kind of case – one in which the set of conspirators is not monolithic – keeping what was happening a secret would be more difficult *because of the variety of conspirators*.

Size, it seems, is not some deciding factor as to whether some conspiracy will be successfully kept secret.[8] Rather, it is organizational structure; monolithic conspiracies can involve large numbers of conspirators, and yet be kept secret because such conspiratorial activity is governed not just by the conspirators "at the top," but by virtue of the fact the conspirators have control over the entire conspiratorial "pyramid"; they employ, co-opt, or dupe people to do their bidding, knowing full well that they have near total control over the conspiracy. The senior management at Volkswagen are in control of a monolithic organization, and thus it is easier (but not necessarily easy) to control leaks about what Volkswagen is up to, as well as conspire to cover up any corporate malfeasance.

8 Indeed, we are not here committed to the idea that there has to be a great number of diverse conspirators. Rather, it is the diversity of types of conspirators which is the problem. Many of the Controlled Demolition hypotheses differ with respect to the number of people involved, but most of them agree that no matter how many people undertook the planning and execution of the plot, they came from different backgrounds and organizations.

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Compare this to a diverse conspiracy. Diverse conspiracies could consist of just a few people, and yet be prone to leaks. Why? Because in a diverse conspiracy the conspirators have to manage more than one organization, or power structure. The Controlled Demolition theory requires the conspirators ensure their crack team of demolition experts do not reveal themselves, as well as managing the other building professionals working alongside them, the janitorial staff, the various office workers, and the like. Unless we posit that the same individuals are responsible for each and every of these organizations, the diversity of actors *with no common governance* makes it harder (but not impossible) for the conspirators to keep a handle on what the various underlings, co-conspirators, dupes and patsies are up to.

The fact that conspiracies can be made up of diverse actors also needs to be treated seriously. For example, David Robert Grimes has produced a mathematical model for why conspiracies of a certain size are prone to fail, and thus are unviable (Grimes 2016). He argues that the most generous estimate of the viability of conspiratorial activity will come out of assuming that everyone was in on it. So, in historical cases, if everyone in the conspiracy knew the full extent of their activity, and yet it still took years – or even decades – for the secret to leak, then that shows the chance a conspirator will expose a conspiracy is correspondingly low.

However, Grimes' model does not distinguish between the size of a conspiracy versus its organizational structure. Grimes ends up assuming that everyone, say, at NASA in the 1960s knew about the Moon Landing Hoax, because they would all have been equal members of the conspiracy. As such, the conspiracy is unlikely because someone in that large organization would have leaked it. However, if we acknowledge that conspiracies are made up of diverse actors, only some of whom know what is *really* happening, then it is not obvious that size – in this case – matters.

Conspirators are not necessarily homogeneous, and not everyone involved is going to be aware of the extent of the conspiracy. A conspiracy can look big, yet only feature a small number of people who know the full extent or aim of the conspiracy. Some members of the conspiracy will be lackeys, goons, useful idiots, or even unwitting conspirators. It is even possible to be involved in a conspiracy without realizing you are conspiring; not everyone in the NSA need necessarily know that the data they are collecting and processing has been illegally obtained, and FBI agents who are using forensic evidence to secure convictions may not have been informed by senior personnel that the evidence they are using is of dubious merit.

Now, portraying a conspiracy as either monolithic or diverse does not make the conspiracy automatically believable or unbelievable. Rather, this merely gives us grounds for appraising the *relative ease* the conspirators might have in keeping their activities to themselves. We use the term "relative ease" here quite deliberately; our argument is that it is easier to keep a monolithic conspiracy secret than it would be a diverse one, not that diverse conspiracies are so hard to keep secret that belief in an associated conspiracy theory would be irrational. All we need say is that keeping a conspiracy secret requires managing the people in the conspiracy, and who knows about the conspiracy *outside the set of plotters themselves*.[9]

9 This also allows us to reply to Keeley's notion that we can gauge the warrant of a conspiracy theory by reference to the number of supposed conspirators (Keeley 1999). Keeley takes it that as the set of conspirators gets larger, the conspiracy becomes harder for the conspirators to maintain. We take it that it is not size *per se* but, rather, the diversity of the set of conspirators; presumably (but definitely not always) the larger a conspiracy grows, the more diverse the set of conspirators becomes, leading to the conspiracy becoming more uncontrollable (and thus – once again presumably but not always – revealed). Size matters, but it is not the only thing.

