The Honest Thief: A qualitative study exploring the ethics of clandestine intelligence collection in a statutory environment.

"There are great occasions in which some men are called to great services, in the doing of which they are excused from the common rule of morality."

Oliver Cromwell

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DECLARATION

I, *Trevor Richard Corbett*, hereby declare that the work on which this dissertation/thesis is based is my original work (except where acknowledgements indicate otherwise) and that neither the whole work nor any part of it has been, is being, or is to be submitted for another degree in this or any other university.

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DEDICATION

This dissertation is dedicated to the intelligence practitioners of the world who are forever in two ethical worlds, their own, and one they create to stay themselves.

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Without the support of my family, this dissertation would never have left the starting blocks. Thank you for believing I could do it. I am indebted to my supervisor Associate Professor Julie Berg who guided me along the way and Professor Clifford Shearing who led me to the finish. And to Dr Sia Rees, for reading the dissertation and making useful suggestions, I appreciated the help. Kirsty's formatting and editing skills made this dissertation compliant and easy on the eye. Paula, my go-to person at the library, went beyond the call of duty to assist. Finally, without the contribution of the nameless participants, there would have been no starting point for this study. Your openness and honesty (in a culture cloaked in secrecy) is appreciated beyond measure. I hope you understand the world you work in a little better now.

ABSTRACT

Researchers studying intelligence ethics have rarely had access to the insight of serving intelligence practitioners. In this study, a small number of practitioners were sampled in an attempt to gain an understanding of the techniques they use to make sense of the ethically questionable tasks they are required to undertake within the legal framework of the institution of intelligence. The researcher argued that intelligence practitioners may use some of the neutralization techniques found in criminological and psychological models in order to remain effective in an environment which places their personal ethical framework at risk of compromise. In some aspects, themes seemed to correspond with the Rational Choice Theory of Cornish and Clarke (1986), the Neutralization Theory of Sykes and Matza (1957) and the Cognitive Dissonance theory of Festinger (1957). Themes were categorised under two primary headings: the institutional framework and a conceptual and theoretical perspective of ethics in relation to intelligence practice. It could be argued that intelligence ethics studies may be entrenched in the overarching fields of philosophy, criminology and psychology as they all offer useful explanations of how deviant behaviour is understood and justified by individuals. A combination of factors played into how they made ethical decisions and how they justified (or did not) these decisions. Findings suggested a combination of institutional frameworks (deontologically derived rules

predetermined by the institution) and personal ethical frameworks (derived by each individual participant's family, religion etc) were key in creating a working ethical framework (intertwining the former and the latter) which allowed/justified them in making ethical decisions which they considered vital to a nation-state's survival.

LIST OF ABBREVIATIONS/ACRONYMS

CIA	**Central Intelligence Agency**
FBI	**Federal Bureau of Investigation**
HUMINT	**Human Intelligence**
IF	**Institutional Framework**
KGB	**Komitet Gosudarstvennoy Bezopasnosti**
NSA	**National Security Agency**
PEF	**Personal Ethical Framework**
RICA	**Regulation of Interception of Communications and Provision of Communication-Related Information Act, no 70 of 2002**
SANDF	**South African Defence Force**
SAPS	**South African Police Service**
SSA	**State Security Agency**
WEF	**Working Ethical Framework**
WMD	**Weapons of Mass Destruction**

Contents

CHAPTER 1

Introduction

"The spy remains in his curious legal limbo; whether his work is honourable or dishonourable, none can tell."

-Geoffrey Best: War and Law Since 1945

1.1 Introduction and Positioning of Work

Intelligence ethics. Some refer to the term 'intelligence ethics' as an oxymoron, the presupposition that there cannot be an ethical collection of intelligence (Jones 2010:21; Pfaff 2006: 69, Andregg 2010: 735 et al). It was Andregg who noted "the terms 'ethics' and 'spies' do not combine easily." There is, however more than one figure of speech which applies to intelligence ethics – there is the paradox of intelligence where the dilemma of intelligence in open societies is encapsulated in how intelligence services must secretly work to provide security in democratic societies, often by restricting or violating the rights of individuals whilst at the same time also respecting human rights and remaining accountable (Born and Wills 2010: 35). There may also be an irony of the intelligence domain. The irony relates to the fact that the intelligence services try to attract the most upright of citizens whose integrity and honesty is unquestionable, and then vet them over a period of months to confirm their high moral and ethical standing. Then, after

induction, they teach them the lore of intelligence practitioners, ‘tradecraft’, and send them into the field to lie, deceive, manipulate and coerce people using a variety of tools in their ‘tradecraft’ toolkit. An explanation of the title of this study is warranted. The term ‘honest thief’ is clearly as much an oxymoron as the term ‘intelligence ethics’ is - yet it succinctly describes the dilemma of the intelligence practitioner who is required to steal and cheat, yet remain an honest man or woman. Intelligence practitioners face complex moral and ethical problems which far exceed their having to lie, steal and cheat. They have to deal with issues relating to conflicting moral and legal duties where decisions have to be made “… in a time-sensitive, uncertain environment, with varying context” (Bailey 2012: 68).

1.1.1 Definition of an Intelligence Practitioner

In this work, and often generally in institutional and academic circles, the intelligence worker is referred to (often interchangeably) as an officer, official, professional or practitioner. The word ‘officer’ is more often than not used in the context of a military or police officer who is practicing intelligence. In the civilian service, the term intelligence professional or intelligence practitioner is a more appropriate term of reference. There is no correct or incorrect use of the words. For the purposes of this study, the word ‘practitioner’ will be used consistently.

The intelligence practitioner is not an agent, despite the often confusing mislabelling by the media. He or she is

> …a manager, a handler, a recruiter… the man whom he locates, hires, trains and directs to collect information and whose work he judges is the agent (Dulles 2006: 178).

In this research, intelligence practitioners were interviewed on the dilemmas they face whilst conducting operational activity which includes the use of ‘handling’ or managing ‘agents’. Although ‘agents’ are also faced with moral dilemmas as they engage in espionage or ‘spying’, they are not the focus of this study as it would be an impossible task to survey a population whose identity, access and objectives is a secret known only to a handful of people.

1.2 Research Question

The aim of this research is to contribute to the broader research agenda by attempting to formulate a conceptual framework for thinking about the role ethics plays in the collection of clandestine intelligence in a statutory intelligence environment in South Africa. The research drew on a sample of intelligence practitioners whose daily work required of them to collect intelligence in ethically questionable (but legally protected) ways. The aim was to attempt to provide more clarity on the effect and impact ethics has on these individuals and try to determine whether they can engage in morally questionable behaviour within their personal ethical framework, or whether the institutional framework will give their activity more than just legitimacy, but also neutralize any feelings of guilt. The researcher considered the possibility that intelligence practitioners must adapt their personal ethical frameworks in some manner in order to remain effective because intelligence work requires a certain level of deceitfulness and sometimes dishonesty in order to deliver an intelligence product. The overarching research question that prompted this study was formulated as:

What ethical views do a sample of intelligence practitioners hold in the collection of clandestine intelligence?

The research posed as its primary objective to design, contextualise and elucidate a qualitative survey to assist in understanding the views serving intelligence practitioners in the statutory intelligence agency in South Africa may hold relative to the ethics of clandestine intelligence collection. The survey was presented as the principal instrument by means of which the ethics of clandestine intelligence collection was analysed. It is contended that the study may contribute to the academic discourse on a subject largely unexplored in the South African context. The aim of the exploratory study was to determine whether a sample of intelligence practitioners adapted their personal ethical framework to accommodate ethically challenging actions within the institutional framework to make them effective.

1.2.1 Sub Objectives

The stated primary objective was concretised in the following sub-objectives:

- Describe the Institutional Framework (IF) in which an intelligence practitioner has to function.
- Describe a possible Personal Ethical Framework (PEF) for an intelligence practitioner.
- Identify and describe how an intelligence practitioner may have to adapt his or her PEF to accommodate working within the IF to remain effective.

1.2.2 Scope of study

This exploratory study was conducted on intelligence practitioners in the State Security Agency (SSA). It is emphasized here that this dissertation was not meant to provide an exhaustive or conclusive statement on the subject of intelligence ethics. The sample size was small (nine out of a population of around 500). The aim of the study was to provoke academic debate around the question of how intelligence practitioners in a specific environment may deal with the work-specific ethical dilemmas they encounter.

