

HIDING IN PLAIN SIGHT: MINORITARIAN APPROACHES TO ESPIONAGE,
FORENSIC ARCHITECTURE, AND IN_VISIBLE CO-PRODUCERS

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Abstract

Minoritarian approaches to current manifestations of espionage and hegemony-critical uses of intelligence unsettle both the common distinction in ‘spying’ (as active intentionality) and ‘witnessing’ (as passive incidentality) as well as the association of activism and visibility.

Analyzing investigative practices at the intersections of legal cultures and politicized contemporary arts, the following research question is discussed through the transdisciplinary (Audio-)Visual Culture and Contemporary Art Studies: Which exchange movements and entanglements between contemporary investigative artistic, curatorial, and aesthetic practices on the one hand, and espionage and intelligence on the other, can be discerned, when considered in regards to ambivalences and contradictions of, as well as emancipatory approaches to, in_visibility?

By shedding a spotlight on four investigations by the research agency Forensic Architecture (*Torture in Saydnaya Prison*, *The Beirut Port Explosion*, *The Murder of Halit Yozgat*, and *Digital Violence: How the NSO Group Enables State Terror*), ‘hiding in plain sight’ serves as a guiding motif to scrutinize in which media-political configurations Forensic Architecture, as a different kind of intelligence agency, and espionage of in_visible co-producers concur in the aftermath of the Cold War and the 1968 movements.

1_Introduction

Since the nineteenth century, the courtroom, as dominant legal dispositive as well as imaginary model, manages and curates in_visibility through its architecture, rules, and procedures.¹ Central to this is the publicity maxim accompanied by the judge’s ‘confidentiality of deliberations’ conducted in a separate room.² Prior to the deliberations, the legal evidence procedure translates indices at the threshold of in_visibility and creates a hierarchy between different types of (legitimate) knowledge and data carriers.

Western notions of visibility relating to truth, fairness, and transparency are prominently featured (i) in the legal ideal of truthful justice as epitomized in the inquisitorial procedural model of continental European jurisdiction, (ii) in the political ideal of democratic negotiating in parliament, as well as (iii) in civil disobedience that traditionally also takes place publicly and in plain sight. A comparable characteristic is central to the museum, too: The paradigm of democratizing objects through their display in galleries is contrary to the dogma of avoiding visual exposure of sacred artifacts in what is classically defined as non-ritual contexts.³

As a fundamental practice of jurisdiction, ‘witnessing’ might suggest a passive incidentalness. The term ‘spying,’ in contrast, implies an active intentionality linked to a power system. But as both terms involve human and non-human actors (architectonical mechanisms, technological structures, natural entities, etc.) and since witnessing can be practiced intentionally and strategically as activism,⁴ their clear distinction erodes. Based on this premise, the investigative practice of the research agency Forensic Architecture will serve as an example in order to diagnostically discuss minoritarian approaches to current manifestations of espionage and hegemony-critical uses of intelligence in selected genealogies. Less a quantitative designation than one regarding agency and access to technologies, spaces, and knowledge, ‘minoritarian’ implies that different ways of resisting invisibility *or* exposure are taken in order to be able to (successfully) document an event and investigate it.

The briefly drawn line from law to politics and the arts points to the research question this article raises: Which exchange movements and entanglements between contemporary investigative artistic, curatorial, and aesthetic practices on the one hand, and espionage and intelligence on the other, can be discerned, when considered in regards to ambivalences and contradictions of, as well as emancipatory approaches to, *in_visibility*?

This paper posits the hypothesis that the figuration ‘minoritarian espionage’ subtextually carries the prefix ‘counter’ with no easy claim for visibility, but rather the search for new methods of curating and transforming the *in_visible* through critical actualizations of intelligence.

How can state crimes be proven in areas that restrict access? How to reconstruct destroyed evidence? And how to employ techniques militaries and corporations use to control and harm civilians or environments in a critical manner? These are typical questions the investigations conducted by Forensic Architecture, an interprofessional group, emerging transdisciplinary practice, and research agency based at Goldsmiths, University of London, emanate. It was founded by architect Eyal Weizman in 2010 and is most often commissioned by human rights platforms, non-governmental organizations (NGOs), or communities. The agency contributes to a disclosure of various conflicts and crimes ranging from airstrikes, chemical attacks, environmental destruction, to police violence, amongst others. Collaborating regularly, Forensic Architec-

ture forms part of networks in pursuit of social justice through applied research and “epistemic activism,”⁵ to use an expression by critical design scholar Aimi Hamraie.

‘Evidence’ has become the umbrella term for the processual products created in Forensic Architecture’s work and its distribution, which can contradict official accounts of an event or a situation. The results take on a linear form (reports, timelines, video-documentations, etc.) or a non-linear one (installations in an exhibition space, interactive cartographies, architectural models, etc.) and thus rely on different modes of generating and distributing evidence. In addition to the agency’s website, which is an archive for released cases, venues for co-publication range from legal forums comprising tribunals and court rooms to art institutions or theatres that eventually are repurposed as people’s tribunals. Combining scientific and rhetoric procedures of evidence with discursive programs, the agency’s presence in legal, educational, activist, cultural, and artistic fora, where investigations are made public and negotiated, is situated in-between the curatorial, legal theatre, performance, and new forms of testing truth and creating (arte-)facts.

Even though Forensic Architecture is not subject to the aforementioned confidentiality of deliberations prior to the presentation of an aesthetic judgment, the agency operates in partial secrecy until the insight in a specific case has attained a presentable form. The public truth is generated—this seeming paradox is too obvious to be overlooked—behind closed office doors, until a more or less finished production gets released. This however has to do with the fact that delicate (criminal) matters require a sensitive handling of information so as to choose the right timing to publish an investigation. A circumspective usage of sources and data, as known from investigative journalism, serves to protect individuals or communities that have commissioned an investigation or were affected by the respective incident. Cautious behavior is also required from researchers, prompting them to take measures such as hiding one’s identity or IP-address during searches, communication, and transmissions on the web.

Following traces and clues along a detective reasoning and tracking down sources (including from human, signals, and imagery intelligence) are classical and established ways of truth-finding, which in the case of Forensic Architecture get combined with an ongoing elaboration of investigative procedures. Confronted with surveillance and sensing technologies that themselves are in constant development, the intention is to repurpose them for a collective interest: geolocation, image complex, software de-

velopment, re-enactment, shadow analysis, situated testimony, or open-source intelligence (OSINT), which is of special interest in regards to in_visibility,—to name a few procedures Forensic Architecture employs. In numerous instances, the agency forensically researches phenomena and events that are supposed to remain unnoticed by publics or that are buried in files or covered in data. A comparable observation is made by artistic researcher Charles Stankievecch in regards to the double identity of Anthony Blunt, art historian at Cambridge University and Soviet spy during World War II: “[T]he spectacle of the image itself serves to hide what matters most.”⁶ In the case of Forensic Architecture, one could argue that contemporary arts feature a double agency themselves, even if for minoritarian/activist/critical openings to intelligence.

Methodologically, this paper is situated within the transdisciplinary (Audio-)Visual Culture and Contemporary Art Studies, building its propositions on the basis of exemplary case analyses. Four selected investigations by Forensic Architecture (publicly accessible on the agency’s website) shall thus allow to consider various aspects of in_visibility:

(I) *Torture in Saydnaya Prison* (published 2016, incident since 2011): In relation to this investigation, eavesdropping and earwitnessing are discussed as an alternative basis for forensics where vision is restricted.