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5. A PECULIAR KIND OF SECRECY

A conspiratorial secret is, from the outset, an *imperfect* secret, already known to one too many people. A conspiracy is a *social* relationship, a potentially fragile and tenuous one, and built into that arrangement is a potential leaker, a potential whistleblower, and a potential turncoat. It is for this reason we think of conspiring as engaging in a very peculiar kind of secret. After all, at what point does "between you and me" become the further claim "Let's keep this a secret from . . .," since the claim "between you and me" suggests secrecy but does not necessarily entail keeping a secret *from* anyone in particular.

Now, once at least two people have agreed to act in concert, and have subsequently agreed to keep their arrangement a secret, several questions arise.

(1) From whom should this secret be kept?
(2) Then, from whom should this secret *not* be kept?
(3) Finally, after the goal of the conspirators has been achieved, can the conspiracy be revealed, or must some aspects remain secret?

So, who is let in on the secret, and who is kept in the dark, is entirely dependent upon the precise goal and plan of the conspirators.

For example, why not consider adultery (or "cheating" more generally)? Here, at least one person decides to deceive (or perhaps even not to deceive, in the case of the "open relationship"). A second person is drawn in. They may be informed that they are engaging in adultery, or they may have prior knowledge of their intended's marital status. However, they may not be informed or have such prior knowledge, in which case there is deception, but no conspiracy.

Should this advance to the stage of conspiracy, in which both have agreed that adultery is being committed, then, and only then, do the conspirators need to agree to the extent and nature of the secrecy. Of course the partner left behind must generally be kept in the dark (unless he or she is into that sort of thing), but is it acceptable to tell a parent or best friend, since you "simply can't keep secrets from them"? What if the couple does want someone to join them? In that case, obviously this plan cannot be kept from the spouse (although one might want to keep it from the children and the in-laws). If the wrong person is brought in, then the conspiracy unravels.

It can get even more complex, with additional layers of secrecy. Consider the Ashley Madison case. Noel Biderman, the founder of the firm – whose motto is "Life is short. Have an affair." – ostensibly created a platform to enable people to engage in the conspiracy of adultery. In July 2015, hackers calling themselves the "Impact Team" released the names and financial information of Ashley Madison's clients (on the grounds that the company's paid "full delete" offer did not in fact lead to a full deletion of a client's personal information). Upon analysis of the leaked records, in addition to conspiracy to retain personal information despite having been paid to delete it, it became clear that the firm was not only co-conspiring with prospective adulterers, but also conspiring against them by creating tens of thousands of faked accounts of women. Since their clients were overwhelmingly male, the company feared that the relative absence of women would have led to disgruntled customers. This was kept secret, sort of. In the site's terms of agreement, it states:

> You acknowledge and agree that any profiles of users and Members, as well as communications from such persons may not be true, accurate or authentic and may be exaggerated or based on

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> fantasy. You acknowledge and understand that you may be communicating with such persons and that we are not responsible for such communications (Ashley Madison 2015).

So, the conspiracy to defraud customers by retaining information they had been paid to delete was kept secret, but the creation of fake female accounts was in a sense acknowledged, but not advertised.

Another case in which the "micro-conspiracy" is entangled within a more all-encompassing conspiracy is the CIA's "Operation Midnight Climax" (Lee 1994). A part of the MK-ULTRA program, the project entailed hiring prostitutes to lure clients to a CIA safe house, in which the unsuspecting "Johns" would be slipped a drug – often LSD – and filmed through a one-way mirror as events unfolded. Here, at least one party thought they were merely engaged in the conspiracy of solicitation of prostitution (and presumably, in some cases, adultery), when in fact the prostitute was conspiring with the CIA (although she probably did not know that). The overarching conspiracy was that the CIA was conspiring to test the effects of mind-altering drugs on unsuspecting citizens.

In each and every case of conspiracy, from the simplest to the most grandiose, the secrets that must be kept, and from whom those secrets must be kept, is contingent upon the goals, strategies and tactics employed, as well as by the relationships between the co-conspirators and outsiders. It is, above all, an *imperfectly* negotiated social relationship. Secrecy, it turns out, is peculiar, complex and multifaceted.

