

Exploring Ethics in Intelligence and the Role of Leadership

John Coyne, Dr Peter Bell* & Shannon Merrington

*Corresponding author

School of Justice, Faculty of Law,
Queensland University of Technology

Abstract

Ethics and leadership are vital to any organization. Within the intelligence community leaders have an unquestionable role in the security of a nation and often deal with disturbing information and sometimes operate in personal danger to obtain valuable information. In some instances, unethical tactics (such as stealing or eavesdropping on an unsuspected conversation) are used to obtain information on potential national threats. In an ordinary life eavesdropping on someone else's conversation or hacking into their computer would be considered a serious breach of courtesy and/or social convention. However, in the intelligence world, unethical tactics are necessary to protect nations and the people living within them. The purpose of this paper is to investigate ethics and intelligence and the role leadership plays. The paper begins by exploring the key elements of intelligence and the different methods of collecting information. Next, the paper outlines the three main approaches to ethics and how they can be applied to intelligence agencies. Then, the role of leadership in ethics and intelligence services is explored. Finally, the paper concludes with a discussion surrounding the difficulty in researching ethics, intelligence and leadership in intelligence agencies.

Keywords: counter-intelligence, ethics, intelligence, leadership

1. Introduction

Intelligence as a form of statecraft is a far from new phenomenon and is regarded as one of the world's oldest professions (Hulnick & Mattausch, 1989; Jones, 2010; Nolte, 2009). There is a long list of historical evidence that suggests intelligence has been around for thousands of years. The Bible has various passages about the use of intelligence and there are suggestions that the Babylon Tablets comprise elements relating to spying (Hulnick & Mattausch, 1989). Even well known historical events contain traces of some type of intelligence. The Lewis and Clark expedition, for example, is primarily known as one of exploration; however, their mission was also to collect intelligence for the United States of America (USA), which would be helpful for the growth and expansion of the nation (Nolte, 2009). In the modern world intelligence gathering has increased significantly in response to demands that impact national security (especially following September 11, 2001 (9/11)) such as countering espionage, people smuggling and the proliferation of weapons of mass destruction, and is now an inescapable necessity (Cornall & Black, 2011).

Due to the nature of the profession, intelligence officers obtain information using both overt operations (information is public) and/or covert operations (information is not public). Intelligence professionals around the world are taught and encouraged by their leaders and agencies to use unethical tactics or "tradecraft" (e.g. lie, deceive, steal, and manipulate) in order to obtain this information. Even so, some of

these operations breach ethical standards, sometimes even resulting in human rights being taken away (Herman, 2010). These practices would be considered unethical and illegal if practiced in everyday life; however, in the intelligence world they are ethically acceptable when national security is at risk (Hulnick & Mattausch, 1989).

Over the last few years there have been several controversial cases (especially those involving suspected terrorists) that underline the need for more ethical guidelines surrounding intelligence practices. One of the most published examples is the detention of Binyam Mohamed at Guantanamo Bay (Townsend, 2009). While detained, Mohamed admitted that he trained in the al-Qaeda terrorist training camp. However, these charges were later dropped by the USA because the evidence against him was obtained by using extreme, inhumane torture techniques (Bellaby, 2012; Townsend, 2009). This is also apparent for much of the Bush administration and the hunt for Osama Bin Ladin. The issue of torture and the legitimate treatment of individuals suspected of terrorist activities has been at the forefront of discussions, leading a number of countries to investigate national intelligence services and the way in which political leaders have handled intelligence through special and parliamentary inquiries (Anderson, 2001; Bellaby, 2012; Born & Wetzling, 2009).

The purpose of this paper is to investigate ethics and intelligence and the role leadership plays in ethical decision making. The paper explores the key elements of intelligence and the different methods of collecting information. The paper outlines the three main theoretical approaches to ethics and how they can be applied to intelligence organisations. It examines the role of leadership in ethics and intelligence services, before concluding with a discussion surrounding the difficulty of researching ethics, intelligence and leadership in intelligence organisations.