This study's shortcoming may be that the historical context of the intelligence practitioners was not considered in depth. This shortcoming was not seen as essential to the overall goal which was to explore the subject from a criminological-philosophical and not a socio-political perspective. The study also refrained from delving into the legitimacy of the State's collection of intelligence, its choices of targets or its motives. It was also conducted in a Western type environment and is thus an ethno-centric treatment. The ethics found in other intelligence services, such as in Israel or the Russian Federation or China, are not considered.

An extensive body of literature relevant to the focus of this study exists, both of a primary and secondary nature. In respect of primary sources, the study was informed exclusively by publicly available documentation. Secondary sources included books, journals, conference papers, publications by research institutions and Internet sites.

A precondition to authorisation for the study was that the thesis should not in any manner compromise secret information or insights directly derived from classified information. The research necessarily relies on the views of serving intelligence practitioners in the SSA whose views in themselves may be classified, so this

precondition presented a challenge. It is a basic premise that the statutory intelligence agency would want to safeguard information regarding its capacity, capabilities and efficiency. Any information concerning the morale, efficiency or personal ethical views of serving members could be compromising to the Agency and exploited by its adversaries. In meeting this challenge, great care was taken to protect the identities, specific work areas and geographical locations of the members surveyed as the research was conducted at praxis, not theoretical level.

1.3 The Structure of the Research

This thesis will begin by introducing the institutional framework of intelligence and define key concepts to aid in the understanding of the functioning and methodology of the profession. Thereafter, the focus will shift to the two main ethics theories of utilitarianism and deontology in an effort to position the study of intelligence ethics within a particular ethical framework. A criminological framework will also be explored as intelligence practitioners may be classed as ‘deviants’ as they engage in practices which, outside of context, would be considered criminal or delinquent. In this chapter, the concepts of cognitive dissonance and ethical dissonance are introduced as these were considered useful in explaining the ethical conflict intelligence practitioners must necessarily feel. The proceeding chapter explains the research methodology used and provides insight into how the data were collected and analysed. The analysis of the data follows with rich quotes from participants and the highlighting of possible themes. Building on and referring to the literature review, the following chapter takes and combines the research findings into a logical argument which addresses the research problem. The limitations of the study are

also explored in this chapter. The final chapter provides a concise summary of the findings with recommendations for further research.

CHAPTER 2

THE INSTITUTIONAL FRAMEWORK OF INTELLIGENCE

"The only purpose for which power can be rightly exercised over any member of a civilized community, against his will, is to prevent harm to others."

John Stuart Mill (*On Liberty*: 1859)

The profession of intelligence is practiced within a formal, institutional framework. This chapter will attempt to define and explain the concept of intelligence. It is important to define what intelligence is as a profession and to explore the work categories which are relevant to this study, that is, the methods of clandestine collection.

2.1 Positioning of ethics in intelligence

The concept 'intelligence ethics,' with denotations applicable to this study, emerged at the turn of the century within the criminology discipline. Subsequently, it has gained wide application in a variety of other disciplines and fields that include law, political studies and philosophy. In the late 1970's and 1980's, the ethical dilemmas of covert action were addressed in

several academic articles (Born & Wills 2010: 40). After the September 11 terror attacks in New York and Washington, and the war against Iraq which followed, the debate around ethically evaluating the practice of intelligence collection and how it might be condoned or condemned, gained momentum. A watershed year for the subject of intelligence ethics was 2006, with the publication of *The Ethics of Spying: A Reader for the Intelligence Professional*. The first international conference on ethics and intelligence was held outside Washington D.C the same year and was attended by intelligence practitioners, lawyers, academics and participants from nearly a dozen countries (Goldman 2010: xi). *The Ethics of Spying* readers (volumes 1 and 2) have been useful references for the purposes of intelligence ethics discussions. The International Intelligence Ethics Association's launch of the International Journal of Intelligence Ethics (http://www.intelligence-ethics.org) has also popularized the debate on intelligence ethics. On a theoretical level, ample literature has been produced on the inter-related themes of international and national security, intelligence ethics, international relations and statutory intelligence. Works of note include: Buzan (1991), Lowenthal (2003), Herman (2004), Buzan & Wæver (2005), Gendron (2005), Gill & Phythian (2006), Charters (2006), Drexel Godfrey (2006), Olson (2006), Perry (2006), Born & Wills (2010), Erskine (2010) and Bellaby (2012). In some of these works, authors have assisted in benchmarking normative ethical frameworks in the work of the intelligence community (Born & Wills 2010:40). Common themes in literature on the ethics of intelligence collection include ethical issues arising from the use of informers and agents and the ethical implications of intrusions into privacy through the use of technical monitoring (Born & Wills 2010: 45).

Despite the historical interest in and ongoing debates around intelligence ethics, intelligence services themselves are

often silent about the subject. Rolfe (2015: 1), in an address to the Annual Conference of the New Zealand Institute of Intelligence Professionals on 15 July 2015, observed:

> … I can find nothing in the current 'National Security System' paper (published in May 2011) dealing with ethics… the New Zealand Intelligence Community website does not mention ethics and none of the relevant legislation seems to mention the term.

Notwithstanding the often low-key approach intelligence agencies around the world has to have ethics, in the intelligence world, moral and ethical dilemmas are commonplace as intelligence practitioners and their targets are in a constant battle for supremacy. The intelligence practitioner working in a democratic society has an obligation to engage the target under the laws and conventions which guide the profession. This does not detract from the fact that they may still have to lie and manipulate to get the job done, actions which must go against their personal ethical frameworks. Lying and manipulation treats humans as non-autonomous, merely as means to one's own end (Skerker: 2006: 145). It can be argued that the criminal (or foreign spy), is a liar and manipulator himself[1] so exempts himself from the reciprocal web of deontological obligations and so frees others from an obligation to respect his rights. Yet this does not mean intelligence practitioners should not treat him or her with respect (even though they may not deserve it.) The proposition, as philosopher David Hume notes (quoted in Skerter 2006:145) is that those who do not obey the rules of war (barbarians) should not be dealt with barbarously but deserve "the chivalric restraint owed other soldiers". Andregg indicates the importance of practicing intelligence ethically in a legal framework. "Without some law and some ethics we all may become barbarians" (Andregg 2010: 742).

[1] In this study, any reference to one gender automatically includes the other.

2.1.1 Intelligence studies: the secret domain

In addressing these questions, it came as a surprise that academic discourse on the question of ethics in intelligence collection is restricted to overseas studies and even then, due to the secretive functioning of intelligence agencies, qualitative information from current serving operatives is hard to find. As Duvenhage (2010: 70) rightly observes in his study of counterespionage,

> …documentation made publicly available by governments mostly refers to general espionage trends, while refraining from identifying and describing in detail the activities of espionage adversaries.

Compensation for these limitations of source material, he goes on to say, can be partially achieved through inferences. In the case of this exploratory study, while inferences are useful, qualitative data would be better. The opinions of current serving intelligence practitioners are given scant attention and in the South African context, no attention at all. As will subsequently be elaborated upon, the ethical perceptions of the individuals themselves, as moral actors, is important to understand as these may have consequences to the intelligence agency they serve and, more generally, to the intelligence profession as a whole.

Warner (2007: 17) notes that intelligence studies are two fields: one conducted on the "outside" with no official access to records and one on the "inside" where " …a few scholars have intermittently enjoyed sanction (if not always complete) access to the extant documentation".

Warner notes that over the last 60 years, the governments' of some nations have encouraged the academic understanding of their intelligence services and this has laid a foundation for theoretical work on intelligence and a community of intelligence

scholars who have opened up the field to scrutiny. ‘Intelligence ethics’ now has its own association (the International Intelligence Ethics Association), a journal, The International Journal of Intelligence Ethics and an emergent cohort of experts in the field, such as Herman, Goldman, Erskine and Bellaby.