6. THE COVER-UP UNCOVERED

What should we make of conspiracies which come to light, and are thus no longer secret? Some conspiracy theory theorists – such as journalist David Aaronovitch (2009) and philosopher Karl Popper – have claimed this means that such activities are not really conspiracies. For example, Popper, in *The Open Society and its Enemies*, considers conspiracy theories to be unlikely, because conspiracy theorists take it that history is largely the result of a succession of successful conspiracies (Popper 1969). Not just that, though; Popper argues that known conspiracies – like the Holocaust, a massive plot to secretly wipe out the Jewish people in Europe – are not the proper subject of conspiracy theories. Why? Because the conspiracy was revealed; in essence, the Holocaust was not a proper conspiracy because the Nazis failed to keep it sufficiently secret (1974). Whatever we might think of Popper's condemnation of certain conspiracy theories, his view about conspiracies is wildly askew. This reading of Popper on conspiracy theories is consistent with the work of other philosophers who have taken Popper to task on this subject – see Pigden (1995), Keeley (1999), and Dentith (2014) for fuller accounts of Popper's mischaracterization of conspiracy theories.

Claiming that a conspiratorial plot which has been revealed is one which has not been kept sufficiently secret in the first place, and thus is not a proper conspiracy, ends up being a view under which it is not even clear conspirators could believe in the existence of the conspiracies they are involved in. After all, the fact *any conspirator* knows about the conspiracy means someone is not keeping it *properly* secret.

So, even if granted that secrecy is a necessary condition, the secrecy required for a conspiracy – successful or otherwise – is variable. Pigden (Forthcoming) points to the length of time – often decades – that many proven conspiracies remained "secret." The argument that, having come to light, they are no longer conspiracies seems ludicrous.

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Indeed, an interesting consequence of this view is that if we admit that seemingly open secrets can be conspiratorial, then this admits and rules in a whole host of activities which previously looked like conspiracies, but were ruled out because they were not considered sufficiently secret. In our view, some of these previously ruled out phenomena remain in play.

Can we assume that there is some line that can be drawn between conspiratorial behavior that is insufficiently secret to be the subject of "the sorts of conspiracy theories that can be dismissed without examining the evidence" and those "other kinds of explanations for conspiracy that are not *really* 'conspiracy theories'"? Of course not. The secrets kept in a conspiracy and from whom they are kept are going to be as varied as conspiracies themselves. Given that, there is no common feature of that nature which would be a valid basis for dismissing any claim out of hand.

Sometimes it is also the case a conspiracy might be uncovered, or just not kept sufficiently secret that it turns out that everyone knows about it, and yet the conspiracy is still treated as secret in the sense that no one talks about it. In the twentieth century alone we have two well-documented examples of seemingly conspiratorial regimes where people knew what was going on and yet seemingly acted as if the secret was not openly known. For example, Stalin's rule over the Soviet Union (USSR) featured the regular disappearance of notable public figures, and the rounding up and arrest of subversives, and yet even though this was a known activity, it was hardly ever talked about by the citizens of the USSR. During the Cold War, the Ministry for State Security (the Stasi) of the German Democratic Republic (GDR) not only routinely spied upon citizens, but instilled such fear that citizens felt compelled to spy upon each other. In both cases the state engineered massive conspiracies in order to keep their population and their political activities not just under surveillance, but also under control.

Now, you might argue that in both of these examples it is trivially true that the actions of the state were open secrets, but citizens still did not know exactly what was going on around them. They knew about the surveillance, they knew about the disappearances, but the fine grain detail of government policies was still kept secret from them. In this sense, whilst some of what the state did was an open secret, elements of the state's activities really were *properly* secret, and, as such, the little knowledge these citizens had does not suffice to say that secrets were not being kept from them.