2. Intelligence and Counter-Intelligence Defined

Prior to 9/11 the relationship between intelligence and ethics was very limited (Omand & Phythian, 2013). Post 9/11 the literature on intelligence and ethics has developed significantly; however, there are still areas that lack a comprehensive understanding. One of the main drawbacks in this field is that there is no consensus on the definition of intelligence.

At the broadest level intelligence is both a process and a product and can be defined as either “the means it was obtained” (e.g. intelligence being covertly obtained information without the authority of the group who owns the information) or by the “outcomes” it makes possible (e.g. intelligence being the collection and processing of information about foreign countries for a government’s foreign policy and national security) (Bimfort, 1995; Cornall & Black, 2011; Flood, 2004). Herman (2010) defines intelligence as “information and information gathering, not doing things to people; no one gets hurt by it, at least not directly” (p. 342). However, as Omand and Phythian (2013) acknowledge the post 9/11 era has shown that intelligence collection not only involves doing things to people, but also involves hurting people in the process.

From a narrower security perspective, an independent review of the intelligence community by Cornall and Black (2011) defines intelligence as “information that enables you to protect your interests or to maintain a valuable advantage in advancing your interests over those posing threats to them” (p. 6). This definition is quite broad and focuses only on the outcome, which is national security. While debate continues over the definition of intelligence there does seem to be a consensus among scholars that intelligence involves information, regardless of the purpose and types of methods used to obtain it (Turner, 1990).

Another type of intelligence is called counter-intelligence (CI). CI is an activity dedicated to collecting information for one's own nation against espionage and sabotage (Turner, 1990). Collecting information on potential national security threats is not an easy task. It involves a large amount of human resources and the most up-to-date technology. Then again, even with the most sophisticated software and experts in the intelligence field there have been major events in history where information collected was misunderstood or misinterpreted (Bar-Joseph, 2010). The attack on Pearl Harbor, 7 December 1941, and similarly the 9/11 attacks by al-Qaeda for example are known as complete intelligence blunders (Bar-Joseph, 2010; Wohlstetter, 1962).

3. Nature of Intelligence Work

Intelligence work consists mainly of the collection and analysis of information that is generally available to anyone with the right resources (Quinlan, 2007). Generally, the first stage of intelligence is utilising open source material. For example, intelligence officers “read books, journal articles, newspapers, magazines, attend academic conferences, and exchange views with people in the know” (Turner, 1990, p. 289). When information is not publically available, intelligence officers use a variety of methods to collect intelligence: 1) Signals Intelligence (SIGINT) which is the interception of foreign communications; 2) Geospatial Intelligence (GEOINT) which is derived from the collection and analysis of images and geospatial information (physical information in the form of maps or three-dimensional virtual representations of landscapes, etc.) about the features and events with reference to location and time (Cornall & Black, 2011, p. 7); and 3) Human Intelligence (HUMINT), which is the direct, personal involvement of intelligence officers with another person who has been recruited or has volunteered to betray their own government (Nolte, 2009).

Even though HUMINT is the most common method used, all three are utilised to build a stronger understanding of the information obtained. Within the Central Intelligence Agency (CIA), HUMINT is relied on to obtain information that is not normally available through other sources (Turner, 1990). In this instance, the CIA employs case officers who recruit foreign nationals to gain access to information as well as help with understanding the information (Turner, 1990).