Various studies have sought to unravel the mystery of clandestine intelligence collection in democracies and understand how the human beings responsible for collecting information in deceitful and manipulative ways respond to the ethical dilemmas which present themselves (Herman (1998, 2004), Pekel (2006), Andregg (2010), Bellaby (2012, 2014), et al). Andregg (2010) notes that intelligence services do not appear to place a high premium on ethical training and books on tradecraft hardly even mention ethics. “Training courses may have one module on intelligence ethics which intelligence practitioners probably tolerate” (Andregg 2010: 737). Pierce (2007: 7) suggests that

> Before codes of ‘ethics’ must come very deep thinking among practitioners about an ‘ethos’ which is more about who they are at core than what they do, and what their professional identity should be.

In the context of these shortcomings, it was felt research was necessary to understand how ethics and intelligence intersect in a specific statutory environment in South Africa. The new democracies (of which South Africa can be considered one), are often reluctant to talk about intelligence and this limits scholars access to information. Although this is challenging, it provides a good opportunity for scholars and academics to explore new fields and create ‘intelligence literature’ on topics which a few years ago, were considered taboo. The research focus in new democracies is generally restricted to how states can achieve control and transparency (Bruneau & Matei: 2010: 759). Transparency will help citizens better understand the

moral dilemmas intelligence practitioners face during the course of their work.

2.2 Defining Intelligence

2.2.1 The concept Intelligence

The concept of Intelligence can be defined as

> …mainly secret activities – targeting, collection, analysis, dissemination and action- intended to enhance security and/or maintain power relative to competitors by forewarning of threat and opportunities (Gill 2009: 214).

Forcese (2015: 181) provides the following definition:

> "Spying" is a colloquial, rather than legal, term. The Oxford English Dictionary defines "to spy" as, among other things, "[t]o watch (a person, etc.) in a secret or stealthy manner; to keep under observation with hostile intent; to act as a spy upon" and "[t]o make stealthy observations in (a country or place) from hostile motives."

Information is gathered principally in two complementary ways; through scanning freely available public domain information, and through "more aggressive techniques penetrating the secrecy and privacy of others" (Gill & Phythian, 2006: 31). The methods of intelligence collection are described as 'tradecraft' (Wirtz 2010: 59). These techniques are carried out by intelligence practitioners and involve avoiding detection and surveillance, secret communications and recruiting and handling clandestine agents. Sources and methods of information collection are religiously protected secrets of any intelligence

agency as compromise would give opponents or targets an appreciation of capabilities and interests (Wirtz 2010: 59). Forcese (2011: 181) provides the following (US Department of Defense) definition of intelligence:

> "Intelligence" is the "product resulting from the collection, processing, integration, evaluation, analysis and interpretation of available information concerning foreign nations, hostile or potentially hostile forces or elements, or areas of actual or potential operations."

2.2.2 The concept Clandestine

Clandestine refers to the modus operandi employed in procuring information. Carl (1996: 98) defines clandestine as "secret or hidden; conducted with secrecy by design." The acquiring of secret information requires intelligence practitioners to conduct clandestine activities because open access to certain types of information is denied. Clandestine collection activities are characterised by the best efforts of the intelligence practitioner to conceal the activity of collection, circumvent protective measures and remain anonymous (Crane 2003: 5). Carl (1996: 98) defines clandestine collection as "the acquisition of intelligence information in ways designed to assure the secrecy of the operation." Dulles (2006: 51) noted clandestine intelligence collection is "a matter of circumventing obstacles in order to reach an objective." He goes on to clarify what clandestine collection uses: agents, sources, informants who work in secret, otherwise the opponent would try to stop the effort. Dulles also mentions the importance of access in clandestine collection:

> Someone, or some device, has to get close enough to a thing, a place or a person to observe or discover the desired facts without arousing the attention of those who protect them (Dulles 2006: 52).

‘Clandestine’

> …suggests information that the custodian (‘owner’) regards to be of such a sensitive nature that the unsanctioned disclosure thereof would be detrimental to the custodian’s interest (Duvenhage 2010: 88).

Security measures such as classification and the physical protection of documents would, in the statutory milieu, mitigate against unsanctioned disclosure. Secondly, Duvenhage goes on to define ‘clandestine’ also as the modus operandi employed in procuring information since open access is denied to the agency seeking the information and clandestine methods of acquisition are necessarily employed. Lowenthal (2003: 8) describes clandestine intelligence, as opposed to overt or open source intelligence which is freely available through journals, on-line sources or libraries, as

> …intelligence which is acquired secretly through deception, secret monitoring, recruitment and handling of agents and other intrusive methods which impact on a person’s privacy.

2.2.3 Overt collection insufficient

Although much information is gathered through open (non-intrusive means), if there was not an element of clandestine collection activity, the researcher suggests that the intelligence agency would be little more than a news gathering agency or an information think tank which had no more access to information than the average, internet-savvy person on the street. The fact that a small percentage of information is covertly acquired is essentially what sets the intelligence agency apart from similar information gathering institutions.

There is an acknowledgement that countries have no choice but to engage in intelligence collection of a covert nature. Olsen (2006: 43) suggests there is no alternative:

> Should we abstain from lying, cheating, deceiving and manipulating and do without the intelligence they produce?

No country can rely on overt intelligence alone and hope that their enemies will not take advantage of them. It just would not be safe. A statutory intelligence agency must satisfy the government's need for intelligence, while competing with a wide variety of local and international mass media networks and even social media networks which can trap a government in an "information glut" (Meyer 1987: 28). Intelligence organisations collect information through various means, including SIGINT (from intercepts in communications) and HUMINT, which is information collected by people (Bruneau & Boraz 2007: 8) Secrecy is an inherent requirement to the intelligence profession. Statutory intelligence services exist to collect information, convert it into intelligence products and provide it to clients (Bruneau & Boraz 2007: 7).

2.2.4 The aim of intelligence

The aim of intelligence is to inform the state on threats, risks and opportunities with a bearing on national security and strategy. Ideally, the client uses the intelligence products to make decisions in the national interest. Born & Wills (2010: 45) assert collection of information is the foundation of intelligence which feeds the rest of the intelligence cycle. Information gathering is the *raison d'être* of intelligence agencies and the

core business upon which the entire structure rests. Intelligence activity is frowned upon in most countries and world leaders have to justify to their citizens this 'necessary evil'. Eisenhower called intelligence a 'fundamentally repugnant philosophy', but also urged Americans to understand and support this 'distasteful but vital necessity' (Olson 2006: 39). In the US, the threat to security that the Germans and Japanese posed during the Second World War changed the attitudes of citizens and politicians alike. Before the war, diplomacy was characterized by gentleman-like principles which saw national security as a mind-set of the conservative few (Olson 2006:39).

2.2.5 Arrigo's insiders and outsiders

Arrigo (2006: 301) undertook research into the involvement of 'outsiders' – civilians who may even be unsympathetic to intelligence – to "negotiate practicable ethical standards for intelligence operations" and found that outsiders cannot impose moral constraints on operations. She cites a number of reasons for this, the most valid to this study being that outsiders cannot monitor intelligence operations. There should, however, be a contribution to the understanding of intelligence ethics from outsiders. 'Insiders' are members of the intelligence community. From Arrigo's (2006: 310) study it is likely that some of the points of agreement and disagreement of the 'insiders' and 'outsiders' will apply to the South African situation. Both groups agreed that intelligence activities need to be conceptualized in a way which unites them with fundamental belief systems giving intelligence professionals the freedom to make moral decisions. Outsiders believed insiders did not seek guidance on the consequences of operations because of secrecy and the need to know principle. Insiders believed in the importance of secrecy for protecting society. Outsiders blamed

intelligence practitioners for unintended consequences of their operational actions, while insiders only took moral responsibility for intended consequences (Arrigo 2006: 310).

Although the differing perspectives of insiders and outsiders is outside the scope of this study, it is important to note the types of concerns outsiders have when it comes to morally acceptable actions in the operational environment as this may have an effect on the perceptions 'insiders' may have.

2.3 Methodology of collection

Information is collected in various ways, both openly and covertly, and converted into intelligence. The next section will briefly outline two ways intelligence is covertly collected, namely, through agents and communication intercepts.

2.3.1 Agent operations

History has shown that human beings are still the most effective vehicle for obtaining intelligence. An agent may be deemed an 'asset' as she adds some type of value to the intelligence requirements of the intelligence agency. Forcese (2011: 181) suggests

> [h]uman intelligence may be provided by "assets" – that is, willing accomplices of the security service prepared to share information.