This kind of response deserves careful consideration, precisely because it shows that when we talk about secrecy, we are talking about a multivariate property. Citizens of the USSR and the GDR knew what their respective governments were doing, at least to some extent; these activities were open secrets. However, they may not have known the actual detailed policy behind these activities, or the motivations of those who implemented them. In that restricted respect, the conspirators were holding back some of their hand. However, it is also fair to say that these citizens knew enough to make broadly accurate claims about the conspiratorial nature of their societies. It turns out you can be conspired against *and know something about it*. Sometimes a conspiracy will be so big that everyone knows yet no one, seemingly, can do anything about it.[10]

10 In both the USSR and GDR cases, the impetus for shutting down the conspiracy came from external pressure.

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Or, consider the feigned secret. Sometimes we pretend some fact about the world is being kept secret because, say, acknowledging it would have adverse consequences, or admitting to it would prevent us from being able to achieve some goal. The feigned secret is a kind of open secret; everyone knows about it, but no one admits to it, and, if it is brought up, people will lie and claim they know nothing about it. Perhaps the most famous feigned secret was the intelligence that supposedly provided the justification for the invasion of Iraq in 2003. It was widely known that the dossier which apparently proved Saddam Hussein's regime was developing Weapons of Mass Destruction (WMDs) was not just suspicious, but also doctored. It was an open secret, and yet senior members of the Australian, UK and US governments maintained that they did not know this. Given the subsequent invasion of Iraq has been described as the result of a conspiracy by said governments, the fact the justification for that invasion rested upon maintaining false information – the lack of merits of which had been kept imperfectly secret – speaks very much to the role secrecy plays in a conspiracy.

7. ARE WE CAPTURING THE RIGHT THINGS WITH OUR DEFINITION?

We have argued that what counts as a "conspiracy" is much more complex than perhaps many conspiracy theory theorists – including ourselves – have previously considered. Minimally, a conspiracy is two or more people working together towards some end. Often, in order to achieve that end, conspirators must act in secret, but what counts as "secretive" in this case can be expressed in a number of ways. As such, the most obvious objection to all of the preceding arguments is to claim we simply have failed to adequately capture what counts as a conspiracy throughout this paper. Either we are capturing too much, which is to say we have cast our net so wide that anything secretive is automatically conspiratorial, or our stipulations fail to pick out what most of us typically consider to be conspiratorial when talking about these things called "conspiracy theories." Both of these objections should be considered seriously.

Let us start with the latter charge. Are we talking about conspiracies *qua* the kind of activities routinely associated with *conspiracy theories*, or are we mistaking talk about *conspiracy-like* activity?

How we define what counts as conspiratorial is of great import to the analysis of how we judge the warrant of conspiracy theories, both in the general sense (how we should think of conspiracy theories typically) and particularly (whether a given conspiracy theory is warranted based upon the available evidence). An open and general definition of what counts as a "conspiracy" rules in a lot of conspiratorial activity including, yes, some activity that we might not typically consider conspiratorial. The wider the definition, the more normal conspiratorial activity is, and thus the less unlikely conspiracy theories turn out to be.

The problem, then, with any definition of what counts as conspiratorial is whether it captures just enough of what we should consider falls under the purview of something being a conspiracy.[11] We have elected to work with a definition that emphasizes agents working together towards some end, with the idea that secrecy is a special condition, one which sometimes only comes into play once the conspiracy has commenced. As such, when agents collude, and then decide — in order to be successful in their plotting — that they must keep *selected* activities secret *from someone*, you have a conspiracy. Such

11 For a more in depth look at how our definitions of both "conspiracy" and "conspiracy theory" affect our analysis of the warrant of conspiracy theories, see Dentith (2016).

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activity, then, runs the gamut from the organization of a surprise party, having an affair, conspiracy to commit extortion, to political conspiracies. Conspiracies, under this view, turn out to be common.

7.1 Are cover-ups really conspiracies?

Another objection to the kind of argument we have run here is the claim that cover-ups are not necessarily conspiracies. After all, maybe we do not like cover-ups automatically becoming examples of conspiratorial activity, because that makes a whole lot of seemingly innocuous activity look sinister by association. After all, the organization of a surprise party can involve a cover-up, if the target works out what you are up to. Some might find it odd to consider such a cover-up either a cover-up or a conspiracy, but this is only because we typically restrict talk of conspiracies to sinister activities. Yet, as one of us has argued, this intuition mistakes suspiciousness with some kind of moral impropriety; keeping something a secret from someone is definitely suspicious, *but* it is not automatically sinister (Dentith 2014). If the worry about cover-ups is predicated on the idea that it lets in activities which are not sinister in nature, then this is not a useful distinction when demarcating between conspiracies and non-conspiracies.

