

## AN AXIOLOGICAL PERSPECTIVE ON THE INTELLIGENCE PROFESSION

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**Abstract:** *In practicing the intelligence profession, the real "sorcerer's apprentice" game, it is said that (almost) everything is allowed if ideals are rooted in patriotism and good faith and they are noble or necessary enough to draw limits to protect equally the "magicians of intelligence" and those who, in fact, they serve. Opinions are divided and difficult to be grouped into a complete picture, without "white spots". A common opinion of the intelligence community considers that the foundation of such an activity should consist not only of the requirements of the legal system and deontology, but also of a normative self-imposed and self-assumed ethical and professional set of principles. This article aims to make the transition from the empirical dimension (professing under the action of internal rules and institutional customs, in full agreement with the sphere of legality) to a deep and integrated "loophole" decryption of the process, with benefits both in theory and especially in the practical field. Enrolling on such a coordinate, this paper intends to be more than a systematic presentation of current practices of intelligence morals, but rather a comprehensive view inviting the reader to search further, looking for deeper personal conclusions*

**Keywords:** *intelligence; axiology; moral principles*

### 1. INTRODUCTION

The present paper refers, to some extent, to the influence a certain ongoing effervescence in regulating has – due to awareness of institutional maturity - , intending as well to dwell on reactions to a persistent confusion society makes at an axiological level. Concern for establishing and undertaking ethical landmarks is currently acute, since the dynamics of globalization and technologic progress exponentially increase confusion and chaos. In its double role as agent and object of change, the intelligence community is also finely tuned to these changes. Not surprisingly, considering that, in the natural dynamics of human beings and civilization, development stages are periodically intertwined with stages of reflection on the meaning and value of accumulated achievements, including from a moral perspective. Following Plato's thoughts, the knower (and, as we know, knowledge is power) is potentially more "competent" in the sphere of evil, which one can manifest when moral censorship disappears, and progress in knowledge doesn't necessarily involve moral progress. Thus, the current strength and potential intrusiveness intelligence has must be balanced by proportional levels of personal integrity

and institutional responsibility, with a permanent focus on the need to strike a balance between countering new security threats and preserving civil rights and liberties.

### 2. PREAMBLE – SCOPE, TERMINOLOGY, SYSTEMATIZATION

**2.1 Preliminary Observations and Conceptual Limitations.** To correctly understand and use the terms "ethics" and "deontology" in intelligence, one needs a proper perspective on their general/primary meanings, which derive from philosophy, whereof they both stem from.

In common speech, the terms "morals" and "ethics" are frequently used as interchangeable synonyms. While "ethics" is derived from the Greek *ethos* – meaning character or custom, belief –, "morals" comes from Latin, meaning approximately the same thing. Cicero translates *ethos* into Latin through *mores*, meaning norms and customs. The current use for *ethos* refers to attitudes, characteristics, and habits specific to a particular culture or people/ human group (such is the case in phrases like "the French ethos" or "the business ethos"). Nevertheless, "morals" and "ethics"

reflect different realities: while “morals” represent a social phenomenon concerning day-to-day behaviors, “ethics” is the science aiming at researching and theorizing this phenomenon.

The notions of ethics and morals were generated by two different cultures which constantly interfered with one another: the Greek and the Latin. Therefore, the term “ethics” derives from the Greek philosophy (where *ethos* means house, home, abode, inhabitation, and *ethicos* means moral, habit, character), while “morals” comes from Latin (*mos-mores-moralis* having the meaning of habit, custom, heritage).

Even though the two terms were initially used with approximately the same meaning, modern and contemporary philosophy have delineated their scope, therefore most academics consider ethics the philosophical science studying morals, while morals are subject for ethics – as a palpable, collective, and individual phenomenon including values, principles, and norms, assessments and manifestations pertaining to inter-human relations and subjected to requirements of both public opinion and individual conscience.