It was concluded during the 9/11 Commission and the Silberman-Rob Commission which investigated the intelligence failures relating to the attack on the World Trade Centre and the

presence (or not) of Iraqi Weapons of Mass Destruction (WMD) that these failures were directly related to the US not having human agents on the ground (Hitz 2010: 257). Gill (2003: 11) notes:

> Certainly there were failures in gathering prior to 911, for example, the failure of FBI and CIA (Baer 2002) to develop human sources at home and abroad.

Follis (2007: 641) highlights the importance of human sources of intelligence:

> Human intelligence collection reached its highpoint before the advent of satellite photography: in the fifties at least 75% of raw intelligence came from agents gathering information across the globe.

This trend reversed in the seventies and more reliance was placed on technical collection methods. The neglect of human agents made the American intelligence community realise that it did not know what its enemies were ‘thinking’ after a litany of intelligence failures, not least of which was the 9/11 terrorist attack on New York (Follis 2007: 640).

The use of ancient traditional tradecraft methods such as spotting, assessing, developing and recruiting agents by intelligence practitioners remains key to the success of an intelligence agency. These methods have been used since Biblical times where tribes have wanted to know what their enemies were planning; through the medieval times and during the renaissance, where ‘ambassadors’ acquired secrets from their rivals which kept them in power (Hitz 2010: 258). Herman (1999: 255) suggests that “pragmatists may have no objection to covert methods per se but worry about the effects.” He asserts that “it might be held that intelligence's activities undo the good done by the knowledge they produce.” Up until the era of modern espionage, reliance was totally on human sources,

because that was the only means available. There is a return to classical intelligence gathering using tried and tested means, the exploitation of the weaknesses of human beings to lever information. Often referred to as the seven deadly sins or secrets of espionage, intelligence practitioners exploit vulnerabilities and approach potential services to betray their comrades, organisations, or country (Hitz 2010: 262). Briefly, these approaches may be on ideological grounds, for monetary payment, a desire for revenge, entrapment through a sexual ploy, blackmail and intimidation and finally a potential agent may spy because of common ethnic, cultural or religious ties with the approaching country. Herman (1999: 257) notes that

> …some spies have patriotic or ideological motives, although avarice and other human weaknesses loom equally large; in 1995 the CIA was restricted over recruiting 'unsavoury' agents.

All of these approaches have a certain level of deceitfulness and involve betraying the trust of others. Hitz (2010: 274) contends that

> more than or in addition to money, sex, ideology, revenge or ethnic solidarity, a potential spy must be comfortable in the duplicitous role-playing and manipulation of people that spying often demands.

Carl (1996: 14) lists in excess of fifteen different types of agents including a deep-cover agent, disinformation agent, end-of-the-line agent, hard-target agent and stay-behind agent. Duvenhage (2010: 103) also names many types of human intelligence sources, all or any of whom would form part of an agent operation:

> Human intelligence (HUMINT) sources include, but are not limited to: peripheral agents, agents-in-place, access agents, ‘moles’, defectors, double agents, multi-turned agents (for instance triple agents), agent provocateurs, ‘walk ins’, agents of influence, unwitting

> agents, penetration agents, infiltration agents, false flag agents, witting agents and ‘sleepers’.

For the purposes of this study, a more general definition was sought, which assists in understanding the role an agent would play in an operational environment. Carl’s definition of a collection agent, best defines the word ‘agent’ in the context of this study as, “tradecraft jargon for an agent whose mission it is to collect information” (Carl 1996: 14). The various sub-categories of agents employed in operations are not necessary to define in this study. Essentially, one of the prerequisites of a successful human source operation is the ability of an intelligence practitioner to exploit human relations. Bellaby (2014: 100) confirms this and notes that an experienced intelligence practitioner can get people to do and believe almost anything through the use of deception and manipulation.

Although the subjects of this study are not ‘agents’ themselves, but managers of these agents, it was considered necessary to include these definitions of agents as their ‘unethical’ activities are directed by intelligence practitioners and they themselves are often treated ‘unethically’ by practitioners.

2.3.2 Interception of communications

The interception of communication as a method of clandestine intelligence collection has been given much publicity since Edward Snowden exposed the bulk interception of data by the National Security Agency (NSA) of the United States of America (US) and its allies. Carl (1996: 110) defines communication interception as “information that has been taken from a communications system by someone other than the

intended recipients". Forcese (2011: 183) suggests that electronic surveillance

> …may include, for example, bugging – the placement of a listening or tracking device on or around the person in places where the person might reasonably not expect to be observed – or a wiretap – the intercept of communications over phone or computer that the person might reasonably believe to be private.

In South Africa, communication interception is regulated by the *Regulation of Interception of Communications and Provision of Communication-Related Information Act, no 70 of 2002* (referred to the RICA Act from here onwards). This Act regulates the interception of certain communications and the regulation of the process whereby interception can take place (Netshitenzhe 2004: 2). This is in keeping with international law and the sovereignty of nations where

> …a state is… generally free to prescribe the forms of surveillance and investigation it wishes in relation to people, places and things on its sovereign territory (Forceses (2011: 185).

The RICA Act authorizes law enforcement agencies to intercept communication after a judge is satisfied that the identity of the 'target' is known; the grounds on which the application is made are clear; full particulars of the facts and circumstances are detailed; and whether other investigative procedures have been applied and failed (Netshitenzhe 2004: 5). There has to be reasonable grounds for the judge to approve the application, so the gathering of information is necessary concerning an actual or potential threat to the public health or safety or national security. It can be said that covert electronic surveillance indisputably impairs privacy rights which are

entrenched in international human rights law and also in South Africa's Constitution and Bill of Rights. However, these rights

> …are not absolute – indeed, the protection they offer is muted, making them a limited constraint on state electronic surveillance so long as certain basic protections are observed (Forcese 2011: 193).

Gill (2003: 5) asserts that a democratic state should conduct surveillance in a way which befits its status and

> …procedures should be designed in order that, even in the short term, the invasion of privacy is proportionate to the alleged threat but also to prevent it being directed at the wrong person or conducted in such a way as to amount to intimidation.

Although the interception of communications is a technical method of collection where automated systems and complicated algorithms are used, the actual listening and interpretation of the collected data is eventually done by a human being, an intelligence practitioner. For the purposes of this study, the intelligence practitioner who may be involved at this level of the process may be part of the exploratory sample.

2.4 (Unethical) Tools of clandestine collection

The collection of information from human beings is a social and human process which takes place in the context of personal relationships. Rolfe expresses the opinion that a century ago, the intelligence profession had no rules, except, 'don't get caught'. Otherwise, lying, forgery, murder, or breaking and entering were part of the daily life (Rolfe 2015: 2).

> 'Don't get caught' is not an ethical solution, no matter how pragmatic it might be. All the cases I have considered have people at their heart. And if people are at the heart of the matter, then so too must be

> ideas of ethics, ethical systems and ethical safeguards (Rolfe 2015: 4).

The intelligence profession has been refined and professionalised over the last century, although some of the tools of the trade have not changed much at all. These are the tools which are available for the intelligence practitioner to use to illicit information from the human source. This is pertinent to the human source who is in possession of information but who is perhaps not willing to disclose it to an intelligence agency for one reason or the other. These methods (or 'tradecraft') are what may cause ethical unease in some intelligence practitioners.

2.4.1 Manipulation as a tool of collection

Interestingly, some of these techniques are precisely the same as what the persuasive selling industry may use to sell their goods: persuasion, manipulation and coercion (Beitz 2006, Sunstein 2015).

> Ruth Faden and Tom Beauchamp define psychological manipulation as "any intentional act that successfully influences a person to belief or behavior by causing changes in mental processes other than those involved in understanding." Joseph Raz suggests that "Manipulation, unlike coercion, does not interfere with a person's options. Instead it perverts the way that person reaches decisions, forms preferences or adopts goals" (Sunstein: 2015: 10).

Manipulation and coercion are practices which intelligence practitioners may use to elicit information from an unsuspecting target or target associate.

> Manipulation is a form of power that employs deception of those over whom power is exercised. It is a way of getting what you want despite the possible

> resistance of others. Manipulation occurs when someone exercises power over other people, inducing them to behave as the exerciser of power wishes, without their awareness that power has been exercised (Beitz 2006: 213).