When information is not easily accessible it is obtained through covert operations, such as eavesdropping, cracking codes, intercepting private communications, observing activities that would be preferred to be unobserved, and interrogation (Quinlan, 2007). For example, during the Bush administration's war on terrorism, any intelligence about the enemy (even that gained through unethical interrogation techniques) was considered necessary to protect the American people (Vest, 2005). An example of such interrogation methods is where “terror suspects overseas are kidnapped and delivered to third-party countries for interrogation – which, not uncharacteristically, includes some measure of torture and sometimes fatal torture” (Vest, 2005, p. 3651). There are some scholars who support and endorse the argument that “torture [sometimes] works” (Bagaric & Clark, 2005; Posner & Vermeule, 2005). These scholars believe that when torture is used for informational purposes to unveil a potential threat to national security its use is therefore morally justifiable (Welsh, 2010/2011). Bowen (2003) states “like any sensitive person, I don't relish the idea of inflicting pain on someone, or making someone miserable. But by the same token, if you can save lives – if people are plotting mass murder and you have a chance of preventing it – it's hard to argue against whatever methods work” (p. 4). Bowen (2003) also goes on to argue that gathering intelligence information by means of psychological manipulation may be more effective than by physical manipulation or torture.

However, there have also been well documented cases by the media into the US Government's interrogation practices and many former CIA officers have spoken out about how these techniques are simply just wrong (Vest, 2005). Burton L. Gerber, a former CIA agent after 39 years of service has spoken out saying that he opposes torture "because it corrupts the society that tolerates it". Gerber's reasoning is "that a standard is changed, and that new standard that's acceptable is less than what our nation should stand for. I think the standards in something like this are crucial to the identity of America as a free and just society" (Vest, 2005, p. 3651). Gerber further states that "torture almost always fails to yield true or useful information; it has the potential to adversely affect CIA operations" (Vest, 2005, p. 3651).

In an ordinary life, if you were to hack into someone else's computer or torture them to obtain information this would be a serious breach of privacy and be illegal (Quinlan, 2007). Whether intelligence officers gather intelligence that is available to anyone or obtain it in a covert manner they must still operate within an ethical framework (Quinlan, 2007). Together, intelligence professionals and representatives from the policy agencies need to attempt to weigh competing requirements, assess the availability of relevant open source material, and operate in some type of ethical realm.

4. Ethical Approaches

There are three main approaches to studying ethics in the current literature: realism, consequentialism, idealism and "just war" or "just intelligence" theory.

According to the realist approach, intelligence activities are justified if they serve the well-being of the state and rest on the "moral duty of the sovereign to protect her subjects" (Gill, 2009, p.89). Thinking such as Niccolo Machiavelli and Thomas Hobbes advocates realism (Jones, 2010). According to Hobbes, governments are entitled to "do anything" that seems necessary to protect national security (Erskine, 2004). Therefore, nothing is really off limits for governments wanting to gather information from abroad, especially in times of war (Jones, 2010). On the same level, nations have no inherent right of privacy against other nations during peacetime (Herman, 2010). From a realist perspective, when an intelligence officer engages in what would be considered unethical behaviour (e.g. lie, cheat, blackmail, etc.) these actions are not considered unethical because they are all necessary for national security (Jones, 2010).

The consequentialist approach is more concerned with the ends rather than the means and judges actions by the value of their consequences (Jones, 2010). It also does not advocate an "anything goes" policy; it is dependent on the ends outweighing the means (Jones, 2010). According to the consequentialist approach "intelligence activities will be acceptable if they maximize the good through balancing the benefits of increased knowledge against the costs of how it might have been acquired" (Gill, 2009, p.89). However, the definition of what is considered a "good outcome", as Jones (2010) points out, depends on who it is good for.

The third approach to ethics is idealism or deontologicalism. This approach is based on the work by Kant, where morality is regarded as an absolute (e.g. "Thou shalt not kill") without any exception and where "people must be treated as ends in themselves, not as tools" (Gill, 2009, p. 90; Jones, 2010, p. 23). According to this approach, some of the methods used to collect intelligence (such as deception and theft in covert operations) are considered morally unethical (Gendron, 2004). To satisfy this approach, only publicly available information would be acceptable. The current collection methods used by intelligence agencies (e.g. any covert operations) would be deemed unacceptable. However, if this was actually implemented into today's world many nations would fail to protect their national security as most

information can only be obtained through covert operations. However, as Hobbes observes, without some form of covert intelligences “sovereigns can have no more idea what orders need to be given for the defence of their subjects than spiders can know when to emerge and where to make for without the threads of their webs” (cited in Erskine, 2004, p. 304). In the end, realism and idealism are on the complete opposite ends of the scale. Both of these approaches attempt to distinguish all moral questions into a black or white category (Jones, 2010).