Therefore, “ethics” is the philosophical and/ or scientific theory on “morals”, meaning the set of conceptual constructs explaining the structure, reasoning, and exigencies of the practical and spiritual experiences which constitute the day-to-day morals. While in politics, public administration, business, mass media, education, medicine, and other fields the term “ethics” is preferred, “morals” are, by definition, closely connected with private life: we abide by morals in our private lives, and by ethics in our public ones (either political, civic or professional).

**2.2 From Moral Value to Moral Norm – an Axiological Approach.** “Morals” are a set of rules every individual must adhere to in order to be accepted by society, while morality refers to behavioral standards by which people are judged, particularly in their relations with others. In a wider sense, morals also encompass phenomena pertaining to individual and moral conscience, moral qualities and defects, moral assessments and sentiments, moral values etc. Morals depend on the existential circumstances of a specific human community and cannot be abstract in nature and generally true, but are described rather by relativity. Nevertheless, lots of moral imperatives have kept their validity throughout history (such as: Thou shalt not kill! Thou shalt not lie! Thou shalt keep thy word!), without being tied to a specific age, but instead being considered general or universal norms.

The most important universally valid moral criterion which is not subjected to relativist judgment is the acceptance of the fundamental human rights` universality.

Moral value is the product of an assessment agreement, resulting in the acceptance or dismissal of a human reality or of desiderata regarding human cohabitation and life purposes. Sacrificing other values for the moral ones is morally legitimate and desirable. The sole rewards for achieving moral value are recognition from the public opinion and *catharsis*. The wide variety of axiological perspectives makes it difficult to unambiguously define the concept of value. As indeed recognized by axiology (the general theory of values), value is generally irreducible to *genus proximus*, therefore one can for the most recognize value`s characteristics in value systems or in value genres or can determine the way it is established.

Norms aim at prescribing specific desirable characteristics for different areas of human existence and action. For instance, logical norms provide the logical parameters for the functioning of thought`s structures, while social norms define behavior parameters specific to people`s relations with others or with their specific group. Moral norms are a part of the social norms category, together with political, legal, and administrative ones. Their particularity is that they prescribe the desirable behavior for people in relation with their peers, as people, and they are imposed by force of public opinion and of human conscience. Even a passing analysis of the general chart of social morals and ethics literature regarding the general field of morality leads us to the following finding: morals norms are the center of morals, both by reference to what is perceivable in moral life and from the major philosophical themes` perspective. Being in unmediated contact with the moral subject, the norm ensures conformity to a specific moral system. The status of moral norms in the universe of human existence is well-known.

To conclude, we can assess that the moral norm is the very recommendation made to people in order to appreciatively, behaviorally, and effectively adhere to a specific moral value. Therefore, moral values and norms are highly connected. The moral norm is the prescriptive form of a moral value. Through norm, value goes from assessment to action, so we can consider social morals as instituted by a mechanism operated by value, norm, and action. From this perspective, the ultimate goal of moral values cannot be other than directing individual and social activities towards the moral good.

### 3. ETHICS. CONCEPTUAL EXCURSUS

**3.1. Taxonomy – Distinctions, Nuances, Meanings.** In current academic terminology,

general ethics or moral philosophy is admittedly made of three fields or levels:

(i) *first degree ethics* or *value and normative ethics* (the study of main ethical theories and doctrines);

(ii) *second degree ethics* or *meta-ethics* (the study of moral language, both in first degree ethics, and in common language);

(iii) *applied ethics* (the analysis of particular moral cases or phenomena, such as abortion, euthanasia, cloning, environmental or business issues), based on criteria and theories advanced by the first and second degree ethics.

