

Georgetown University

Ethics, Intelligence and National Security

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Summer 2009

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Course Description: This course introduces the student to the role of intelligence in support of national security with an emphasis on ethical conduct. The course is to provide a framework for understanding the field of intelligence work in terms of establishing the foundations and interdisciplinary focus of ethical theory, public administration, and the sociological parameters of professionalism. There are four stages to the course. The course will begin with a broad overview of understanding intelligence work with lectures and readings from US government documents and contemporary academic articles, designed to provide an introductory context for the emergence of all aspects of intelligence work; in the second part of the course, the students will develop an understanding of classic moral philosophy to include the concepts of cultural relativism, subjectivism, ethical egoism, utilitarianism, Kant, virtue, and the idea of a social contract; the third part of the course, the emphasis will shift to the role of professionalism and public administration as a way of understanding how organizations and individuals interact in a public and bureaucratic forum and its impact on the individual; the final section of the course will involve in-class discussions and student presentations on the interaction of the role of intelligence as it is applied to various ethical theories. Student topics will be chosen, in consultation with the instructor

Course Readings: A combination of readings from books, handouts and websites will be assigned to include the following,

I. (required)

Books

1. Walzer, Michael, *Just and Unjust Wars. A Moral Argument with Historical Illustrations*; 2nd edition. NY: Basic Books, 1992.
2. Adams, Guy. *Unmasking Administrative Evil*. CA: Sage Publications, 1998.
3. Rachels, James, *Elements of Moral Philosophy*. NY: McGraw Hill, 2nd edition
4. Goldman, Jan. *Ethics of Spying: A Reader for the Intelligence Profession* Scarecrow Press 2006.
5. Bok, Sissela. *Lying: Moral Choice in Public and Private Life*. NY: Vintage, 1989.

Articles

1. Hinman, Lawrence. "Writing Papers about Theories: Tips and Traps", from *Ethics: A Pluralistic Approach to Moral Theory*, 2nd ed. (Harcourt Brace, 1998).
2. Kober, Stanley. "Why Spy? The Uses and Misuses of Intelligence"
3. McLaughlin, Abraham. "A Matter of Ethics For the Cloak-and-dagger set"

4. Born, Hans and Ian Leigh (eds.), *Making Intelligence Accountable: Legal Standards and Best Practice for Oversight for Intelligence Agencies*, chapter 2.
5. Access: http://www.ccmr.org/public/images/download/new_democracies.pdf
Bruneau Thomas. "Intelligence and Democratization: The Challenge of Control in New Democracies," CCMR Occasional Paper #5 (March 2000)
6. Barker, Stephen. What is a Profession?, *Professional Ethics*, vol.1, nos 1&2.
7. Gert, Bernard. Morality, Moral Theory, and Applied and Professional Ethics, *Professional Ethics*, vol.1, nos 1&2.
8. Goldman, Jan. "Ethics of Spying", *Defense Intelligence Journal*, vol.14, no.2.

Access to the following web sites

1. International Intelligence Ethics Association: <http://intelligence-ethics.org>
- 2 Association of Professional Ethics: <http://www.indiana.edu/~appe>
3. Joint Services Conference On Professional Ethics: <http://www.usafa.af/jscope>
4. Center of the Study of Ethics in the Professions, Illinois Institute of Technology:
<http://ethics.iit.edu/codes>
5. Political Science Department, Loyola College (Maryland)
<http://www.loyola.edu/dept/politics/intel.html>
6. United States Government, Intelligence Community: <http://intelligence.gov>
7. University of Minnesota Human Rights Library, Center for Bioethics,
United States Military Medicine in War on Terror Prisons
<http://www1.umn.edu/humanrts/OathBetrayed/index.html>

Additional Handouts To Be Determined

II. (optional books)

1. Goldman, Jan. *Words of Intelligence: A Dictionary*. Scarecrow Press, 2006
2. Olson, James. *Fair Play: The Moral Dilemmas of Spying*. Potomoc Books, 2007
3. Bok, Sissela. *Secrets: On the Ethics of Concealment and Revelation*. New York Vintage, 1982.