(II) *The Beirut Port Explosion* (published 2020, the year of the incident): Juxtaposed to the first investigation, transitions between spying and eyewitnessing in the context of OSINT are discussed.

(III) *The Murder of Halit Yozgat* (published 2017, incident 2006): Here, the work with sensorial reconstruction and leaks is put in relation to acting visibly in plain sight, as traditionally ascribed to civil disobedience.

(IV) *Digital Violence: How the NSO Group Enables State Terror* (published 2021, incident since 2015): Departing from the exposure and sonic data visualization of invisible networks infected by cyber-attacks, potentials as well as ambivalences of “investigative commons” are reflected by looking at iconic and curatorial stagings of the collective.

Looked upon through the lens of in_visibility, secondary references comprise artistic, curatorial, and theoretical inquiries into configurations of the secret and of subversion by Lawrence Abu Hamdan, Luc Boltanski, Ulrike Boskamp, Eva Horn, Kata

Krasznahorkai and Sylvia Sasse, KW Institute for Contemporary Art, Geoffroy de Lagasnerie, and Charles Stankieveh, amongst others.

‘Hiding in plain sight’ will be the guiding motif to scrutinize in which media-political configurations Forensic Architecture, discussed as hegemony-critical intelligence agency, and emancipatory espionage of in_visible co-producers of the investigations concur and how this unsettles common associations of activism with visibility in the aftermath of both the Cold War and the 1968 movements.

2_Spying/Eyewitnessing—Eavesdropping/Earwitnessing

In order to establish a multisensory understanding of in_visibility in the work of Forensic Architecture, this section juxtaposes two investigations: one dealing with spying and eyewitnessing, the other with eavesdropping and earwitnessing. Which effects of uncovering and revealing the in_visible are at work? Central to the presentation of the research results of each inquiry undertaken by the agency is the investigative video. This has to do with the fact that in its function as a ‘making-of-the-evidence,’ the video can be pertinent in legal, political, and artistic contexts through a transversal application and practical reflection of aesthetics.⁷ Investigative videos are no simple chronicles, but stories with a hierarchy between “motifically encoded” elements of an event, meaning that the story consists of more than a line of occurrences: “inaugural motifs” and “transitional motifs” are central to the casuistic (case-based) narration/investigation, as the following example demonstrates.⁸

(Ad I) *Torture in Saydnaya Prison* (published 2016) ‘remotely’ investigates a prison for secretly abducted people, categorized as dissidents by the authoritarian Syrian regime. At the beginning of the documentary video, recordings show street protests, before an establishing shot zooms into a satellite image. Meanwhile, a voice-over recounts the premise of the inquiry:

Since 2011, tens of thousands of people have disappeared into a vast network of prisons and detention centers run by the Syrian government. Many have been taken to Saydnaya [...]. [...] Inaccessible to journalists and independent monitoring groups, the prison is a black hole of which no recent images exist. The memories of those who survived it, are the only available resource of which to understand what happens within Saydnaya.⁹

After having simulated a preliminary architectural model of the prison based on interviews conducted by the commissioning NGO Amnesty International, the research team of Forensic Architecture met former detainees.¹⁰ In a studio arrangement, Sayd-

naya was reconstructed in further detail by invoking the sound-memory of the first-degree witness testimonies of the survivors. In this process, comparison and negativity (*it sounded like..., it did not sound like...*) occurred frequently, evincing that “[m]emories of violence are rarely straightforward records.”¹¹ Referring to himself as “private ear,”¹² research fellow of Forensic Architecture, artist, and audio forensic expert Lawrence Abu Hamdan “reconstructed ambient and contextual sounds” through “[e]cho and reverberation modeling” that “helped to confirm the size of the spaces [...] as well as to reconstruct some incidents within them.”¹³

Various translation processes relating to regimes of the in_visible resulted in an innovative investigative accomplishment. It consisted in an attempt to overcome the hierarchy of the eye over the ear, which is haunted by writings of the Athenian historian and general Thucydides dating back to the fourth century BC, according to the *Dictionary of Untranslatables*:

Historiê and *historein*, too closely related to oral forms of inquiry, no longer have their place in his epistemology. The ear is never trustworthy: what is *said* is trafficked, spread, transmitted—everything that comes from memory is subject to deformation and yields, deliberately or insidiously, to the law of pleasure that rules word of mouth. This is why there is no other scientific history but that of the present. And there still remains a need for the eye and the fact of seeing oneself to be sifted through a critique of testimony. Writing history is the transcription of an eyewitnessing, or better, of an autopsy.¹⁴

The following four analytical points not only relativize, but refute Thucydides’ assessment:

(i) Through the technique of “situated testimony” developed by Forensic Architecture, the survivors could retrospectively be activated not only as eavesdropping¹⁵ sensor-witnesses but take in the position of scouting field-agents in a simulated architecture, where a shared quasi espionage transfer knowledge was created.

(ii) Residues of the mentioned supremacy of the eye over the ear were countered through the application of filmic sound effects (SFX), where proximity and immediacy are mainly achieved through a professional audio technique.

(iii) Earwitnessing/eavesdropping became a minoritarian (hegemony-critical) tool to resist the invisibility paradigm of Saydnaya, translating what had been heard by the detainees to a visible architecture as well as to an architectural image.

(iv) The investigation is an inversion of representational critique, as it does not deconstruct or raise doubts regarding the depicted reality, but reconstructs reality in a

deep search of what has been registered and can be accessed through description in an artistic-investigative process in favor of an approximation to truth.

Since then, Lawrence Abu Hamdan continued to work on the precarious status of earwitnessing in legal evidence, attaining to art-related forums to address them as reflexive instances with a non-positivist notion of art and to challenge legal aesthetics.¹⁶ His exhibition *Green Coconuts and Other Inadmissible Evidence* (2020/2021) at the Vienna Secession dealt with objects and investigative methods not admissible in court, because they are too experimental, derive from unusual knowledge systems and sources, or reach into the poetic. This brings to mind the metaphor “fruit of a poisonous tree” by Supreme Court judge Felix Frankfurter from 1939, an often-cited doctrine for evidence coming from unreliable sources or gathered in unethical or unauthorized ways, and which is therefore considered inadmissible. Inadmissible or only accessible through detours—part of the show at Secession, the exhibited audio-visual installation *After SFX* (2018) references special effects¹⁷ used in the Saydnaya investigation such as in court cases where sonic proof was relevant. Empty cans, a megaphone, a popcorn maker, a slingshot, a train whistle, and watermelons,¹⁸ to name just a few: the companion *Earwitness Inventory*¹⁹ consists of ninety-five “custom designed and sourced objects”²⁰ that indicate how cinematic effects may sound more real than the actual materials or objects creating a specific noise. After all, the inquiry into Saydnaya had to take into account how torture had distorted the witnesses’ perception, as the prisoners were blindfold most of the time in the literal sense of being *under cover*. Not supposed to see, they were however still able to hear and sense the environment—even more so, as the torture method of enforced silence had “heightened [their, L.S.] listening capacities.”²¹