This delineation of ethical thinking is nevertheless not unanimously accepted by competent theoreticians. In *Moral vision* (1988: 2), D. McNaughton for instance advances the following structure:

(i) *practical ethics*, meaning the study of particular moral problems, such as: «is abortion morally acceptable» or «what structures would one find in a perfectly just society?»;

(ii) *moral theory*, meaning attempts to develop a theory of morality able to produce a general method to answer all particular moral questions raised by practical ethics;

(iii) *problems pertaining to the nature and status of our moral thinking*, raising questions such as: «are there moral truths?», «is it possible to prove a certain moral vision is better than another?»”.

Reflection on the status of moral thinking is called *meta-ethics* in order to be distinguished from both *practical ethics* and *traditionalist moral theories* (McNaughton, D. 1988: 2).

There are several useful characteristics which support the effective conceptual delimitation between ethics and morals:

– morals refer to human behavior as seen through the lens of values (such as good and bad, just and unjust etc.), while ethics relates to the study of everything that is encompassed in the field of moral values and norms in action;

– while morals are considered an actual phenomenon (as a set of rules and norms for good behavior with a more or less universal character, related to day-to-day, practical, and spiritual actual life of human individuals and collectivities), ethics is the theory which studies this actual phenomenon (the theory on morals), respectively the conceptual system on which a specific vision on morality is based, whereas morality is the condition of the individual aspiring to live according to the highest possible ideals and principles (Bâtlan, 1997:9);

– common morals (meaning the set of community standards and habits) are not reflexive,

because they set community standards through mimetic conformity, with no filtering from individual reasoning, while the ethic enterprise means reflection over general principles (including with regard to the motivation of choosing a specific set of principles over another) and assessing a particular situation from the perspective of these principles;

– morals have a more significant emotional component, as opposed to ethics; ethics imply a higher degree of impersonality, exploration and awareness of alternative ways of life; accepting ethics does not involve renouncing private morals, but considering other moral principles and norms potential alternatives in particular contexts.

In common language, the two terms are often used interchangeably when referring to individuals (positively or negatively) or their actions (moral/right, immoral/ wrong). Generally, the preferred term in politics, administration, business, media, medicine is “ethics”, while “morals” relate to private life. Therefore, one can state that we respect morals in our private lives and ethics in our public ones (political, civic, and professional).

To conclude, the significance of the ethics-morals pair can be resumed by a particularly suggestive and illustrative *dictum* by André Comte-Sponville: “morals command, ethics recommend”.

**3.2 Applied Ethics.** The need to have an ethical perspective in specific problems or in solving practical situations led to the development of this field, which expanded massively in the last two decades. It is responsible for moral analysis of multiple actual situations or areas involving problematic situations - including moral dilemmas - and of social and professional practices in need of adequate measures. Applied ethics encompass medical ethics, judicial ethics, media ethics, professional ethics, environmental ethics (including animal rights), business ethics, and so on. It also approaches intelligence. The difference in this case is made by the implicit link between intelligence and secrecy. The latter is the fundamental characteristic setting intelligence apart from other activities.

Nevertheless, the informational age and the current security environment resulted in a diminished value of secrecy and an exponential increase of available information – if not exclusively from open sources, at least from not-quite-secret ones. Core-changes in the new intelligence paradigm are brought about by openness and transparency, since intelligence agencies no longer have monopoly over prediction, and intelligence activities are also current in NGOs, transnational organizations, companies or lobbying and advocacy groups representing different communities, concepts, and ideologies.

The increasing number of institutional actors involved in intelligence, the change of attitude concerning secrecy and therefore increased information on intelligence agencies' activities led to the need to reexamine intelligence theory and practice. In this situation, assimilating fundamental ethical values is a much-needed step in achieving professionalism; ethical values, moral principles, and moral norms are compulsory for the intelligence professional.

Applied ethics set out to debate the ethical characteristics of contemporary life which can no longer be managed exclusively by means of classic ethics theories. Such enterprise involves an interdisciplinary approach and requires knowledge of both general ethics theories and of the particular field of reference.