Regular attendance as well as informed and active participation in class discussions are essential. If you need to miss all or part of a class session, try to inform me beforehand. Students are responsible for reading all assigned material prior to class, and being prepared to ask discerning questions on each reading assignment. Students will discuss meritorious questions during class sessions. This course is taught as a seminar and participation in class discussions are vital.

Student Projects: Students will turn-in their final project and be prepared to discuss it with the class. The topic: You must choose your own topic and consult the instructor with a written proposal. The paper must be an exercise in ethics (ethics, metaethics, morality or case study) as it relates to intelligence and/or national security. It may take a religious or secular perspective. You should emphasize disciplined reflection rather than describing or heaping up data. The topic may be contemporary or historical, conceptual or strategic, analytic or constructive. If you need suggestions, browse through any of the

war/ethics books and note regularly recurring problems and issues. But, since intelligence or warfare is always current, a careful reading of a good newspaper will also offer a plethora of topics. Choose a topic that permits you to work in-depth rather than to spread yourself across a range of issues. Some students often tackle too broad a topic, such as "a moral critique of nuclear weapons;" rather choose a more limited topic that seeks depth, not scope, such as, "A critique of the American Catholic Bishops' evaluation of nuclear deterrence;" or "A moral analysis and critique of covert action between very close allies;" or, "An ethical evaluation of a key feature of US science and technology policy as it relates to intelligence activities after the Cold War."

Similarly, do not attempt to evaluate the just war doctrine in general but study it in relation to a specific conflict or in a defined context, as that of terrorism, economic espionage or signal intelligence collection. Or you may wish to compare/contrast two or three different approaches to a specific problem, as juxtaposing a realist and a principled proponent/opponent of covert action as an instrument of public policy. You could analyze how contrasting religious ethicists use biblical texts when it comes to war or intelligence operations. For example, you could scrutinize religious positions on modern war (Presbyterians, Jews, Quakers, Catholics--but not more than two). Current and pressing problems, such as an international ban on special operations (e.g., the mining of harbors), or an ethical critique of American or international interventions in crises may also be used; dual papers written on a collaborative basis between students will be considered and encouraged (i.e., each student looks at the same problem but from different perspectives).

Course Requirements: The course will include class participation (20%); three analytical case studies (30%); a research paper (45%); and presentation (5%).

Georgetown University Policy: If you believe you have a disability, then you should contact the Academic Resource Center (arc@georgetown.edu) for further information. The Center is located in the Leavey Center, Suite 335. The Academic Resource Center is the campus office responsible for reviewing documentation provided by students with disabilities and for determining reasonable accommodations in accordance with the Americans with Disabilities Act (ADA) and University policies.

No one can be happy who has been thrust outside the pale of truth. And there are two ways that one can be removed from this realm: by lying, or by being lied to.—Seneca

Class Meetings, Readings, and Assignments

Course Overview, Introduction To Intelligence And National Security

Objective: Familiarize the students on the direction of the course and its requirements. To understand what constitutes the Intelligence Community and the duties and responsibilities of those that are employed in this field of work. Understand the role of the intelligence community to national security.

View the following website:

<http://www.intelligence.gov> (specifically, the “About the IC” slide show)

To be handed out in class:

Hinman, “Writing Papers about Theories: Tips and Traps”, from *Ethics: A Pluralistic Approach to Moral Theory*, 2nd ed. (Harcourt Brace, 1998).

Understanding the Language and Organization of the U.S. Intelligence Community

Objective: Familiarize the students on the operational concepts and language employed within the United States Intelligence Community to include the individual duties and responsibilities of those that are employed in this field of work. Understand the professional nature of intelligence work and its perception of the intelligence community

Read at <http://intelligence-ethics.org>:

Stanley Kober, “Why Spy? The Uses and Misuses of Intelligence”

Abraham McLaughlin, “A Matter of Ethics For the Cloak-and-dagger set”

Goldman, Jan. “Ethics of Spying”, *Defense Intelligence Journal*, vol.14, no.2. (Handout)

Concepts And Principles Of Ethical Theory And Morality (part I)

Objective: To understand the overall language, concept and theories of moral philosophy; specifically, students will be introduced to the concepts, theories, and models of ethical reasoning to include cultural relativism, ethical egoism, utilitarianism, consequentialism, Kantian ethics, virtue, Devine theory and the idea of a social contract.