The final approach is the “just war”, also known as the “just intelligence” approach, and is commonly accepted as the most reasonable way of addressing the ethics–intelligence dilemma. This approach is based on “structured reasoning” (Gill, 2009, p. 90) and is used:

To distinguish between the conditions under which an object can justly be targeted by an intelligence agency (*jus ad intelligentiam*) and the manner in which intelligence agents and entities conduct themselves thereafter (*jus in intelligentia*), in much the same way as classic Just War theory distinguishes between just causes of war (*jus ad bellum*) and the just conduct of war (*jus in bello*). (Omand & Phythian, 2013, p. 42)

For example, at times of war, military professions are exempt from ordinary laws (e.g. they have the right to use covert methods to obtain information from a national threat and also have the right to kill). As Jones (2010) acknowledges, outside times of war these professionals would be considered liars and murderers.

It is important to remember that intelligence gathering is a constant state and as the former Director of Central Intelligence, Robert Gates, expresses, “while a nation is at peace...we in intelligence are constantly at war” (cited in Lathrop, 2004, p. 205).

5. Leadership and Ethics

The study of ethics is all about human relationships and how we behave in the different roles we play, this includes the role of leaders (Ciulla, 2004). To Geoffrey Harpham, ethics is simply “the site of a desire for a clean conscience” (Harpham, 1999, p. xiii). According to Trevino (1986) ethics is a code of values, moral principles and behaviours (acceptable and unacceptable) that guides an individual’s behaviour as to what is right from what is wrong. Regardless of how you define ethics, it is important that context is understood to play a critical role in determining between normative ethics (e.g. what one should do) and descriptive ethics (e.g. what one actually decides to do) (Whatley, 2012).

Leadership is vital to any organisation and plays a key role in the culture and ethical standards within an organisation (Plinio, 2009). A good leader needs to behave in ways that influence the behaviour of their followers (Plinio, 2009). They must also provide direction and assess the needs and expectations of their followers in order to influence them to work towards the vision and benefit of the organisation (Kangungo & Mendonca, 2012). They must have a deep understanding of the core values and that all of the rules assumed as a leader “need to be founded or rooted in some solid commitments: to common ethical values; to the voice of professional convictions; to your personal conscience; and to your professional and social constraints (codes)” (Donlevy & Walker, 2011, p. 19). The greatest strength and the greatest weakness of leaders is that they are all human beings and therefore at times can act as “unpredictable creatures, capable of extra-ordinary kindness and cruelty” (Ciulla, 2005, p. 1).

Many authors agree that ethics is an important aspect of leadership (Burns, 1978; Ciulla, 2004; Thompson, 2000; Yukl, 2012). It has been further argued that ethics and ethical decision-making are the heart of leadership (Ciulla, 2004). Ethical leadership can be as simple as a “matter of leaders having a

good character” (Freeman & Stewart, 2006, p. 2). However, ethical leadership is not as simple as “do the right thing” or “if you talk the talk, and walk the walk” (Plinio, 2009, p.278). As Trevino, and Brown put it:

The ethical decision-making process involves multiple stages that are fraught with complications and contextual pressures. Individuals may not have the cognitive sophistication to make the right decision. And most people will be influenced by peers’ and leaders’ words and actions, and by concerns about the consequences of their behavior in the work environment. (200, p. 71)

Ethical leadership is therefore defined as “the demonstration of normatively appropriate conduct through personal actions and interpersonal relationships, and the promotion of such conduct to followers through two-way communication, reinforcement and decision-making” (Brown, Trevino & Harrison, 2005, p. 120).