Perhaps you are more worried that things like suspicions about surprise parties seem too petty to be considered the proper subject of a conspiracy theory? As one of us has argued, it makes sense that we are motivated – when thinking about conspiratorial activity – by talk of institutional, particularly *political* conspiracy theories (Dentith 2014). After all, if such *political* conspiracies are occurring here-and-now, then that challenges our trust in the influential institutions that make up our societies. However, the fact we are motivated by talk of what some theorists like Daniel Pipes call "word conspiracies" (Pipes 1997), or the "systemic" or "superconspiracies" Michael Barkun distinguishes (Barkun 2003), this does not mean we should be uninterested in small, "petty" conspiracies. Our interest in political conspiracies and their associated conspiracy theories simply tells us we are motivated by big, challenging claims about the world. It does not show that smaller, less influential conspiratorial activity is the kind of thing we should rule as out-of-bounds. As such, we need not rule out talk of surprise parties as being conspiratorial, especially if it turns out that the analysis of such events ends up being useful in analysing the general class of theories about conspiracies.

7.2 Is secrecy even necessary when conspiring?

We now approach the interesting question: Can there be a conspiracy without secrecy? While scholars might debate this, in the "real world," prosecutors generally do not. The legal definition of "conspiracy" doesn't require secrecy, and failure to keep a conspiracy secret does not absolve you of the crime.[12] Cases are not lost because the defendants

12 Consider, for example, a sample of legal definitions of criminal conspiracy in the US (Idaho Code Ann. § 18–1701; N.Y. U.C.C. Law Title G § 105; Wash. Rev. Code § 9A -28–040; 18 U.S.C. § 371). In each case someone can be charged with the crime of conspiracy as long as they intend to commit a crime with one or more other person. Whilst many such crimes will be planned and executed in secret, such criminal activity need not be necessarily secretive (i.e., two or more people could openly and publicly plan a crime and still be charged with criminal conspiracy).

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failed to keep their crime a secret (and can be won only if the defendants have in some way failed to maintain perfect secrecy). Now, whilst arguing from legal (or even dictionary) definitions is a fool's game – given that such definitions typically reflect societal attitudes rather than stand up to conceptual analysis – it is useful to look at why we might construe conspiratorial activity *merely* as two or more people working together towards some goal, and why choosing to keep that activity a secret is sometimes an afterthought.

In at least some cases, secrecy turns out to be an *auxiliary hypothesis* when it comes to an account of a particular conspiracy. In other words, we can ask whether conspiracy and secrecy fit hand in glove, with both given birth to simultaneously, or we can posit the question of which comes first, the conspiracy or the secrecy? Let us explore the second option (since the first is the accepted wisdom).

One can imagine the conversation on the school playground: "Can you keep a secret? Yes? Well, then let's conspire to keep this secret." However, as likely, and perhaps most often, a conspiracy begins with two or more people deciding to act in concert toward some end (or, from the Latin, "to share breath"). Usually (and, we might grant, perhaps always), and almost immediately thereafter, but *only after* their agreement to act in concert, they may decide to *confide* in one another (having shared breath, they now may "share faith"). So, there is at least a moment at which there is a conspiracy without secrecy.

7.3 The biscuits and the ghost

For example, imagine a scene in which a parent finds the cookie jar empty, and charges a child covered in biscuit crumbs with the crime. Said child blames a ghost for the disappearance of the cookies, and her sibling – also in the same room – says nothing to contradict her. It seems that the siblings are engaged in a conspiracy, without ever *overtly* agreeing to collude. Now, one objection is to say that conspiracies are *overt kinds of activity*; it is not enough to say that one sibling's silence counts as entering into tacit agreement to conspire, even if it satisfies some *cui bono* test.[13] Otherwise, why not think that the child is conspiring *on their own*, with the other sibling merely benefitting from the "conspiracy of one"? Surely, if we take such an objection seriously, what we are doing here, then, is merely riffing on what counts as secret, *and conflating secretive activity with conspiratorial activity*.