Read: Rachels, *Elements of Moral Philosophy*; chapters 2, 3, 6, 8

Concepts And Principles Of Ethical Theory And Morality (Part II)

Objective: To understand the overall language, concept and theories of moral philosophy; specifically, students will be introduced to the concepts, theories, and models of ethical reasoning to include cultural relativism, ethical egoism, utilitarianism, consequentialism, Kantian ethics, virtue, Devine theory and the idea of a social contract.

Read: Rachels, *Elements of Moral Philosophy*; chapters 9, 10, 11, 12.

Ethics And The Moral Considerations In The Application Of Force

Objective: To understand the overall concept and theories of the role of ethics in conventional warfare and the moral decision process of the war fighter; To understand the role of force and the moral implications that stem from the use of and application of force by both the individual and the state.

Read: Goldman, chapter 16

Defense Intelligence Journal, Casebeer article

Walzer, *Just and Unjust Wars*: p.13-24, 29-47, 51-62, 74-82, 138-159, 160-206, 287-327.

Applied Ethics: Moral Obligations In A Democracy

Objective: To use understand and develop applied ethics to the different roles of intelligence and moral choice. Students will be expected to analyze different aspects of a case study to apply different theoretical models of moral decision making.

Read: Goldman, *Ethics of Spying*, chapters 1-6.

Read at: <http://intelligence-ethics.org>:

Hans Born and Ian Leigh (eds.), *Making Intelligence Accountable: Legal Standards and Best Practice for Oversight for Intelligence Agencies*, chapter 2.

Access: http://www.ccmr.org/public/images/download/new_democracies.pdf

Thomas Bruneau, "Intelligence and Democratization: The Challenge of Control in New Democracies," CCMR Occasional Paper #5 (March 2000)

Civil Servant Ethics And Public Administration

Objective: Students will determine the duties and responsibilities of a profession and how and why this is important in the field of intelligence work. Students will be exposed to several professions that may have overlapping ethical boundaries in relation to intelligence work to society. **Due Assignment:** Students will be responsible for picking 1 code of conduct and be prepared to discuss; copies will be required to handout in class.

Read: Guy Adams, *Unmasking Administrative Evil*, chapters 1, 3, 5, 7

Stephen Barker, "What is a Profession?", *Professional Ethics*, vol.1, nos 1&2.

Bernard Gert, "Morality, Moral Theory, and Applied and Professional Ethics", *Professional Ethics*, vol.1, nos 1&2.

Defense Intelligence Journal, 157-164

Review: Joint Services Conference On Professional Ethics: <http://www.usafa.af/jscope>

Association of Professional Ethics: <http://www.indiana.edu/~appe>

Center of the Study of Ethics in the Professions, Illinois Institute of Technology: <http://ethics.iit.edu/codes>

Intelligent Ethics: Decision Making Model

Objective: Discussions will continue to focus on other professions and the possible carryover to what can be used in developing a possible code of ethics for the intelligence professional. Students will be introduced to the ethical decision making model, its application to intelligence work, and the strength and weaknesses it may possess for the intelligence profession.

Read: Goldman, *Ethics of Spying*, chapters 19, 20, 21; Appendix A

Bok, Sissela. *Lying: Moral Choice in Public and Private Life*, chapter 2, 3, 6, 9, 10, 12

Intelligent Ethics: Profession And Tradecraft

Objective: Discussions will focus on the role of ethics in the intelligence profession as it pertains to both the use of statecraft and its conduct by those employed within the intelligence community; understand and applying an ethical decision-making model/process to case studies. **Due Assignment:** Case Studies.

Read: Goldman, *Ethics of Spying*, chapters 10, 11, 13-15; 17,18.

Presentations/Discussions

Objective: This final session students will present their final projects. Additional class discussion will focus on the future of performing ethical work for national security.

Bibliography on Ethics and Intelligence

A. Intelligence Journals (that might have an occasional article on ethics)

International Journal of Intelligence and Counterintelligence

Intelligence and National Security

National Intelligence Journal (formerly, *Defense Intelligence Journal*)

Studies in Intelligence (published by Central Intelligence Agency)

Cryptologic Quarterly (published by National Security Agency)

American Intelligence Journal (published by National Military Intelligence Association)

The Intelligencer (published by Association For Intelligence Officers)

The Journal of Intelligence History

B. Relevant journals that publish articles on intelligence (and ethics) include:

International Security

Foreign Affairs

Foreign Policy

Orbis

Parameters

Policy Review

C. Books:

Ethics and Intelligence:

Badiou, Alain. *Ethics: An Essay on the Understanding of Evil*. New York: Verso, 2001.