Usually employed where diplomacy fails, spies observe unnoticed in covert operations through various media interfaces, architectural mechanisms, surveillance technologies, networks, and systems. (Another narrative reads that diplomacy is a pretext to spy or spread disinformation.²²) During the past two decades, a new paradigm of truth-finding has evolved: similar to an analogue document buried beneath files to complicate its discovery, investigations based on ‘open-source intelligence’ (OSINT) use material and data gathered from overt and publicly available sources that are, so to say, hiding in plain sight. Understanding this kind of intelligence requires to scrutinize the practice of Forensic Architecture against the background of new kinds of

publics that are covert and hidden, but not necessarily secret. If necessary, these investigations are executed through methodologies and programs assisting to remain anonymous or unnoticed. *Nota bene*: In the present “age of surveillance capitalism,”²³ “90 percent of useful information acquired by intelligence services comes from public sources.”²⁴ Anonymous gatherings of OSINT “across hostile environments” must “be conducted secretly to avoid revealing the searcher’s identity.”²⁵ Although advanced searching expertise is needed, this “gathering is less expensive and less risky than traditional spying activities” like those that “require using spy satellite images or secret agents to collect information.”²⁶ Nowadays, the panopticon seems no longer an adequate dispositive to describe the performance of OSINT, as also performance scholar James M. Harding points out:

The Foucauldian notion of internalizing a panoptic sensibility is no longer necessary. While individuals are still the object of surveillance, their awareness of surveillance is a less and less significant factor in social control.²⁷

Unlike the investigation into Saydnaya prison, the one into (ad II) *The Beirut Port Explosion* (published 2020), enabled Forensic Architecture to retrieve a vast number of images and visual data through OSINT. The idea of a ‘remote’ investigation in a field (outside a studio or office) pertains to a pre-digital logic of publicness, whereas it would be more accurate to speak of various overlapping digital publics in regards to investigations such as this one.

After the explosion, which killed and wounded many and destroyed large urban areas, the independent Egyptian newspaper *Mada Masr* asked Forensic Architecture “to provide a timeline and a precise 3D model to help investigate the events of that day,” August 8, 2020:²⁸

We [Forensic Architecture, L.S.] collected and examined images and videos taken by witnesses of the blast and shared on different platforms online. Using details about the smoke, fires, and explosions, we were able to geolocate each piece of footage and calculate the camera’s cone of vision.²⁹

To work with “the camera’s cone of vision” places the investigation between spying and eyewitnessing through technologies, human actors, and non-human “capture agents.”³⁰ Like most of the agency’s videos documenting and narrating an investigation, the one into the Beirut explosion contains an explanatory voice-over. It insinuates the notion of an evil and criminal state: What is alluded to is a failure of those responsible, despite warnings from officials, while leaked images would confirm “sub-

stantial and sustained state negligence.”³¹ Such rhetorical structures have been unraveled by sociologist Luc Boltanski in *Mysteries and Conspiracies: Detective Stories, Spy Novels and the Making of Modern Societies*:

The search for truth [...] has to take into account the constant tension between the *official* and the *unofficial*. The tension is obviously at the heart of the political intrigues about which the principal players continually dissimulate or lie and make official declarations that contradict testimony gathered from official sources.³²

Facing official accounts and the possibility of “political intrigues” that influence or manipulate politics of the in_visible, the investigations of Forensic Architecture address architectures as a medium of care and advocacy (as “patient patients”³³), instead of focusing on the figure as either victim or agent of intrigue. A simulated architectural model reconstructing a tragic event, like in the investigation *The Beirut Port Explosion*, furthermore functions as portable evidence that ties a collaborative network among open-source intelligence, secret espionage missions, “material witness[es],”³⁴ and testimonies.

Forensic Architecture is largely perceived as a knowledge-producing actor within audiovisual cultures and politicized arts. In *Knowledge Beside Itself: Contemporary Art's Epistemic Politics* art historian Tom Holert writes aptly that “in the context of contemporary art, knowledge tends to be considered primarily oppositional, subversive, counter-hegemonic, drawing from a wide range of critical thought.”³⁵ But critical, subversive, and resistant from which perspective and in contrast to which traditions? That is a central question for the critical approaches to espionage this paper explores. Boltanski points out: “Conservative or even reactionary in their inspiration, the classic crime and espionage novels present narratives in which the state, the legitimate state, always gets the upper hand in the end.”³⁶ In contrast to this account, Boltanski brings to light an alternative genealogy of the figure of the detective: The enlightenment writer Voltaire’s “aim was not so much to influence literature as to change the political and legal realities of his time,” so that “[i]f the classical detective stories had taken their inspiration from Voltaire’s example, they would have gone in [...] a critical direction, rather like the counter-narratives that appeared in American crime fiction in the 1930s and 1940s and, in France, in the years following the events of May 1968.”³⁷ How could, analogously, an alternative derivation of the in_visible spy look? The next section intends to tackle this question.

3_Historical Shifts: Withdrawn Publicities and Crisis of the Assembly

Selected reference points from the fifteenth to the twentieth century shall demonstrate historical shifts in the affiliation of espionage with information and object transmission, people's mobility, intrigue, intimacy, rumor, and the arts. These points serve as a backdrop to illuminate appropriations of espionage techniques and habitus forms in the investigative architectural, artistic, and curatorial practice of Forensic Architecture in the twenty-first century.

An emblematic personification of the spy appears in a well-known publication by iconologist Cesare Ripa in the seventeenth century:

Cesare Ripa included the figure of the *spia* in the 1613 edition of his [...] much-translated *Iconologia* [...]. The image of the *spia* shows a travelling phantom hiding his face, shedding light from a lantern on the world in front of him, in order to be able to collect visual information. The emblematic decoration of his coat shows eyes, tongues and ears, illustrating the multisensory skills needed for his mission.³⁸

From mission to transmission: Spies are (un-)authorized bearers of information, anecdotes as “culture-poetic medium,”³⁹ materials, or objects to their employers. Subsequent to the development of the central perspective in Italy in the fifteenth century, which transformed paintings into “a portable type of data carrier,” landscape painters were put under suspicion of espionage from the eighteenth century onwards; this connected the military draughtsman and “the artist as spy” to a tourist mobility on the one hand, and emphasized the spy as “an intruder, a foreigner, the vanguard of conquest by the enemy” on the other, according to art historian Ulrike Boskamp.⁴⁰ Philologist Peter von Matt demonstrates that intrigue at baroque courts is another predecessor of espionage cultures, which shifted to the metropolis in the eighteenth century.⁴¹ Serving a court or state, spies have been associated with individual agents operating in foreign countries, with traitors switching side, as well as with informants and observers (not strictly defined as spies) eventually spying among friends.

Intimacy, killings, and espionage: Yet the figure of the spy may be situated not only on the level of the state, but also on that of the family. In a psychoanalytic reading stemming from the early twentieth century, the child can be seen as a proto-spy from a minoritarian position, peeping through the keyhole or eavesdropping at the parental door, thereby involuntarily witnessing their intimacy. As for the film *Road to Perdition* (2002, directed by Sam Mendes), the son's curiosity makes him find out

about his father's job as hit-man after having secretly followed him to a nightly killing.