As we argued earlier, a conspiracy is the act of two or more people working together towards some goal, and *typically* choosing to keep their activities a secret from at least one other person. As it stands, it does not seem reasonable to think people can conspire on their own; conspiracies usually entail the kind of imperfect secrecy which comes from working with and trusting others. Our question here, then, is: "Is secrecy even necessary for something to be considered conspiratorial?" As it stands, if secrecy is a necessary condition for something being a conspiracy, then we need to understand that acting secretively is a behavior realizable in multiple ways, and is often a kind of necessary afterthought once one starts to conspire: "Now that we've hatched this plot, I guess we need to decide who we are going to keep this a secret from, eh?"

13 That is to say, even if we can show that the other sibling benefits from keeping silent, it is another thing to say that they agree to enter into a plot just by virtue of not speaking up. As such, we can ask "*cui bono*," but showing that someone benefits does not tell us said beneficiaries are colluding.

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7.4 *A case of conspiracy to commit extortion*

Of course, we might well be getting the chain of causation wrong here. This objection goes something like this: Surely all conspiracies are secret in some sense?

However, it is possible to imagine that in some cases conspiracies only work because everyone knows about them; when running a protection racket for local businesses, every business owner needs to know about it, and – if the protection racket is run well – many (if not most) law enforcement officers will be in on it.[14]

Here is an example of a conspiracy which might involve no explicit secret keeping at all: Alex and Billie conspire to extort Chris for money, because they know that Chris engaged in some dodgy deal recently, which Alex and Billie are sure Chris would not like to become publicly known. Alex and Billie suggest to Chris that they know about the deal, and also suggest that Chris give them some money, without ever explicitly stating that they will tell anyone about Chris's dodgy deal. Chris simply infers that giving Alex and Billie money will make them go away. As such, Alex and Billie do not seem to be keeping a secret in any overt sense, even though Chris might think paying them buys their silence about what she has done.

Now, on one level this could be a conspiracy without secrecy, because the success of the plot only requires Alex and Billie extort Chris about something *Chris is keeping secret*. Chris is secretive; Alex and Billie merely don't tell people about Chris's secret, but that does not necessitate that *they* are keeping a secret.[15] "But wait," you say, "the act of extortion means Alex and Billie are, by definition, keeping a secret; their extortion only works if Chris's dodgy deal never gets out." However, we can tweak the story so that afterwards Alex and Billie tell on Chris, or that Alex and Billie tell people about Chris during the extortion, but Chris is clueless about Alex and Billie's duplicity, and pays them anyway. It still looks conspiratorial in either case, but it trades upon the notion of secrecy, in this instance, being very ambiguous indeed.

Even if this example either gets ruled in as being secret-and-conspiratorial, our general point remains that there are going to be examples of what really do seem like conspiracies in which secrecy was a *secondary* consideration. We contend that serious consideration should be made to think of these as *actual conspiracies*, rather than something which is conspiracy-like or conspiracy-lite.

8. IN CONCLUSION

In political and scholarly discourse, we are generally encouraged to regard advancing a "conspiracy theory" as an epistemological vice. Indeed, merely advancing such a theory

14 Take, for example, the notion of *esprit de corps* (the notion of intra-group loyalty and devotion). You do not need everyone to be on the take to consider a department or organization corrupt. You simply need for members of that department or organization to consider their fealty to one another trumps their fealty to others (or the public generally). In this manner you do not need to bribe every member of, say, local law enforcement, in order to run your extortion racket. Rather, you bribe those officers you need to, and work on the notion that the loyalty of officers to one another generally will ensure your conspiracy goes to plan. Indeed, this seems to undergird much of the analysis of what happened in the cases of systemic police violence in Ferguson and Chicago in 2015, where the police covered up their activities in order to look after their own in preference to serving the public good.

15 After all, the fact you don't share with your friends the color of your underwear does not mean you are keeping that fact a secret from them; not telling people things is not the same as keeping secrets from them (or, at least, it would be strange to think that). Keeping a secret is an oddly active concern.