Born, H. and Leigh, Ian. *Making Intelligence Accountable: Legal Standards and Best Practice for Oversight of Intelligence Agencies* xxxxxxxxxxxxxxxxxxxxxx

Brodeur, Jean-Paul, Peter Gill, and Dennis Toellborg. *Democracy, Law, and Security: Internal Security Services in Contemporary Europe*. Burlington: Ashgate, 2003.

Gannon, James. *Stealing Secrets, Telling Lies: How Spies and Codebreakers Helped Shape the Twentieth Century*. Washington D.C.: Brassey's, 2001.

Goldman, Jan (ed.). *Defense Intelligence Journal: Special Issue on Ethics*, vol.16, no.1, 2007

Goldman, Jan (ed.). *Ethics of Spying: A Reader for the Intelligence Professional*. Lanham, MD: Scarecrow Press, 2006.

Leigh, Ian, Loch K Johnson, and H Born. *Who's Watching the Spies: Establishing Intelligence Service Accountability*. Dulles, VA: Potomac Books, 2005.

Miles, Steven H. *Oath Betrayed: Torture, Medical Complicity, and the War on Terror*. New York: Random House, 2007.

Rustmann, F. W. CIA, Inc. *Espionage and the Craft of Business Intelligence*.

Washington ,D.C. London: Brassey's, 2002.
Shanahan, Timothy. *Philosophy 9/11: Thinking About the War on Terrorism*. Chicago: Open Court press, 2005.

Just and Unjust War

Frame, Tom *Living by the Sword: The Ethics of Armed Intervention*, (Sydney:UNSW Press, 2004).

Gaita, Raimond “A Last Resort” in Raimond Gaita (ed.) *Why the War Was Wrong* (Melbourne: Text, 2003) pp. 81-112.

Rodin, David “War and Self-Defense” *Ethics & International Affairs*, 18(2004)63-68.

Rodin, David *War and Self-Defense* (New York: Oxford University Press, 2003).

Walzer, Michael *Just and Unjust Wars*, (New York: Basic Books, 2000).

Weapons and Targets

Christopher, Paul “The Just War and Weapons of Mass Destruction” in *The Ethics of War and Peace: An Introduction to Legal and Moral Issues. 3rd Ed.* (Upper Saddle River: Pearson Prentice Hall, 2004) pp. 197-221.

Garrett, Stephen A. “Standards and Principles” in *Ethics and Airpower in World War II : the British Bombing of German Cities* (New York: St. Martin's, 1993) pp. 131-156.

Lifton, Robert *Hiroshima in America: 50 Years of Denial* (New York: Putnam, 1995).

Maddox, Robert “A Retrospect” in *Weapons for Victory : the Hiroshima Decision Fifty Years Later* (Columbia: University of Missouri, 1995) pp. 146-164.

Walker, J. Samuel *Prompt and Utter Destruction: Truman and the Use of Atomic Bombs Against Japan* (Chapel Hill: University of North Carolina, 1997).

Ethical Issues of Military Life

Christopher, Paul “Women in Combat Roles?” in James C. Gaston & Janis Bren Hietala (eds) *Ethics and National Defense* (Washington D.C.: National Defense University, 1993) pp. 223-236.

de Lee, Nigel “The Case of Colonel Hackworth” *Journal of Military Ethics* 3(2004)61-67.

Ficarotta, J. Carl “A Higher Moral Standard for the Military” in George Lucas et al (eds) *Ethics for Military Leaders 5th ed* (Boston: Pearson Custom, 2002). pp. 93-103.

Gouveia, William A. “An Analysis of Moral Dissent: An Army Officer’s Public Protest of the Vietnam War” *Journal of Military Ethics* 3(2004)53-60.

May, Larry “Superior Orders, Duress, and Moral Perception” in Larry May, Eric Rovie & Steve Viner (eds) *The Morality of War: Classical and Contemporary Readings* (Upper Saddle River: Pearson Education, 2006). pp. 430-439.