With the invention of the female spy during World War I, “[t]he intrusion of politics into intimacy raises the specter of a third party”—“the sexual becomes political, just as the political and martial become sexual,” according to literary scholar Eva Horn.⁴²

Mata Hari [a dancer, courtesan, and spy for Germany, L.S.] is one model of female spy—that which involves glamour, seduction, and a comedy of the sexes. The other model is derived from the invisible functionary, the secretary and silent organizer who in times of war replaces the absent men.⁴³

From espionage to rumor: Remarkably, *Spia*, as depicted by Ripa, features parallels with *Fama*, the allegorical personification of rumor with its thousand eyes, tongues, and ears, as introduced in the fourth book of the epic *Aeneid* by the Roman author Vergil. Jumping to the twentieth century, the Ministry for State Security in the former German Democratic Republic instrumentally combined practices associated with *Spia* and *Fama*:

Rumors were a popular disruption measure for isolating persons [...] and for discrediting their public reputation. The truth content of the disseminated rumors could largely not be determined, which made it even more difficult to defend oneself against them. The content was tailored to the individual person [...].⁴⁴

According to Slavicist scholar Sylvia Sasse, this demonstrates that “[s]ubversion can be both power-critical and power-stabilizing.”⁴⁵ The double sidedness of subversion, but also of art practice and fiction, was subject of the exhibition *Artists & Agents—Performance Art and Secret Services* (2019) at Hartware MedienKunstVerein in Dortmund. In the accompanying publication, the curators and editors Kata Krasznahorkai and Sylvia Sasse respond to the much-vaunted book *The Secret War: Treason, Espionage, and Modern Fiction* by Eva Horn, for whom “[f]iction [...] is the most lucid way of shedding light onto the structure of the modern political secret,”⁴⁶ by distinguishing their inverse research strategy:

[I]n order to understand the logic of espionage, Horn examines exclusively fictional works, literature, films, plays. After many years of studying the documents of secret services however, it seems much more important to focus more on the fictionalization of non-literary actors, i. e. the secret service.⁴⁷

This means, that if the “specter of the third party” is a regime, it must not prohibit something in order to control, but can intervene through alleged coincidental interruptions, which Slavicist scholar Sasse calls “performative censorship.”⁴⁸

To be located between the approaches of Horn (who infers from the fictional to reality) and Krasznahorkai/Sasse (who infer reality from the fictional) that of Boltanski is “to emphasize the relation between the emergence of a literary form and the development of modes of governance that constituted the political environment for that genre,”⁴⁹ leading to a study of the mutual interferences between reality as deliverer of fictions and fictions as embodiments of reality—an approach most fruitful for an analysis of the case studies assembled here.

While a rumor implies to know something only from hearsay, Forensic Architecture conducted a both politically and art-theoretically influential investigation, establishing that an intelligent officer must have been a first-degree witness to a murder. This means that he had direct sensorial contact with the event (through seeing, hearing, or smelling). (Ad III) *The Murder of Halit Yozgat* (published 2017) refers to an incident in 2006, which happened in an internet café in Kassel and was part of a series of murders in Germany connected to the neo-Nazi *National Socialist Underground* (NSU). The evidence produced by Forensic Architecture contradicted the version of Andreas Temme, the German intelligence officer in question, and was based entirely on open-source material including leaks (“public police reports, witness testimonies, computer and phone logs and crime scene photographs”⁵⁰) encountered on a website known as *NSU Leaks*.

Titled *77sqm_9:26min*, Forensic Architecture’s work can be described as ‘meta-filmic’ in the sense that the investigative video (i) shares genealogies with both video installation and found-footage montage, (ii) functions as a ‘making-of-the-evidence,’ (iii) of all things proves wrong Temme’s version on the basis of his filmic reenactment, and (iv) reflects its own apodictic character in being an investigation on a police investigation. As a piece of evidence, the work was crucial for the continuous struggle against structural and institutionalized racism, as it is on the agenda of the *Tribunal Unravelling the NSU Complex*, because the media-forensic inquiry substantiated the tribunal’s fight against the wrongdoing of the police investigation. The fact that the tribunal, as both performative people’s assembly and counter-archive to the NSU trial,⁵¹ is supported by theatres, museums, and other cultural institutions and

platforms, epitomizes the current tendency of a pronounced politicization of the arts along with a partial shift in institutional responsibility. As symptomatic for such a development, one can read the proposal of the “radical democratic museum” by curator Nora Sternfeld,⁵² where reflection and critique are expected to cause direct action. Similar radical democratic stances, which accentuate dispute and assembly in a forum, appear in the presentations of Forensic Architecture. Yet, and due to a crisis of assembly, these connect agonistic approaches to democracy with minoritarian approaches to espionage taking place in withdrawn public spheres.

Having introduced the leak-based investigation *The Murder of Halit Yozgat* gives reason to consider a significant twist in the espionage imaginary emanating from the so-called whistle-blowers that often remain anonymous. In the book *The Art of Revolt: Snowden, Assange, Manning* philosopher and sociologist Geoffroy de Lagasnerie recognizes a shift away from the paradigm of civil disobedience as ascribed to *A Theory of Justice* by political philosopher John Rawl. In contrast to “the subject or the collective that disobeys [...] publicly, in plain sight,” bearing the legal consequences of its behavior, Edward Snowden, Julian Assange, and Chelsea Manning stand for a new political subject; intervening anonymously and refusing “to take on the law personally or to recognize his or her inscription in the order of the law,” it is characterized by a practice of flight in relation to nation-states.⁵³ This phenomenon is insofar novel, as since the nineteenth century “European political philosophy has been obsessed by the body and the state,” writes sociologist of science Bruno Latour in response to John Dewey.⁵⁴ In the investigations of Forensic Architecture one finds traces of such a notion of embodiment, as will be discussed further below. Making use of today’s accessibility of technical and electronic recording devices to reverse control, in_visible co-producers contribute to the criminal investigations knowingly or unknowingly, publicly or covertly—even if not without geographical, economic, or social digital divides in information ecologies of publicly available material found in concealed searches. In_visible co-production can incorporate both “self witnessing” (“bearing witness to one’s own suffering”) and “external witnessing” (“testifying to someone else’s suffering”), to cite a distinction drawn by political scientist Daniela Mansbach.⁵⁵ Relying on a broad spectrum of witnessing, minoritarian espionage, and automatic registration, Forensic Architecture’s task consists of extracting, condensing, and synchronizing information from footage as the basis of legal evidence.

4_Dialectics of In_Visibility—A Different Intelligence Agency

This section argues that Forensic Architecture functions less in the tradition of an artist collective or that of the studio-system, but in that of an intelligence agency in the aftermath of the Cold War—with relevant reversals. These entail new configurations of the in_visible, as shown in relation to OSINT, the intentionality of the investigations in favor of civil societies (instead of espionage services for states or regimes), as well as the infrastructural embedding and organizational adaptability of the work. Consequently, and in contrast to artist collectives, emphasis lies less on individual personalities than on skills required by the respective jobholders for a specific purpose; except for the founding director, team members of the research unit are therefore more easily interchangeable.