#### **4. ETHICS IN INTELLIGENCE: PARTICULARITIES AND CONTROVERSIES**

Professional ethics, this "avatar" of modern ethics, aims at adjustment to the particular characteristics of the various professions, in order to optimize professionals' performance and to ensure primacy of the beneficiaries' interests. Most professions have currently established (or are about to establish) their own ethical regulations, which were institutionalized by being included in various ethical or deontological codes.

The most well-known field where activity is ethically regulated is healthcare, where we have clinical ethics, medical ethics, medical professionals' ethics, positioned at the meeting point between bioethics and sanitary deontology.

Professional ethics discusses issues such as a profession's ethical values and best practices, as well as generally accepted limitations of activity. This component of ethics can be divided into two components: an affirmative one (describing professional excellence and directly connected to quality assurance practices), and a negative one, dealing with interdictions and guiding professionals with respect to unacceptable situations. By nature, the latter is similar to legislative regulation, because it sets limits and sanctions for professionals in cases where the law does not. However, while the law is universal and applies to all citizens of a particular state, professional ethics regulates the activities of particular categories of society members.

In practice, in order to have actual regulating effects, ethics is transposed in norms, this being the case for codes of ethics in intelligence organizations, too. Most codes of ethics, however, focus mainly on sanctions, instead of analyzing ethical values and principles which form the basis of a profession.

Without this analysis, codes of ethics and deontology lack the transparency needed to achieve professional consensus, therefore specialists are forced to adhere to them, instead of doing so voluntarily and autonomously. It is, therefore, important to mention that "excess ethics" can transform negative professional ethics in repressive and potentially abusive actions.

Until recently, ethics was not a prominent subject of analysis and debate in intelligence studies, because the general point of view was that intelligence is basically realist and pragmatic and moral issues are covered either by law, or by the objectives underlying specific actions. Applied ethics in intelligence allows us to better understand how intelligence organizations operate in democratic societies, where civic rights and liberties are sometimes in an inevitable tension with national security. This tension is, however, beneficial, because it excludes from the very beginning the primacy of one of these concepts, each needing legal and ethical warranties.

##### **4.1. Development of Ethics in Intelligence.**

Intelligence ethics is a relatively recent subject for debate and research, only becoming prominent after the Vietnam War (1967-1975). In 1977, The Central Intelligence Agency (CIA) compiled one hundred texts from XX<sup>th</sup> century journals and books regarding ethical options in foreign policy, interventionism v. isolationism, spying and democratic societies, and governments' right to withhold information from their citizens. The resulting study was titled *Morality and Ethics. Intelligence and Secrecy in our Democracy*. This was the first effort to map relevant reports, to pinpoint the state of ethics in intelligence, not only to allow, but to encourage future development of the subject by both academics and practitioners or retired professionals.

Debates started in the 1970's American intelligence community regarding the morality of American actions in war theaters as well as in domestic conflicts. Then, there were ensuing ethics training programs, and initiatives to discuss the relevance of ethics in intelligence, but the subject gained visibility after 9/11 and the start of the "war on terror" announced by American president George W. Bush.

Applied ethics in this field focused mainly on the use of enhanced interrogation techniques in intelligence gathering, observing civil rights and liberties, the tolerable degree of intrusion for counterterrorist legislation or political and diplomatic relations to authoritarian and non-democratic states. After the 2003 invasion of Iraq,

the ethics of intelligence analysis became of particular interest for researchers. The fundamental issue in point was whether intelligence was interpreted subjectively in order to provide the answers the political masters were expecting. In this regard, Joshua Rovner's *Fixing the Facts: National Security and the Politics of Intelligence* (2011, Cornell University Press) focuses on how intelligence supports political decision-making and on when politics can, in turn, influence intelligence products.

#### 4.2. Characteristics of Ethics in Intelligence.

Intelligence organizations have several characteristics which, at first sight, don't seem to encourage honest debate on their actions' morality and ethics:

(i) *Discretion and conspiracy* – intelligence agencies are traditionally protective of their methods, and intelligence officers have only two arguments to consider when doing their job: legality and meeting objectives. In this sometimes complicated equation, ethics seems optional and apt only to further blur an already confusing image.