Sunstein (2015: 10) suggests manipulation counteracts or undermines people's ability to engage in rational deliberation. It requires skill and cunning to control the course of action of another person. Most people have probably engaged (at one time or another) in some form of manipulation, even if it is to gain the co-operation of their children. Manipulation, according to Beitz (2006: 213) is different from coercion in that the latter involves the inducement of someone to act against their will, whilst the former is an attempt to co-opt the person being manipulated. Manipulation, according to Beitz (2006: 214) is evil because the manipulator is enlisting the services of the person being manipulated to serve their goals and interests. This is an invasion of the person's autonomy, and because it is done secretly, the manipulated person is largely defenceless against this attack. A person being coerced would be aware of the coercion, but not someone being manipulated. Sunstein (2015: 3) notes that there is a concern about coercion (meaning the literal use of force) in both public and private law. In the United States,

> …the Due Process Clause is designed to impose procedural safeguards in the event of actual or threatened coercion on the part of government, and if private actors plan to resort to force, both criminal law and the law of tort will stand in their way. There are also legal constraints on lying and deception.

An example of manipulation may be where the wife of a drug dealer provides information to whom she thinks is a charming associate of her husband, but is in fact an intelligence practitioner (see also Bellaby 2014: 101).

Misrepresentation is another form of deception. In the business intelligence environment, which Trevino and Weaver (2006: 349) are discussing, but equally true in the general intelligence milieu, misrepresentation involves misrepresenting one's intent rather than one's identity.

Where the intelligence agency possesses knowledge which is potentially embarrassing or damaging to the agent, he can be blackmailed into working as a spy in exchange for protection from exposure (Perry 2006: 228). A rarely used tactic of creating an embarrassing or damaging situation for an innocent potential agent can also be used. Coercive recruitment should only be used as a last resort as this method converts a human being into a submissive tool with little or no self-worth. This element of control is essential in agent recruitment and William Hood in his book Mole (quoted in Perry (2006: 230) notes

> No espionage service can tolerate the merest whiff of independence or reserve on the part of an agent… With a new agent, the case officer's first task is to manoeuvre him into a position where there is nothing that he can hold back – not the slightest scrap of information nor the most intimate detail of his personal life. Until this level of control has been achieved, the spy cannot be said to have been fully recruited.

This is why it can be argued that agent recruitment should always be a last resort when all other methods of gaining information have been exhausted (Perry 2006: 240). People should not, without good cause, be manipulated into agreement.

> It is often thought that when people are being manipulated, they are treated as "puppets on a string." Almost no one wants to be someone else's puppet (at least without consent), and in some respects, it is especially bad to be a puppet of government. Many of the worst governments in history have attempted to turn their citizens into puppets (Sunstein 2015: 4).

Recruiting agents openly in a non-deceptive way should then be the next option, where the agent is both aware for whom he is working, and the motives of the recruiter. Where the agent is recruited through a false flag or other deceptive methods, or worse, through coercive means such as blackmail, should be a rare exception, only where the end result justifies such extreme methods. Perry argues that such extreme measures should only be used in the context of targeting a tyrannical regime which is threatening war (Perry 2006: 241). He concedes though that in a coercive recruitment, the agent – a human being with emotions, hopes and dreams - suffers real harm in the process.

2.4.2 Deception as a tool of collection

Deception is an essential tool for the intelligence practitioner to use where disclosing their true identity, or that of their principal, will result in, at best, not getting the information they need, and at worst, their injury or death. Deception does not come naturally to most human beings and has always been considered stressful – it is more difficult to lie than to tell the truth – however this cannot be accepted as a given. Bloom (2013: 170) points out that Judeo-Christian prescripts condemn deception as sin, but some variants of Islam (taqqiya and kitman) condone deception. Deception – telling an untruth – cannot be universally considered unethical from a religious point of view (Bloom 2013: 171). Whatever religion or society believes about deception has little bearing on the harm done to the deceiver and the deceived in the process. The deceived is harmed because his or her decision-making process is altered or hijacked (Bellaby 2014:100). Deceiving people comes at a price as it comes into conflict with their vital interests, that of autonomy, which is the individual's ability to act as an end in himself and choose his own free will, without the influence or

control of external influences (Bellaby 2014: 105). Sunstein (2015: 7) concurs and suggests

> …a central problem with manipulation is that it can violate people's autonomy (by making them instruments of another's will) and offend their dignity (by failing to treat them with respect). The manipulator is leading the chooser to make a choice without sufficiently assessing, on the chooser's own terms, its costs and its benefits.

Recruitment of agents for gathering information is often done through deception (where the real recipient of the information is different to what is presented to the agent – as in a false flag approach (Perry 2006: 227). This misrepresentation, essentially a con game as Perry calls it, is aimed at getting an agent to co-operate where he would not normally because of his values, loyalties or conscience. Trevino and Weaver (2006: 347) define deception as

> …falsely representing one's identity with the intent of gathering information that the other party would not willingly share if one's true identity were known.

From a moral perspective, the agent is willingly supplying information, but this is deceptive because if he knew where the information was going, he would likely not provide it (Perry 2006: 228).

2.5. The purpose and paradox of intelligence

Intelligence, as a function of the State, has as its *raison d'être* the use of special and secret methods to reduce uncertainty and maintain survival (Gill 2010: 49). Born and Wills (2010: 35) observe that the enduring dilemma of intelligence in open societies is encapsulated in how intelligence services must

secretly work to provide security in democratic societies, often by restricting or violating the rights of individuals whilst at the same time also respecting human rights and remaining accountable. Born and Wills (2010: 35) call this the paradox of intelligence work where ethical dilemmas must often be resolved by the intelligence practitioners themselves in an environment where there are time pressures and demands for secrecy. The intelligence practitioners have to make ethical choices every day which may have far reaching consequences for the rights of individuals and for national security. Right2know, in its activist handbook entitled *Big Brother Exposed* (2015: 56) acknowledges intelligence agencies have a role to play where there are real threats to peoples' safety, such as 'gangsterism', organised crime, xenophobic attacks and political assassinations.

There are a multitude of non-state intelligence actors from corporates to private security companies and consultancies which also gather intelligence. As the state employs intelligence methods to reduce uncertainty and maintain survival, corporate intelligence aims at survival in the marketplace and profitability (Gill 2010: 50). Meyer (1987: 8) states:

> Throughout the world of commerce and industry, 'intelligence' is on its way to becoming a key management tool for corporate chief executives and their policy making lieutenants.

Competitive Business Intelligence is a regulated industry and entails the use of legitimate methods and open sources. From a statutory viewpoint, classical intelligence gathering is restricted to the South African Police Service (SAPS) Crime Intelligence section, the South African National Defence Force (SANDF) and the SSA. Intelligence gathering using clandestine methods by any other entity, even (or especially) any other Government institution, is illegal.

2.6 Conclusion

This chapter introduces the reader to the concept of intelligence as an area of research focus. The aim was to direct the attention of the reader to the functioning of an intelligence service and how its practitioners, by virtue of the nature of the work, are expected to engage in deceptive practices such as manipulation and coercion. This chapter sought to explain how the human beings responsible for collecting information in deceitful and manipulative ways respond to the ethical dilemmas which present themselves. The aim of this chapter was to create the foundation upon which the research question can be addressed as the research question relies on the views of intelligence practitioners who work within the environment of intelligence. As practitioners try to balance the task of protecting the citizenry from harm whilst simultaneously engaging in sometimes morally questionable behaviour, the question of intelligence ethics will be pertinent. With this introductory framework in mind, attention now turns to the subject of ethics and how ethics and intelligence intersect.

CHAPTER 3

A CONCEPTUAL AND THEORETICAL PERSPECTIVE: ETHICS IN RELATION TO INTELLIGENCE PRACTICE

"We do not act rightly because we have virtue and excellence, but we rather have those because we have acted rightly."