In the mentioned book, Eva Horn dedicates a chapter to the Cold War, speaking of the significance of the publication *Strategic Intelligence for American World Policy* by historian and CIA-pioneer Sherman Kent, for since then, according to Horn, intelligence has been considered as a specific type of knowledge:⁵⁶

He [Sherman Kent, L.S.] civilizes intelligence by providing a theory of intelligence as a total, encyclopedic, and not necessarily secret type of knowledge. Now their image was shaped not by gun-toting field agents but by deskbound case officers [...].⁵⁷

Keeping in mind Tom Holert's analyses of contemporary art's epistemic role fore-cited, a parallel becomes apparent: The (subversive) knowledge production of (national) intelligence agencies as well as the subversive knowledge production of the arts have both spatially shifted from the field, street, or studio to the office, where cases are processed quasi academically. Horn continues:

The epistemological self-reflection introduced by Kent not only gave rise to a quasi-academic self-understanding of the intelligence services but also had institutional consequences. Improvised subsections attached to war ministries turned into autonomous administrative bodies that were fully equipped both financially and technologically.⁵⁸

The institutional configuration of Forensic Architecture bears similarities to the delineated genealogy of intelligence agencies in the postwar period: Initially a study program, the agency became an independent unit at Goldsmiths in 2010 (bound to the charter of the college) on the basis of a “self-reflection” of its eponymous multi-disciplinary practice that merges forensics with architecture, understood in a broad infrastructural sense. Art institutions, along with NGOs or communities (but not mili-

taries or governments⁵⁹), can become co-commissioners of the intelligence produced by the research agency.

Antithetical to the ‘secret war’ (played out in hypothetical scenarios of nuclear attacks and counterattacks), as explored in Horn’s monograph, giving activism a platform in postmodern arts gained momentum in the wake of 1968. (Western) anti-establishment movements were increasingly associated with publicly physical co-presence. On the one hand, this resonated with radical democratic theories that questioned consensus-oriented notions of publics, as well as with corresponding forms of artistic activism; on the other hand, this association went hand in hand with a shift away from the artist’s studio in favor of new forms of spatial production, for example in social contexts or academic institutions.⁶⁰ The book *The Art of Direct Action: Social Sculpture and Beyond* asserts a shift from representation to direct action within contemporary arts, and thereby goes beyond Rawl’s equation of activism with assembly in a forum to claim visibility. This is relevant for the practices under scrutiny in this paper, as counter-forensic inquiries are coded both as political artworks and legal evidence, ideally causing a direct effect. However, Forensic Architecture’s strategies are not limited to “direct action.” On the contrary: Due to the dialectics of in_visibility, the investigations both have to deal with matters hiding in plain sight and can themselves hide in plain sight, whereby academia and contemporary arts are of considerable importance.

Heterogenous takes of art and activism to invisibility shall thus be mentioned. First, in regards to the digital sphere: *Open Secret*⁶¹ (2021) was a digital curatorial platform of KW Institute for Contemporary Art, consisting of artworks, essays, a glossary, and an educational program. Initially, the website was black until the content became visible to visitors by moving their cursor, programmed to wipe away the black as symbol for the ‘open secret;’ but visibility was only a partial one, as algorithms—themselves in_visible co-producers of the aesthetic experience—intervened by for example morphing and blurring images and text. Second, in regards to the urban space: The art critic Lucy Lippard describes the Trojan Horse from Greek mythology “as first activist artwork” where the subversive operation happened under disguise.⁶² (The Greeks were able to invade the city of Troy by hiding in a wooden horse, which the Trojans mistook for a trophy of their victory and thus pulled into their city walls.)

These examples shall allow to put the apparent paradoxes presented so far in a nutshell. Consequential to the fact that secrecy and covert performances are deeply inscribed in suppressive networks, a seemingly contradictory approach has arisen: It consists in counter-transferring intelligence and covert performance through minoritarian approaches to contemporary espionage. Without being exposed to the danger of extradition or torture like spying field agents, the team-members of Forensic Architecture, operating out of academia, nevertheless face a certain danger of being censored, hacked, or prosecuted. At the same time, the proposition of “investigative commons” by the eponymous exhibition in the foyer of the House of World Cultures (HKW) in Berlin, requires to perceive the office, the studio, the laboratory, and the field as intimately linked epistemic sites. *Investigative Commons* (2021) presented twelve investigations conducted by Forensic Architecture and put forward “a new model of collaborative truth production” through the work with “Data Commons,” “Open Verification,” and OSINT.

One of the investigations co-published jointly with the exhibition at HKW, deserves a closer look. The investigative platform (ad IV) *Digital Violence: How the NSO Group Enables State Terror* (published 2021) intends to be the first global mapping of cyber-infections through the NSO Group (an Israeli technology company founded in 2010) since 2015,⁶³ conducted by Forensic Architecture on its own initiative with support from Amnesty International and the University of Toronto-based The Citizen Lab.⁶⁴ It reveals how through the NSO Group’s “Pegasus” malware—a corporate infrastructure that secretly gets bought by states under the disguise of booking a service—researchers, journalists, and human rights activists, amongst others, were put under surveillance (including collaborators of Forensic Architecture). Thus, they became targets of digital violence, which then might revert to their bodies to intimidate them through physical violence, sparing neither sphere.

On the platform, various videos are embedded. At the beginning of the investigative video *Pegasus: Targeting the Investigators* a sonification (a sonic data visualization by musician Brian Eno) along a pattern recognition time-line is followed by video clips of activists, journalists, and human rights defenders facing the webcam, geographically located in a bird’s eye view on a dark blue world map. In contrast to the Cold War agent, who received orders to be fulfilled conscientiously without being familiar with the in_visible ‘bigger picture’ of one’s actions, a (for the viewer poten-

tially satisfactory) bigger picture of cyber-infections is reconstructed in form of a “networked image;”⁶⁵ the representational aesthetic choice to situate individuals on a world map epitomizes the intention to unravel “Pegasus” organizational methods of infrastructural violence enabled through the software architecture under investigation. The video reports that even those investigators of Amnesty International scrutinizing NSO Group incidents were themselves attacked by “Pegasus,” according to the voiceover spoken by Edward Snowden, former employee and whistle-blower of the US-American NSA and currently president of the Freedom of the Press Foundation, —a symbolically strong dramaturgical decision—: “That they were targeted by the malware by the very company they were suing in court raises serious questions about the activities and ethics of the NSO Group.”⁶⁶ In response, Amnesty International filed a petition against the “Pegasus” software export license in an Israeli court; but instead of granting the petition, an order was issued that the proceedings should take place behind closed doors. To the irritation of the activists, the request was rejected on the grounds of insufficient evidence.

Another investigative video, *Inside NSO Group’s Corporate Structure*, provides insight into the network of NSO Group subsidiaries that presumably had facilitated licensing in various countries. Where nation-state borders defined espionage as recently as the Cold War, espionage here established itself through a private investment sector. The voiceover summarizes: “The story of NSO is a cautionary tale of how private investments, subject to little oversight, propel and normalize the espionage industry.”⁶⁷ Untraceability results from the tendency of advanced depersonalization of espionage: Apart from political decision-making processes, the human factor, which was still a potential source of unreliability during the Cold War,⁶⁸ plays an increasingly minor role. This makes the shift from the figure of the spy as cultural repertoire to today’s dataveillance capitalism even more pronounced and the need for minoritarian “investigative commons” intelligible. According to Forensic Architecture, the findings show that individuals are under attack in their networks: digital and physical violence transcends state violence and also reaches dissidents in exile.⁶⁹

The *Digital Violence Platform* presents the collaborative forensic analysis of the critical infrastructures of present-day espionage media ecologies as one which has to establish a living counter-archive.⁷⁰ In the interest of the many this kind of operation can itself be understood as an achievement of intelligence, in-between a work on the

archive, the telling of another version of a story or telling it through a different “em-plotment,”⁷¹ and information display.