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is said to be a personal vice, since, being patently false, it indicates gullibility and delusion, and it constitutes the slander of those falsely accused as co-conspirators. In suggesting that her detractors are required to provide a bit of evidence, even those who might defend the conspiracy theorist are questioned. We find it unfortunate that most people do not take the phrase to task, or that they go further and deploy the epithet in order to defend an indefensible abuse of power. Is there a meaningful referent, or is "conspiracy theory" simply being used to demean people and dismiss what have often proved to be reasonable claims about, in historical context, relatively mundane events? Is there a discernible difference, a line to be confidently drawn, between the surprise birthday party, the adulterous affair, Iran-Contra, or the Volkswagen emissions conspiracy? Of course not. Any knowledge-claim, however labelled, should be evaluated critically. Tautologies that take a type of explanation as false by definition and *ad hominem* attacks upon claimants themselves should not be accepted by a critical thinker. Reason, logic, data and evidence must carry the day.

In this paper we have addressed the questions of what sorts of events can be counted as conspiratorial, and what does a "conspiracy theory" mean. Given the standard definition of "conspiracy," people secretly acting in concert, we examined the role and nature of secrecy in conspiracy. We find it to be a complex property of conspiracies, and not even a consistent requirement of all conspiracies. It appears as though each conspiracy will necessitate that different secrets be keep from different actors. Once the decision to conspire has been reached, and two or more people are sufficiently confident in the other(s) to proceed, passive secrecy or an active cover-up may be required. But it may not. As events unfold, additional active disinformation may be required. Or it may not. Once the goal is reached, secrecy must be maintained in some cases, while in other cases the co-conspirators must reveal the plot (either in whole or in part). Finally, we anticipated two objections. In response to the first, that the scope of our definition of "conspiracy" is either too narrow or too broad, we have emphasized that in untangling what a "conspiracy" is, we should not prejudice the outcome by accepting it as pejorative, or by assuming malice on the part of the conspirators (or on the part of "conspiracy theorists"). To the second, that a conspiracy by definition entails a secret, we point to the example of conspiracy to commit extortion, a case if ever there was one in which all parties, co-conspirators and the victim(s) alike, must be aware that a conspiracy is taking place if the objective is to be met.

As such, we recognize that there are, in fact, two conclusions to draw from this, one "strong," the other "weak." The weak conclusion is that the secrecy involved in conspiring is multifaceted (and, strangely enough, this is not talked about in the academic literature on conspiracy theories). The strong conclusion is this: secrecy is not necessary for something to be considered a conspiracy.

The weak conclusion follows from our arguments, and should not be controversial; it both speaks to how multifaceted conspiracies are, and how not recognizing this can lead to weird (and possibly reasonable) disagreements between particular conspiracy theory theorists about what counts as the proper domain of the conspiracy theory. That is to say that if you fail to recognize conspiratorial diversity, it's easy to go on to say "But that's not a conspiracy …" when someone else thinks – and it turns out for good reason – that it is.

The strong conclusion – that secrecy is not necessary for something to be considered a conspiracy – might be a position people want to reject. Maybe it makes conspiracies too common? Perhaps there is still some central intuition that secrecy is necessary for a

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conspiracy (but not sufficient) and we have failed to capture and refute that in this paper? Perhaps we might just want to stipulate that secrecy is necessary because we are only interested in those kinds of conspiracies when talking about conspiracy theories. Whatever the matter, we recognize that the strong conclusion might be hard to swallow for some.

Still, we would suggest that rejecting either conclusion is problematic. If we stipulate any unwarranted characteristic of "conspiracy theory" (for example, "secrecy," however understood), we have arbitrarily ruled out a multitude of actual conspiracies and a multitude of claims about them. Objections to these arguments are grounded in the *a priori* belief – which we have argued is unjustified – that there is something inherently wrong with a "conspiracy theory." Unwilling to abandon that assumption, a move is made to cordon off some claims, those that are perhaps most likely to stand up to scrutiny, as "not really" conspiracy theories. We believe this move is illogical and indefensible.

We hope that these arguments will motivate more careful consideration of the nature of conspiracy, and the role of secrecy therein. Scholars and citizens alike, we believe, must examine more critically the concept and its use, and suppress what is usually an almost autonomic gag reflex. One final example of the complex relationship between conspiracy and secrecy: Having ourselves engaged in the conspiracy of co-authoring this paper (which, although involving no active secrecy on our part, involved the open conspiracy of those who are by their own admission monitoring international email traffic), our goal has been realized. As our plot entailed this outcome from the beginning, we are ready to reveal our conspiracy, which we hope few will find too sinister.[16]

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