-Aristotle (384-322 BC)

Introduction

This chapter begins by presenting two traditional ethics models of utilitarianism and deontology in an attempt to frame the thinking of intelligence practitioners on ethical decision making. It is acknowledged that other ethics models may also be applied to the practice of intelligence and the utilitarianist and deontological models are not the only models which could be applied. When these models seem to be inadequate, a personal ethical framework is described to better understand their thinking. This leads to the conclusion that there is no fit-to-purpose model which will explain the ethical decision making of intelligence practitioners, and answers are sought in two criminological theories, the rational choice theory and the neutralization theory. These models highlight the argument that neutralizations allow and give expression to deviant actions. Exploration into psychological theories which better explain neutralizations was then sought and the cognitive dissonance theory and ethical dissonance theory provided a good

framework for explaining how intelligence practitioners function in an environment with an ethical deficit. This chapter has five sections:

3.1 Two philosophers' views of intelligence
3.2 Traditional ethics theories (Utilitarianist and Deontological)
3.3 Personal Ethical Framework
3.4 Criminological theories (Rational Choice and Neutralization theories)
3.5 Psychological explanations (Cognitive Dissonance model and Ethical Dissonance model.)

3.1 Two Philosophers' Views of Intelligence

The two philosophers Immanuel Kant (1724-1804) and Thomas Hobbes (1588 – 1679) had diametrically opposed views of the intelligence profession. Kant defined espionage as 'intrinsically despicable' as it 'exploits only the dishonesty of others' (Herman 2004:180). Kant went further and claimed the employment of spies was a diabolical act and that the state should be prohibited from using them.

> Among these forbidden means are to be reckoned the appointment of subjects to act as spies… in a word, it is forbidden to use such malignant and perfidious means as we would destroy the confidence which would be required to establish a lasting peace thereafter (quoted in Olson 2006: 25)

The English philosopher Thomas Hobbes, a realist, likened intelligence agents to spiders' webs and rays of light (Erskine 2004: 195). Hobbes asserted intelligence gathering was beyond reproach and does not question the limits one must apply to the

practice but focuses on the obligation of the state to 'get intelligence of enemy plans' and secure the safety of citizens (Erskine 2004: 199). The way intelligence was collected was of far less consequence than the product it produced. Hobbes suggested that the state had a clear responsibility to engage in intelligence gathering, and likened intelligence networks to spider's webs spreading in all directions. A state that neglected this responsibility was 'morally reprehensible' (Erskine 2004: 195). The metaphor was meant to convey the idea that without a web extending beyond the spider's 'little cavity', the spider would have no forewarning of danger from the world outside or indeed be able to exploit any opportunity, much like a sovereign without an intelligence capacity. To Hobbes, the state may have a scarcity of goods (in the modern sense, perhaps resources,) which may make it vulnerable to attack. In *Leviathan* Hobbes observes

> …others may probably be expected to come prepared with forces united, to dispossesse, and deprive him, not only of the fruit of his labour, but also of his life or liberty. And the Invader is again in like danger of another (Hobbes [1651] 1968: MacPherson: 184).

Many studies into intelligence ethics use the realist framework of Hobbes to describe intelligence gathering within the context of a nation state's responsibility to protect and defend its citizens. The realist approach to international politics is often - and wrongly, as Erskine (2010: 125) explains – used to describe the antithesis of an ethical approach. From a realist perspective, citizens give up some of their natural freedoms and, in return, expect protection. Actions that contribute to the good of the political community are considered justified in a realist framework (Jones 2010: 24). Realists believe that acting in the national interest is a worthy moral principle and so using clandestine intelligence methods to gather information to this

end, is ethically acceptable and even ethically necessary (Jones 2010: 24). Hobbes would argue that there are no limits to what methods could be used to maintain national security, so ethical standards can easily be lowered to accommodate the perceived national interest (Jones 2010: 25). Hobbes saw defense of the national interest as a moral duty and this informed his position on intelligence (Erskine 2010: 125). Shpiro (2010: 59) cites the Israeli thinking on intelligence ethics which is distinctly realist. Ethics are seen as a set of 'recommendations' which guide the intelligence practitioners and serve as behavioural guidelines based on certain beliefs. Herman is a key illuminator of intelligence ethics in a broader sense, arguing that the use of intelligence should be guided by ethics in the same way as the military has to justify the use of armed force (Scott & Jackson 2004: 15).

Nevertheless, intelligence rests on a basic ethical principle of telling the truth (Drexel Godfrey 2006: 2). Indeed, Drexel Godfrey reminds us of the CIA's motto 'And the Truth Shall Make You Free'. The ultimate aim of intelligence is to give to the policymakers the most truthful picture of a given situation, however the methods by which the truth is obtained, poses ethical dilemmas (Drexel Godfrey 2006: 3). Shpiro (2010: 61) explains the Israeli intelligence practitioner's ethic is 'tell the truth within the organisation but lie to the rest of the world'.

3.2 Traditional Ethics Theories

In a general sense, a normative ethical framework aims to identify the basic principles, criteria or standards which we should use to determine what is right or wrong and how we are

to act morally in a given situation (Frankena 1973: 61). There are more specific normative theories to address issues such as moral value and moral obligation, but for the purposes of this study, moral values – what is morally good or bad, is relevant as this is possibly the cornerstone of any personal ethical framework. Ethics has two meanings. It can be, as the Concise Oxford Dictionary of Current English (Fowler et al.1964: 415) defines it, "the science of morals…moral principles or rules of conduct." In this sense, it is defined as a value-neutral discussion of the boundaries of a normative framework. It can also be applied as an aspect of morality which encompasses the notion of right and wrong, guilt and shame – thus a value judgement on the rightness or wrongness of certain actions as determined within a normative framework (Born & Wills 2010: 37). Ethics concerns itself with understanding the words 'good' and 'bad', tries to determine the criterion for right action, and asks what the nature and source of moral obligation is (Joad 1947: 8). Ethics relates to human conduct, as Lewis (1991: 3) explains, and most definitions of ethics emphasise right or wrong, good or bad, proper or improper conduct and are judgemental on human behaviour. To do the right or moral thing and to balance one's own interests with the interests of those affected by your actions, is to act ethically. Born and Wills (2010: 37) suggest the term ethics can refer to a "value-neutral discussion of the contours of a normative framework" or it can judge actions in a normative framework on the basis of their being right or wrong.

Gray and Schein (2012: 412) suggest that the traditional thinking on how people make moral decisions needs to be reviewed when normative theories are developed. They assert that in the past, the line between moral psychology and moral philosophy was clear.

> Psychology examined *is* questions, developing descriptive theories about how people make moral decisions. In contrast, philosophy examined *ought* questions, developing normative theories about how people should make moral decisions. Recently, this sharp line between is and ought has been blurred as normative theories are advanced to describe how people make moral judgments (emphasis added).

Gray and Schein (2012) and Conway & Gawronski (2013) argue that ethics cannot be compartmentalized into utilitarian and deontological arguments as in the past. This raises the important question of the 'scientific validity' of ethics. It should be acknowledged that the study of ethics is not a perfect science. Although the word 'ethics' is understood generally to mean 'do what is right', from an academic point of view, the phenomenon of ethics is harder to define. Many theories and models exist in the social sciences which attempt to understand the various facets and application of ethics. For example, Hulnick & Mattausch (2004: 47) define ethics as behaviour relating to professional standards of conduct. Aristotle was the first to admit that ethics is not an exact science (Joad 1947: 87). Theoretical science defines and explains the laws of chemistry and geometry, but the motives which cause people to act, and the consequences of their acts is far harder to define and explain, if they can be explained at all. Despite these limitations, no literature study on ethics would be complete unless two of the most important ethics theories, utilitarianism and deontology, are discussed.

Normative theory guides individuals in the making of decisions and judgements about actions in particular situations (Frankena 1973: 12). A normative theory should provide clarity on what individuals should do or how they should act in certain situations and determine how others in the group or even in society should act and philosophers have tried to understand

and explain this phenomenon for centuries. Dominant models which have emerged are utilitarianism, developed by Jeremy Bentham (1748-1832) and modified by John Stuart Mill (1806-1873) who emphasized the superiority of non-physical happiness; and deontology, described by Kant who established strict standards to determine the moral acceptance of an action (Olson 2006: 24-27).

3.2.1 Utilitarianism

Teleological theory's basic premise is that a good act is one which produces a balance of good over evil, and an act is wrong if it does not. Jeremy Bentham is regarded as the 'father of utilitarianism' and suggested one could evaluate the general effects of an act in terms of the pleasure or pain it produced (Olson 2006: 27). Bentham noted

> Take an account of the number of persons whose interest appear to be concerned, and repeat the above process with respect to each. *Sum up* the numbers… . Take the *balance;* which, if it be on the side of pleasure, will give the general *good tendency* of the act, with respect to the total number of community of individuals concerned…. (IV, 6, Bentham's italics).