Dialectics of in_visibility were central to the show *Investigative Commons*. Along with files and investigative materials, physical objects as sculptures or installations, and models used for educational purposes, a certain image type appeared in several of the investigative installations. These images were of an activist nature between documentary and tactical media, featuring demonstration marches and rallies on streets and squares relating to the investigations, accompanied by banners and posters with slogans, calling to mind class struggles, workers and student strikes, as well as *Masse und Macht* more generally.⁷² Ever since John Rawl, the paradigm of civil and radical democratic disobedience was associated with acting in plain sight, as described above. In the context of the exhibition, the documentation of protests conducted on the streets can have a political effect especially on the symbolic level, as it highlights in whose (communal) interest and in the context of which alliances the forensic inquiry arises. The type of image that exemplifies the current shift to what shall be called an ‘activist regime of the arts’ was accompanied by three aspects that mark a new development in the exhibition practice of Forensic Architecture: (i) historicity became secondary; (ii) a re-import of the human face occurred; (iii) the process of becoming a collective replaced that of becoming a document. Meanwhile, the methodological how-questions of proof-production were evinced in a by now established forensic style. At risk of reducing complexity to a common sense, the more such presentist imagery is shown, the more its counterpart seems highlighted: intelligent agents in the office processing (open-source) data versus activist agents on the streets.⁷³

Some activists might consciously deliver raw material, while other actors contribute a file to an investigation unknowingly or anonymously. The “investigative commons” are therefore also assemblages of dispersed authorship. Beyond a duality of visible and invisible authorship, Mathew Fuller and Eyal Weizman intend to conceptualize “investigative commons” as “an open form of assembly that includes humans and other living and inorganic matter alongside sensual technologies such as code,” taking into account that “[t]hese polyphonic networks are uneven and asymmetrical, skewed by different privileges and degrees of access.”⁷⁴ If usually spies and agents working on the backstage of history “vanish completely, physically and symbolically,

leaving no legacy,”⁷⁵ time will tell whether the evidence produced by Forensic Architecture and its in_visible co-producers today will be somebody’s legacy or become cultural heritage accounting for how and despite which risks to make a case within the in_visible. Hegemony-critical uses and minoritarian appropriations of surveillance technologies, the mapping of mobile phone data, or the constructive work with the lack of the two: Counter-forensic investigations suggest a reconceptualization of spies as collective minoritarian, defined by unity in the cause without community. To that effect, the “activist imaginary”⁷⁶ is updated in covert operations of those agents not directly employed or booked as a service and eventually unaware of their contribution to a crime investigation in favor of social justice.

5_Conclusion

This article analyzed and proposed to take minoritarian approaches to espionage and to recognize how intelligence can be practiced to speak truth to power. The argumentation was grouped around the following concerns:

(i) On the casuistic level, the four selected investigations by Forensic Architecture were analyzed in regards to heterogenous engagements with in_visibility by focusing on the genre of the investigative video in its meta-filmic function as a ‘making-of-the evidence.’ With recourse to writings of Luc Boltanski, amongst others, the rhetoricity and visuality of the videos were determined.

(ii) On the level of production, a transversal (neither horizontal nor vertical) analysis placed invisible co-producers in the so-called field—apprehended via the figuration ‘minoritarian espionage’—in a continuity to the established research agency in the studio, which para-institutionally manifests aesthetic activism through emancipatory intelligence. With reference to insights into the Cold War by Eva Horn, this furthermore enabled to question the distribution of authorship and to speculate about evidence between legal, political, and artistic spheres as cultural heritage.

(iii) On the level of discourse, Geoffroy de Lagasnerie’s argument in *The Art of Revolt* was central to shed light on anonymous and hidden procedures of social critique or intervention in relation to the possibility of using OSINT in a hegemony-critical manner. Thus, it was possible to ascertain how Forensic Architecture is positioned at the intersections of traditional forms of civil disobedience, agonistic assembly, and confidential practices behind the scenes.

(iv) On the artistic-curatorial level, references to other research projects as well as art theoretical writings by Tom Holert and Sylvia Sasse, amongst others, could demonstrate how, on the one hand, normative orders use fictional and performative operations to cause real effects in ambiguousness of subversion, and how, on the other hand, sites of knowledge production have partly shifted to new actors and emerging infrastructures.

Situated between eye- and earwitnessing, spying and eavesdropping, disguise and revelation in a remote assembly, the concept of in_visibility turned out to be particularly productive to address the chosen contemporary investigative practices in their dialectics. Epitomized in the underscore ‘_,’ the concept allowed to analyze reversals of subversion, aesthetization, and fictionalization on the one hand, and the at times contradictory interconnectedness of seemingly disparate phenomena on the other.

Endnotes

- ¹ Acknowledgements: For valuable comments on earlier drafts of this paper, I am grateful to the guest editors Katharina Wolf and Jana Tiborra, Robin Schmieder from the editorial team, as well as two anonymous reviewers.
- ² The confidentiality of deliberations exists in criminal proceedings, where the deliberation of a judicial panel takes place between the main trial and the passing of the sentence. Only the result of debates leaves the consultations room as a verdict, but the debates remain secret. (This confidentiality differs from ‘in-camera’ proceedings, which due to non-disclosure rules secretly take place in chambers without the public or press present.)
- ³ See Kavita Singh’s analyses of a controversy in the Manuscript Gallery of a museum in Chandigarh, India, where certain religious communities gave permission to only show manuscripts covered to avoid their exposure: they are literally hiding in plain sight of the viewers staring at the vitrines. Kavita Singh, “Closing the Book: Source Communities, Museums, and ‘Curatorial Things,’” in *Curatorial Things*, eds. Beatrice von Bismarck and Benjamin Meyer-Krahmer (Berlin: Sternberg Press, 2019), 73–87, here: 74.
- ⁴ See for example (i) Daniela Mansbach, “Witnessing as Activism: Watching the Other at the Israeli Checkpoints,” in *Journal of Human Rights* 15, no. 4 (2016): 496–508. Doi: <[10.1080/14754835.2015.1062720](https://doi.org/10.1080/14754835.2015.1062720)>; (ii) Sandra Ristovska, “Strategic Witnessing in an Age of Video Activism,” in *Media, Culture & Society* 38, no. 7 (2016): 1034–1047. Doi: <[10.1177/0163443716635866](https://doi.org/10.1177/0163443716635866)>.
- ⁵ Aimi Hamraie, *Building Access: Universal Design and the Politics of Disability* (Minneapolis: University of Minnesota Press, 2017), 131. In this context, one must also mention the publication by Patricia Hill Collins, *On Intellectual Activism* (Philadelphia: Temple University Press, 2013).
- ⁶ Charles Stankieveh, “CounterIntelligence: A Glossary of Doubled Agency,” in *Afterall* 42 (2016), 132–143, here: 133.
- ⁷ See also Lisa Stuckey, *Forensische Verfahren in den zeitgenössischen Künsten: Forensic Architecture und andere Fallanalysen* (Berlin: De Gruyter, 2022), 166. Doi:

- <[10.1515/9783110732887](https://doi.org/10.1515/9783110732887)>. What is here described as ‘making-of-the-evidence’ could alternatively be conceptualized as ‘meta-documentary,’ as done by Miren Gutierrez who writes about Forensic Architecture’s data-activism: “meta-documentary offers an engagement with the investigation process, which links the revelation of truths to the *story* of their discovery, which warrants the claims made.” Miren Gutierrez, “Data Activism and Meta-Documentary in Six Films by Forensic Architecture,” in *Studies in Documentary Film*, 2021, 1–10, here: 6. Doi: <[10.1080/17503280.2021.1908932](https://doi.org/10.1080/17503280.2021.1908932)>.
- ⁸ Hayden White, *Metahistory: The Historical Imagination in Nineteenth-Century Europe* (Baltimore and London: The John Hopkins University Press, 1973), 5–6.
- ⁹ Forensic Architecture, “Torture in Saydnaya Prison,” August 16, 2016, video 00:27:40, here: 00:00:04–00:00:45, <<https://forensic-architecture.org/investigation/saydnaya>>.
- ¹⁰ Forensic Architecture, “Torture in Saydnaya Prison.”
- ¹¹ Eyal Weizman, *Forensic Architecture: Violence at the Threshold of Detectability* (New York: Zone Books, 2017), 87.
- ¹² Lawrence Abu Hamdan, “Info,” accessed February 26, 2021, <<http://lawrenceabuhamdan.com/information>>.
- ¹³ Weizman, *Forensic Architecture*, 88.
- ¹⁴ François Hartog and Michael Werner, “HISTORY / STORY,” in *Dictionary of Untranslatables: A Philosophical Lexicon*, ed. Barbara Cassin (Princeton and Oxford: Princeton University Press, 2014 [French original: 2004]), 439–450, here: 442, original emphasis.
- ¹⁵ In the reader to the research-based exhibition *Eavesdropping* (2018/2019) the editors state: “The earliest-known references to eavesdropping are in court records.” James Parker and Joel Stern, “Eavesdropping,” in *Eavesdropping: A Reader*, eds. James Parker and Joel Stern (Melbourne: Perimeter Books, 2019), 8–41, here: 9. Their intention was to gather contributions that find a subversive, critical and aesthetic approach to the subject “Eaves, eavesdrop, eavesdropper. Threshold, medium, agent. Eavesdropping is the composite of these elements.” James Parker and Joel Stern, “Eavesdropping,” 39.
- ¹⁶ Legal aesthetics, according to Eva Schürmann and Levno von Plato, allow for a critical reflection of legal thinking that is oblivious to mediation and to examine forms and the perspectivization of content through media and techniques of perception, apprehension, and representation. Eva Schürmann and Levno von Plato, “Einleitung: Was ist und wozu betreibt man Rechtsästhetik?,” in *Rechtsästhetik in rechtsphilosophischer Absicht: Untersuchungen zu Formen und Wahrnehmungen des Rechts*, eds. Eva Schürmann and Levno von Plato (Baden-Baden: Nomos, 2020), 7–14, here: 7.
- ¹⁷ The abbreviation for special effects SFX is usually employed in the context of theatre plays, movies, and video games.
- ¹⁸ Secession, *Lawrence Abu Hamdan: Earwitness Inventory* (Berlin: Revolver Publishing, 2020).
- ¹⁹ In 2019, the work got adapted as an exhibition entitled *Earwitness Theater* at Chisenhale Gallery in London, Witte de With Center for Contemporary Art in Rotterdam, and the Institute of Modern Art in Brisbane. In 2020, the Viennese Secession published a book with fifty-six objects of the inventory in alphabetic order; the publication itself follows a logic of uncovering: a photograph of each object can be seen by unfolding the right page, while when closed it just shows a white page with the object’s name on the left side (and sometimes a kind of anecdote on the otherwise empty right side).

- 20 Lawrence Abu Hamdan, “Earwitness Inventory,” 2018, accessed February 26, 2021, <<http://lawrenceabuhamdan.com/earwitness-inventory>>.
- 21 Lawrence Abu Hamdan, “Saydnaya (The Missing 19db),” in *Eavesdropping: A Reader*, eds. James Parker and Joel Stern (Melbourne: Perimeter Books, 2019), 42–59, here: 57. “Silence and darkness were used as weapons of negation and degradation, yet unknowingly provided conditions for memory training.” Abu Hamdan, “Saydnaya (The Missing 19db),” 58.
- 22 Patrick Windtour, “Spy Games: Expulsion of Diplomats Shines Light on Russian Espionage,” in *The Guardian*, April 15, 2022, <<https://www.theguardian.com/world/2022/apr/15/spy-russian-diplomats-europe-espionage-ukraine>>.
- 23 Shoshana Zuboff, *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power* (New York: PublicAffairs, 2019).
- 24 Nihad A. Hassan and Rami Hijazi, *Open Source Intelligence Methods and Tools: A Practical Guide to Online Intelligence* (New York: Apress, 2018), xiii.
- 25 Hassan and Hijazi, *Open Source Intelligence Methods and Tools*, xiii.
- 26 Hassan and Hijazi, *Open Source Intelligence Methods and Tools*, 3.
- 27 James M. Harding, *Performance, Transparency, and the Cultures of Surveillance* (Ann Arbor: University of Michigan Press, 2018), 183.
- 28 Forensic Architecture, “The Beirut Port Explosion,” November 17, 2020, <<https://forensic-architecture.org/investigation/beirut-port-explosion>>.
- 29 Forensic Architecture, “The Beirut Port Explosion.”
- 30 “Capture Agents,” proposed by Vladan Joler, in *Open Secret*, “Glossary,” ed. KW Institute for Contemporary Art, 2021, accessed January 11, 2022, <<https://opensecret.kw-berlin.de/glossary/#letter-C>>.
- 31 Forensic Architecture, “The Beirut Port Explosion,” video 00:11:17, here: 00:00:12.
- 32 Luc Boltanski, *Mysteries and Conspiracies: Detective Stories, Spy Novels and the Making of Modern Societies* (Cambridge and Malden: Polity Press, 2014), 21, original emphasis.
- 33 Lisa Stuckey, “PATIENT PATIENTS: Architektur als Medium der Fürsorge und Fürsprache in Investigationen von Forensic Architecture,” in *Zeitschrift für Medienwissenschaft*, “Medien der Sorge,” 13, no. 24 (2021): 38–46. Doi: <[10.25969/mediarep/15773](https://doi.org/10.25969/mediarep/15773)>.
- 34 Susan Schuppli, *Material Witness: Media, Forensics, Evidence* (Cambridge and London: MIT Press, 2020).
- 35 Tom Holert, *Knowledge Beside Itself: Contemporary Art’s Epistemic Politics* (Berlin: Sternberg Press, 2020), 45. “[F]orms of artistic research are often found operating within nongovernmental politics, entailing new methodologies of gathering and presenting information.” Holert, *Knowledge Beside Itself*, 180.
- 36 Boltanski, *Mysteries and Conspiracies*, 19.
- 37 Boltanski, *Mysteries and Conspiracies*, 69.
- 38 Boskamp, “The Artist as Spy,” 192, original emphasis.
- 39 Moritz Babler, “New Historicism, Cultural Materialism und Cultural Studies,” in *Einführung in die Kulturwissenschaften: Theoretische Grundlagen, Ansätze, Perspektiven*, eds. Ansgar Nünning and Vera Nünning (Stuttgart: Metzler, 2008), 132–155, here: 145 [transl. L.S.].
- 40 Ulrike Boskamp, “The Artist as Spy: Artistic Mobility and the Power of the Image,” in *Mobility and Fantasy in Visual Culture*, ed. Lewis Johnson (London and New York: Routledge, 2014),