Smith, Hugh “Conscientious Objection to Particular Wars” *War and Society*, 8(1990)118-134.

Dealing with the Enemy

- Allhof, Fritz. "Terrorism and Torture" *International Journal of Applied Philosophy* 17(2003)105-118.
- Ball, Howard *Prosecuting War Crimes and Genocide: the Twentieth Century Experience* (Lawrence: University Press of Kansas, 1999).
- Bellamy, Alex J. "No Pain, No Gain? Torture and Ethics in the War on Terror" *International Affairs* 82(2006)121-148.
- Bowden, Mark "The Dark Art of Interrogation" in *Road Work* (London: Atlantic, 2004) pp. 71-110.
- Browning, Christopher *Path to Genocide: Essays on Launching the Final Solution* (New York: Cambridge University, 1992).
- Davis, Michael, "The Moral Justification of Torture and Other Cruel, Inhuman, or Degrading Treatment," *International Journal of Applied Philosophy*, 19(2005)161-78.
- Dershowitz, Alan M. *Why Terrorism Works: Understanding the Threat, Responding to the Challenge*, (Melbourne: Scribe Publications, 2003).
- Dower, John W. *War Without Mercy: Race and Power in the Pacific War* (London: Faber, 1986).
- Garrett, Stephen A. "Standards and Principles" in *Ethics and Airpower in World War II : the British Bombing of German Cities* (New York: St. Martin's, 1993) pp. 131-156.
- Ignatieff, Michael *Warrior's Honor: Ethnic War and the Modern Conscience* (London: Chatto & Windus, 1998).
- Klee, Ernst et al (eds) *The Good Old Days: The Holocaust as Seen by its Perpetrators and Bystanders* (New York: Free Press, 1991).
- Overy, Richard "The Nuremberg Trials: International Law in the Making" in Philippe Sands (ed) *From Nuremberg to the Hague : the Future of International Criminal Justice* (New York: Cambridge University, 2003).

D. Web sites listing intelligence literature

<http://intellit.muskingum.edu/>
<http://www.cia.gov/library>
<http://www.ndic.edu>
<http://www.nsa.gov/history/histo00007.cfm>

E. Web sites listing intelligence associations

Association for Intelligence Officers (AFIO); <http://www.afio.org>
National Military Intelligence Association (NMIA); <http://www.nmia.org>
Naval Intelligence Professionals (NIP); <http://www.navintpro.org>
Marine Corps Intelligence Association (MCIA); <http://www.mcia-inc.org>
Military Intelligence Corps Association (MICA); <http://www.micorps.org>
National Defense Intelligence Foundation (NDIF) ; <http://www.ndifoundation.org/>
International Intelligence History Association; <http://www.intelligence-history.org>

International Intelligence Ethics Association (IIEA); <http://www.intelligence-ethics.org>
International Association for Intelligence Education (IAFIE) <http://www.iafie.org>
Armed Forces Communications and Electronics Association (AFCEA); <http://www.afcea.org>
Intelligence and National Security Alliance (INSA); <http://www.insaonline.org>
International Studies Association's Intelligence Studies Section (ISA/ISS);
<http://www.iss.loyola.edu>
Association of Old Crows (The Electronic Warfare and Information Operations Association);
<http://www.myaoc.org>
National Cryptologic Museum Foundation; <http://www.cryptologicmuseumfoundation.org>
The MASINT Association; <http://www.masint.org/>
The OSS Society; <http://www.ossociety.org>

Canada:

Canadian Forces Intelligence Branch Association; <http://www.intbranch.org/home-e.html>
Canadian Association for Security and Intelligence Studies
<http://www.casis.ca/english/index.html>.

UK:

Security and Intelligence Studies Group (SIGS) of the UK Political Studies Association
and the British International Studies Association; <http://www.sigs.org.uk>

Disabilities Statement:

If you believe you have a disability, then you should contact the Academic Resource Center (arc@georgetown.edu) for further information. The Center is located in the Leavey Center, Suite 335. The Academic Resource Center is the campus office responsible for reviewing documentation provided by students with disabilities and for determining reasonable accommodations in accordance with the Americans with Disabilities Act (ADA) and University policies.