The utilitarian system is defended in Mill's work *Utilitarianism and Other Writings*, as a theory which

> [h]olds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness (Mill, Warnock [1861]1962: 257).

Utilitarianism holds that our actions and rules should be determined by which of them produces the greatest balance of good over evil (Frankena 1973: 34). Utilitarianism argues that the most appropriate action is the one which maximizes total

aggregate happiness (Allhoff 2006: 128). A wrong action is therefore one which produces the opposite of happiness. Overall harm realized is measured against the overall benefit resulting from the activity (Charters 2006: 367). If the harm suffered is greater than the benefit, then the action is unethical.

> Individual motivations are irrelevant in determining whether an action is ethical. It is the end result that determines if an action is ethical (Charters 2006: 367).

Where the community as a whole benefits, any actions which lead to those benefits, are deemed ethical in utilitarianism. One cannot only measure harm/benefit accruing to individuals – all stakeholders need to be considered (Charters 2006: 367). The utilitarian focuses on the propensity for harm of any action. Gray and Schein (2012: 406) suggest that judgments of immorality are generally—and inextricably—tied to perceived suffering, although the prohibition of harm is not a precondition to determining whether an action is ethical or not, as long as there is sufficient justification for a greater good being achieved (Charters 2006: 367). The central issue revolves around the ultimate standard of right, wrong and obligation which is expressed in the principle of utility –the moral end of all that we do should be sought in the greatest balance of good over evil, although how good and evil are defined, measured and balanced is one of the difficulties of utilitarianism (Frankena 1973: 35). Any definition will be subjective, because ‘good’ for one will not necessarily be ‘good’ for another. An obvious example is in war. A victory is good for the victors, but it is hell for those defeated. Hobbes’s view of ‘good’ is “whatever conduces to the individual’s favour” and “that which we desire is good; that for which we feel aversion, evil” (Joad 1947: 354f).

Rule-utilitarianism emphasizes the importance of rules in morality (such as truthfulness), rather than trying to determine

the best consequences for a particular action (Frankena 1973: 39). In practical terms, the law becomes a plumb-line against which decisions are made, and not a determination as to what would result in a greater good. Laws are often crafted for the general good of citizens, even though laws may not always seem just or fair. If there are exceptions which make obeying the law difficult, these exceptions should be dealt with legally (by enacting a new law), which should then be obeyed. Rule-utilitarianism assumes the position that the right action is in line with a rule which, when followed, maximises happiness (Allhoff 2006: 128).

3.2.2 Consequentialism

Consequentialism, a form of utilitarianism, holds that the morality of an action is contingent on the action's outcome or result in a cost versus benefit calculation, in determining the utilitarian goal, that is, the greatest good for the greatest number of people. Erskine (2004: 201) quotes Herman as making a distinction between intelligence collection and intelligence as knowledge. Activities and knowledge have to be balanced in an 'ethical balance sheet'. The consequentialist position suggests a credit balance of intelligence results over collection (Erskine 2004: 201). The moral justification of the means of collection is balanced by the positive impact of the knowledge acquired. The consequentialist approach argues that actions should be judged by the value of their consequences (Jones 2010: 25). This approach will not justify 'anything goes' as the means must always be outweighed by the ends. The common example used is the torture of a prisoner to extract information which will prevent an imminent attack which could lead to loss of life (the

'ticking bomb' argument) (Born & Wills 2010: 46). Act-consequentialism can justify harsh and extreme collection methods to the extent that it maximizes a good end (Jones 2010: 26). Michael Herman's position (in Erskine 2010: 127) can be paraphrased as follows: intelligence collection is the method by which intelligence knowledge is acquired. These two separate entities then have to be integrated into an 'ethical balance sheet' where the credits are the information (or knowledge) gained and the (less acceptable) methods used in collecting the intelligence are morally justified by the positive impact of the information acquired.

Act-consequentialism essentially justifies the use of any intelligence gathering action – no matter how undesirable – as long as it maximizes a good outcome, that is the benefit of knowledge. If the end result is beneficial, then morally questionable means can be ethically pardoned (Jones 2010: 26). The cost-benefit determination is extremely hard to quantify. Jones asks who determines the moral weight of the actions employed in collection? Who determines the benefits? How general should the benefits be? To one person, a community, a political party, to all the citizens of the country? Erskine (2010) concedes there is difficulty in using a consequentialist approach to legitimize intelligence collection, because defining both that which is good and that which is detrimental, and thereafter assigning relative moral weight to each point along the spectrum is an unmanageable undertaking (Erskine 2010: 129). One needs to address the unforeseen and unintended consequences of the outcomes of actions (Erskine 2010: 130). The causal links need to be taken into consideration when assessing the consequences of an action and the consequentialist approach allows the aggregation of causal links.

3.2.3 Deontological theory

Deontological theories – 'deon' meaning duty - reject utilitarianism in particular and in general, all consequentialist theories. In this theory, the focus is on the action and whether it is right or wrong, good or bad. An individual has an obligation (duty) to fulfil a promised course of action, no matter what the circumstances. An action is made moral by a person motivated by a good intention to do the right thing, regardless of cost and without any ulterior motive (Olson 2006: 24). There are a variety of deontological accounts (see Alexander and Moore 2008 for an overview). What most accounts share in common are the focus on moral rights and duties over consequences (Gray and Schein 2013: 413). The focus of the deontological approach is on evaluating the rightness or wrongness of an action, not on the consequences of the action (Erskine 2010: 131). Deontology is characterized by moral absolutes (O'Boyle & Dawson 1992; Ferrell et al 1989). Some acts are wrong in themselves, regardless of their consequences (Erskine 2004: 204). Act-deontologists agree that judgements of obligation are based on specific situations and that general obligations must be rejected as being useless (Frankena 1973: 16). At the extreme pole of act-deontology are those who propose that each situation should be judged separately what is the right or obligatory thing to do. The individual, before embarking on a course of action, should ask him or herself whether the action is right or wrong and whether any reasonable man or woman in a similar situation, would act in the same way. In this way, deontological evaluation

> …is based on an inherent good or bad in all actions separate and apart from the consequences of those actions (Clark & Dawson 1996: 359).

Act-deontologists have no standard for determining right from wrong, rather it guides the individual into forming a judgement about what is to be done (by intuition or decision), after weighing up the facts and determining what is right (Frankena 1973: 23). There are no criteria, only general guidelines.

The German philosopher Immanuel Kant's categorical imperative deserves mention here. The categorical imperative is a command which is not subject to a purpose, for example not "do this to achieve that" but just "do this" (Norman 1998: 75) and

> [t]here is, therefore, only a single categorical imperative and it is this: act only in accordance with that maxim through which you can at the same time will that it become a universal law (Kant [1785] 2013: 492).

Kant's ([1785] 1993: 421f) four formulations can be paraphrased as follows:

Act on a maxim that could become a universal law and treat humanity not only as a means, but also as an end.

These formulations are important for the purposes of this study. Kant saw people as an end to themselves, they are "free, rational and autonomous agents… they are persons, not things." People should not be treated as a means to *my* own ends as they have their own ends and have value and dignity (Kant [1785] 1993: 429f). Kant declares

> [t]here is nothing more sacred in the wide world than the rights of others. They are inviolable. Woe to him who trespasses upon the right of another and tramples it underfoot! His right should be his security; it should be stronger than any shield or fortress.

Kant captures the idea that there are ways of treating people that will always be wrong and Macdonald & Beck-Dudley (1994: 617) assert that today's criminal justice system reflects Kant's absolutist demand: murder is considered universally forbidden.