The commitment of intelligence officers and their leaders has an unquestionable role in the security of a nation. Intelligence officers work under the stress of a great responsibility and often deal with disturbing information and sometimes operate in personal danger to obtain valuable information. Intelligence professionals around the world are taught and encouraged by their leaders to use unethical tactics (such as lie, deceive, and steal) in order to obtain such information. Ethical standards may be breached if applied to the real world. However, in the world of intelligence it is a necessity to partake in unethical practices in order to protect a nation and the people within in it. Overall, leadership has a significant role in producing ethical or unethical practice within any organization, including any intelligence agency.

6. The Difficulty with Intelligence, Ethics and Leadership, and Recommendations

There are many difficulties in studying intelligence, ethics and leadership. The main hurdle is the secrecy surrounding the intelligence community. This secrecy is a necessity for any country, especially when it comes to national security, yet it makes it extremely difficult to understand the specific activities that intelligence officers engage in (Born & Wills, 2010). There is also a lack of public information regarding the standards in intelligence (Born & Wills, 2010). The “task before intelligence agencies now is to build higher fences around fewer secrets, limiting protection only to sources and methods that merit it, while disclosing as much as possible of everything else”(Gries, 2007, p. 2). Although there has been a good start in reducing secrecy within the intelligence community (e.g. the CIA provides a variety of unclassified maps and reference documents both to the intelligence community and the public), it is unrealistic to assume that intelligence agencies will eventually be completely open and transparent and therefore they will continue to make it difficult to fully understand all the dynamics of intelligence and CI.

The second hurdle is leadership in an environment which is unstable, ever changing and complex; thereby making being an intelligence leader extremely difficult and demanding. An intelligence officer’s career is far from conventional and faces a number of ethical considerations that are not typical to other professions (Hudson, 2010). The intelligence community is also regulated by domestic and international law which makes it difficult to establish laws and rules which are put in place for every conceivable situation (Born & Wills, 2010).

Many intelligence agencies are large bureaucracies, where the staff functions within a hierarchy and where responsibility can fragment (Erskine, 2001). It is therefore imperative that specific ethical guidelines are available to these officers to help deal with ethical dilemmas (Hudson, 2010). Many

academics and intelligence professionals agree and have called for a more coherent ethical framework (Bellaby, 2012).

Hudson (2010) points out that there is already language in effect to various policy documents within the Office of the Director of National Intelligence (ODNI), but none have been consolidated into a single ethical guidance document. Hudson (2010) suggests that the American Bar Association (ABA) Model Rules, used by attorneys, can be used as a foundation for an ethical guide. Some examples of the ABA Model Rules are: treating one's profession as an ethical pursuit; placing one's professional role within a broader social and political framework; proffering specific guidance on issues particular to a given profession; binding the entirety of practitioners to make competence and expertise the primary qualification, rather than ethical flexibility, and ensuring the integrity of the profession through dedicated disciplinary processes (cited in Hudson, 2010).

7. Conclusion

To some the terms ethics and intelligence may be considered a contradiction of terms (Godfrey, 1978) and to others there is simply no place for ethics in intelligence (Gill, 2009). According to Duane R. Clarridge, a CIA officer for over 30 years, "Depending on where you're coming from, the whole business of espionage is unethical ... intelligence ethics is an oxymoron. It's not an issue. It never was and never will be, not if you want a real spy service" (cited in Gill, 2009, p. 89). However, intelligence is deep-rooted in many core ethical principles, such as telling the truth and the sole purpose of intelligence is to provide policymakers with a close and accurate depiction of a given situation (Godfrey, 1978). But in fact, finding out the truth about a situation is rarely a simple fact and is almost always a combination of fact and judgment (Godfrey, 1978). There are not necessarily any right answers to ethical questions about intelligence, nor can issues relating to ethical intelligence be classified as black or white (Jones, 2010). Intelligence is a necessary and valuable tool to all nations and it is therefore important that we gain a more comprehensive and coherent understanding of the role of ethics in intelligence and how leadership helps facilitate this role.

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