(ii) Intelligence organizations are essentially *bureaucracies*, sometimes military ones, where rules, regulations, and internal procedures are very detailed, therefore generating the opinion that knowing and respecting them implicitly solves any ethical dilemmas.

(iii) Intelligence agencies are *generally not pro-active in advancing ethics as a debate subject*, especially in public debates (for instance, with academia and civil society). A historical and comparative analysis of the way intelligence organizations have related to their activity's ethics shows they were generally reactive, responding to pressure from society, academia and research, the public or former employees who explicitly approached the matter.

Intelligence ethics is not yet a unitary field, nor is it an established research subject. Relevant studies can currently be divided into two categories (according to Virst Ronn, K. 2016:760):

(i) **External** – approaching relations between intelligence organizations and other entities (for example, political decision-makers, other institutional partners, the private sector, the general public);

(ii) **Internal** – the majority of relevant studies analyze ethical dilemmas stemming from the very nature of the intelligence activity (for example intrusive measures, eavesdropping/ wiretapping, etc).

As a scientific discipline, intelligence ethics aims at establishing which forms of the

intelligence activity are morally admissible, whether and under which circumstances their assessment may vary, and to what purpose they are used. Those are difficult questions, their answers depending not only on national outlooks and on geopolitics, but also on specific historical moments and exceptional circumstances (such as war, state of siege etc).

## 4. CONCLUSIONS

Theoretical ethics has failed to effectively address professional communities' needs for ethical assessment of their *praxis*; this led to the development of specific fields of ethics which, through adequate terminology and epistemology, are fitting instruments for professionals in areas such as medicine, business, technology, law etc.

Intelligence is, of course, no exception, since the moral ambiguity of some intelligence activities was always a given, accountable for the reluctance to approach, analyze, and eventually regulate this profession's ethic dimension.

While intelligence gathering dynamically adapted to contemporary requirements, academics and intelligence professionals insisted on the need for a coherent ethic framework, intended to supply a more precise image of the situations when intelligence collection is necessary and to set rigorous standards in the field.

The current need for information often requires intrusive intelligence gathering (either by wiretappings, intrusions in private life, undercover agents etc). To put it bluntly, the intelligence activity determines agents to deflect, instigate, and coerce through methods civil society does not embrace.

Nevertheless, efforts to outline an ethical climate for intelligence activities are more and more obvious, particularly against a backdrop of intelligence failures which constituted lessons learnt in this regard. There is growing concern not only for effectiveness, but also for the ethical and deontological facets.

The purpose and reason for intelligence codes of ethics are to provide intelligence officers with tools able to outline the profession's moral norms, in order to establish/ define behaviors society expects from intelligence workers.

Moreover, should one consider intelligence organizations are traditionally protective of their means and methods and that intelligence officer are generally guided by law and the need for efficiency, ethics would seem an optional variable, prone to complicate an already blurred picture.

But failures in intelligence activities have severe consequences, as we have recently seen all too often.

And from failures – some stemming from the very lack of ethical guidance – intelligence has learned the necessary lesson: that, in order for a democratic state to function normally, intelligence needs not only statutory legal regulations and oversight, but also a minimal framework of ethical principles and codes. Codes of ethics need to be embedded in intelligence communities' action patterns in order to be useful in interpreting and solving professional moral dilemmas. Therefore, codes of ethics must be assumed with genuine commitment and operationalized by intelligence organizations, in full awareness of field professionals.

Experience teaches that codes of ethics by no means warrant that organization members are bound to embrace ethical behaviors, but they can, nonetheless, reflect a good practice which values ethical precepts and rewards ethical conduct. And since most intelligence organizations have already went through all the necessary steps to draft and enact their own codes of ethics or deontology, what is essential now is to persevere in enforcing ethical principles.

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