- 185–198, here: 189–194. In the “CounterIntelligence” glossary Stankieveh argues that the entangled histories of fine arts and military intelligence finally diverged in the postmodern era, giving the example of the period during the Vietnam War when “artistic community sided with the counterculture movement and against the military-industrial complex. Stankieveh, “CounterIntelligence,” 136.
- 41 Peter von Matt, *DIE INTRIGE: Theorie und Praxis der Hinterlist* (Munich and Vienna: Carl Hanser, 2006), 408 [transl. L.S.].
- 42 Eva Horn, *The Secret War: Treason, Espionage, and Modern Fiction* (Evanston: Northwestern University Press, 2013 [German original: 2007]), 169.
- 43 Horn, *The Secret War*, 171.
- 44 Inke Arns, Kata Krasznahorkai, Sylvia Sasse, and Hartware MedienKunstVerein, *HMKV Exhibition Magazine* no. 2 (2019), on the occasion of the exhibition *Artists & Agents—Performance Art and Secret Services*, 222.
- 45 Sylvia Sasse, “‘Kunsthistoriker in Zivil’: Über performative Zensur,” in *Artists & Agents—Performancekunst und Geheimdienste*, eds. Kata Krasznahorkai and Sylvia Sasse (Leipzig: Spector Books, 2019), 277.
- 46 Horn, *The Secret War*, 25.
- 47 Kata Krasznahorkai and Sylvia Sasse, “‘Bis auf weitere gute Zusammenarbeit’: Die künstlerische ‘Bearbeitung’ der Akten,” in *Artists & Agents—Performancekunst und Geheimdienste*, eds. Kata Krasznahorkai and Sylvia Sasse (Leipzig: Spector Books, 2019), 564–580, here: 566–567 [transl. L.S.].
- 48 Sasse refers to philosopher Michael Ryklin, for whom current Russian post-war politics function along a secret intelligence logic, and provides the following definition: “By a ‘performative censorship’ I understand an action of an authority or the secret police, which is supposed to cover up the actual censorship measure or the existence of censorship and nevertheless is supposed to show it. The action itself works like a kind of fake event, that is an event that takes place, but only ‘as if.’ It takes place, but it is not what it appears to be. The event is ‘made,’ planned, sometimes even rehearsed to provide a reason for that an exhibition does not open, a film is not screened, a performance is not presented, or even that the artistic work cannot be cannot be continued.” Sasse, “‘Kunsthistoriker in Zivil’,” 266–267 [transl. L.S.].
- 49 Boltanski, *Mysteries and Conspiracies*, 26.
- 50 Forensic Architecture, “77sqm_9:26min: Counter Investigating the Testimony of Andres Temme in Relation to the Murder of Halit Yozgat in Kassel, 6 April 2006,” July 18, 2017, Report, <https://content.forensic-architecture.org/wp-content/uploads/2018/09/77sqm_9.26min_Report_2017.07.18.pdf>.
- 51 For further discussion, see the publication by Judith Butler, *Notes Toward a Performative Theory of Assembly* (Cambridge and London: Harvard University Press, 2015).
- 52 Nora Sternfeld, *Das radikaldemokratische Museum* (Berlin and Boston: De Gruyter, 2018) [transl. L.S.].
- 53 Geoffroy de Lagasnerie, *The Art of Revolt: Snowden, Assange, Manning* (Stanford: Stanford University Press, 2017), 46–87.
- 54 Bruno Latour, “From Realpolitik to Dingpolitik or How to Make Things Public,” in *Making Things Public: Atmospheres of Democracy*, eds. Bruno Latour and Peter Weibel (Cambridge and London: MIT Press 2005), 14–41, here: 38.

- 55 Mansbach, “Witnessing as Activism,” 1.
- 56 Horn, *The Secret War*, 232.
- 57 Horn, *The Secret War*, 232.
- 58 Horn, *The Secret War*, 235.
- 59 Forensic Architecture, “About,” accessed May 7, 2022, <<https://forensic-architecture.org/about/agency>>.
- 60 These issues were also addressed by the symposium “*A Commonplace is not a Cliché: Perspectives on Public Spheres, Asynchronous Commonplaces, and Infrastructural Intimacies* (2021), convened by Christoph Chwatal and Lisa Stuckey in the context of the Biennale für Freiburg.
- 61 KW Institute for Contemporary Art, *Open Secret*, 2021, accessed January 11, 2022, <<https://opensecret.kw-berlin.de/>>.
- 62 Lucy Lippard, “Activist Art and Power,” in *Art after Modernism*, ed. Brian Wallis (New York: New Museum of Contemporary Art; Boston: D.R. Godine, 1984), 341–358, here: 341.
- 63 Eyal Weizman points out the fact that both Forensic Architecture and the NSO Group were founded in the year 2010 with opposite agendas in a specific political-mediatechnological context. Eyal Weizman, “Opening Lecture: Terror Contagion,” Musée d’art contemporain de Montréal, 2021, video 01:51:30, here: 00:18:55–00:20:03, accessed February 22, 2022, <<https://macm.org/en/exhibitions/terror-contagion>>.
- 64 Forensic Architecture, “Digital Violence: How the NSO Group Enables State Terror,” July 3, 2021, <<https://forensic-architecture.org/investigation/digital-violence-how-the-nso-group-enables-state-terror>>.
- 65 Daniel Rubinstein and Katrina Sluis, “A LIFE MORE PHOTOGRAPHIC: Mapping the Networked Image,” in *Photographies* 1, no. 1 (2008): 9–28. Doi: <[10.1080/17540760701785842](https://doi.org/10.1080/17540760701785842)>.
- 66 Forensic Architecture, “Pegasus: Targeting the Investigators,” in *Digital Violence Platform*, 2021, video 00:08:44, here: 00:07:19–00:07:28, accessed August 17, 2021, <<https://www.digitalviolence.org/#/pegasus-stories>>.
- 67 Forensic Architecture, “Inside NSO Group’s Corporate Structure,” in *Digital Violence Platform*, 2021, video 00:09:00, here: 00:07:53–00:08:00, accessed August 17, 2021, <<https://www.digitalviolence.org/#/corporate>>.
- 68 Horn, *The Secret War*, 251.
- 69 Forensic Architecture, “Digital Violence.”
- 70 Testimonies of investigators targeted by the spy software “Pegasus,” legal files, newspaper articles, as well as documents about the company NSO collected by Amnesty International were combined into a database, which remains open to updates.
- 71 For White, historians execute both investigative and narrative operations through “emplotment,” which “is the way by which a sequence of events fashioned into a story is gradually revealed to be a story of a particular kind.” White, *Metahistory*, 7–12.
- 72 This was the case for example in the installations to the investigations *Police Brutality at the Black Lives Matter Protests*, *The Ali Enterprises Factory Fire*, *Herbicide Warfare in Gaza*, *The Murder of Halit Yozgart*, and *The Murder of Pavlos Fyssas*.
- 73 See also Stuckey, *Forensische Verfahren in den zeitgenössischen Künsten*, 225–226.
- 74 Matthew Fuller and Eyal Weizman, *Investigative Aesthetics: Conflicts and Commons in the Politics of Truth* (London and Brooklyn: Verso, 2021), 208.

- ⁷⁵ Horn, *The Secret War*, 216.
- ⁷⁶ George E. Marcus, “Introduction,” in *Connected: Engagements with Media*, ed. George E. Marcus (Chicago: University of Chicago Press, 1996), 1–18, here: 6.