The application of Kantian ethics to intelligence methods highlights the complexity of the subject. The approach does force intelligence practitioners to consider how individuals are treated (Charters 2006: 368). There is no reference to the validity of the knowledge gained through the action and any unacceptable method of collecting that knowledge. The deontological position on morally questionable actions would be absolute. Lying is always lying (no matter what the justification) and stealing cannot be morally justified under any circumstances, no matter how noble the outcome. No 'bad' action could elicit enough credits on an ethical balance sheet to justify the end, no matter how honourable (Erskine 2004: 204). In fact, the approach is absolute in its judgements and principle will always outweigh calculation. The Categorical imperative is important to the intelligence profession because categorical rules may conflict – such as – (1) the intelligence practitioner shall always protect the nation's security and (2) an intelligence practitioner shall never steal (Hudson 2010: 1420). It may be impossible for the intelligence practitioner to honour both of these categorical imperatives. W.D Ross offered a possible solution to this conundrum by proposing there is a distinction between 'prime facie' duties' and 'actual duties' (Hudson 2010: 1420). Before an action commences, the actor has to weigh up the prima facie duties to protect the nation and to not steal and then the actual duty becomes the prevailing duty. Hudson, in his attempt to propose a deontological construction of ethics in the intelligence community, emphasizes that relative weight be given to each rule across the intelligence community in a consistent way ensuring imperatives are categorical and not

hypothetical (Hudson 2010: 1420). His aim was to create deontological ethical rules which aimed to achieve a "desired ethical condition within an ethical framework" so that intelligence practitioners

> …are capable of reasonable ethical discernment in the inevitable situations where rules are absent or conflicting (Hudson 2010: 1420).

The principle guiding the action, in Kantian philosophy must be universal. It can be argued that it is impossible to universalize a maxim of deception, "because if everyone deceives, both truth and deception lose meaning" (Jones 2010: 23). This would suggest all the clandestine collection methods would be ruled out from a deontological approach. Kant, however, seems to offer an argument for the too rigid application of this maxim. He believed that one duty may have a stronger ground of obligation than another, when there is a conflict (Kant [1797] 1996: 224). This may imply that Kant leaves the moral agent to decide herself which duty is more important. Kant argues we can only treat humanity as an end and never as a means only (Allhoff 2006: 128). Harm, however, when factored in before an action is taken, can be justified. An action which has caused significant harm may still be deemed ethical, if the risk of harm was freely assumed (Charter 2006: 368). This assumption is highlighted in Skerter (2005: 155) where

> …actions in violation of a natural order may be acceptable in non-consensual, nontherapeutic instances (still in natural law terms) if performed by public authorities for the sake of the common good.

Gray & Schein (2012: 413) assert that harm should be an important measure of whether an action is moral or not:

> Even young children, who seem like perfect deontologists because of their reliance on explicit rules (Kohlberg 1981; Piaget 1932), will judge a moral

> principle as immoral if it causes harm—even if it is endorsed by God (Nucci and Turiel 1993).

Even where suffering (the potential of harm) is only perceived, this should be adequate grounds for judging an act as immoral. Others argue differently about whether Kant's rules can be applied too generally to ones' actual life. White (2009: 305) argues that Kant's maxims only provide guidelines for right action and duties should not be applied too rigidly to real-life scenarios. White suggests that Kant "trusted in our judgement" and even acknowledged the fallibility of human nature (2009: 305). In Kant's words,

> … the perfect fit of the will to moral law is holiness, which is perfection of which no rational being in the world of sense is at any time capable (Kant [1788] 1993: 128)

3.2.4 Limitations of Utilitarianism and Deontology

Utilitarianism has some appeal for intelligence practitioners, as it may be used to justify 'unethical' behaviour. There is no measure of the motive for an action, provided there is an increase in the sum of happiness, so even a wrong act can be justified. The limitations of utilitarianism, in the context of intelligence, are, according to Charters (2006: 367), harms and benefits cannot be forecast as a consequence of any action and "intelligence, by its nature, is a self- interested activity". By self-interested, Charters pronounces that if the intelligence action benefits (the intelligence agency) then it is likely at the expense of another (target). Although Charters applies the utilitarian principle to business intelligence, the same principles may be applied to statutory intelligence functions.

It was always thought that ethical theory could be divided into deontology and teleology, and the theories are essential to understand individual judgements (Murphy & Laczniak (1981) and Hunt & Vitell (1986)). New research suggests there may be other alternatives to the utilitarianism/deontology framework which bridge the utilitarianism/deontology divide (Gray & Schein 2012). Some researchers (Baack et al 2000: 39) lament the fact that these philosophical models may explain how ethics affect decisions,

> …yet there is no descriptive framework to explain how *specific individuals* make ethical decisions in specific situations.

Researchers have argued that the two theories of deontology and utilitarianism propose competing positions on moral decision-making (Gray & Schein 2012: 412). They suggest this is evidenced by the use of

> …(so-called) trolley problems—moral dilemmas where an unpalatable act (e.g., murder) is pitted against desirable consequences (e.g., saving lives). Because deontology emphasizes acts over consequences, and utilitarianism emphasizes consequences over acts, these two normative theories aptly describe the two conflicting intuitions in these moral dilemmas. The question, however, is whether these competing normative theories describe moral cognition beyond the bounds of trolley problems.

Trolley problems (Foot, 1967) provides a useful scenario for determining utilitarianist or deontological perspectives and this can be expanded to include similar dilemmas. Foot's classical theory proposes that a runaway trolley can be stopped from killing five people if participants intervene by flipping a switch which will cause the trolley to change tracks and only kill one person.

> Participants are asked to indicate whether killing one individual to save the lives of five is acceptable or unacceptable. The former response is interpreted as a utilitarian judgment, whereas the latter response reflects a deontological judgment (Conway & Gawronski 2013: 216)

Both utilitarianism and deontology revolve around the concept of harm and 'harm' is a key attribute in this study as intelligence practitioners are seen to inflict harm (in the form of invasion of privacy, deception, deceit) against 'victims'. Conway and Gawronski (2013: 216) offer a succinct view of how the theories of utilitarianism and deontology are viewed as being mutually exclusive where

> [p]articipants must categorize a harmful action as either acceptable or unacceptable, thereby endorsing either the deontological or utilitarian principle. To behave in line with the deontological principle is to simultaneously behave in opposition to the utilitarian principle, and vice versa. Thus, the traditional approach confounds selecting one option with rejecting the other.

Researchers, particularly in the field of psychology, have tried to find an alternative theory which does not force a utilitarian or deontological approach. When studying ethical dilemmas, researchers are faced with their own dilemma in that participants must categorize a harmful action as acceptable or unacceptable, thereby endorsing *either* the deontological *or* utilitarian principle. Ladkin (2006: 87) proposes Heidegger's notion of 'dwelling' might be used to resolve ethical conflicts where a re-conceptualization of ethical action is sought. Gray and Schein (2012: 406) suggest that judgments of immorality are inseparably linked to perceived suffering, the fundamental link between blame and pain. They use a cognitive template (the moral dyad) to argue that

> [p]eople do not separate acts from consequences (as deontology advocates), nor do they separate

> consequences from the agents who perform them (as utilitarianism advocates).

Studies, based on extensive research, suggest that ‘victims’ are a matter of perception and ‘immorality’ is automatically linked to perceptions of victimhood (Gray & Schein 2012: 411).

> In one paradigm, participants are asked whether a variety of ostensibly harmless transgressions (e.g., burning a flag) were a) immoral and b) harmed a victim. As predicted, the more acts are rated as immoral, the more they are seen as involving a victim (DeScioli et al. 2012; Gray et al. 2012a).

Gray & Schein (2012: 413) propose that researchers may be mistaking philosophical theory for psychological reality. They suggest that the trolley problem paradigm forces conflict between the two normative theories of utilitarianism and deontology and presents a slanted explanation of moral cognition. These limitations to the utility of ethics theories are especially pertinent in trying to find a framework for intelligence practitioners’ functional behaviour.

White (2009: 303) argues that Kant’s categorical imperative was never meant to be applied to every moral dilemma faced in life, but is rather a rough guide for moral intention and action. In this sense, it is the moral compass which guides individuals in the real world. White understands Kant’s application of deontology requires context, found in judgement.

3.2.5 Modern application of utilitarianism

Jeremy Bentham originally intended utilitarianism as a tool of social change, specifically directed to change the nineteenth

century criminal penalties (Macdonald & Beck-Dudley 1994: 618). Laws had to be measured by their 'utility' in respect of contributing to the good of the people. The principle of utility is still relevant today. 'Spying', in this case by the US' National Security Agency (NSA) is justified by the application of J.S. Mill's ethical principle of utility. In Hladik's (2014: 30) critique of Alan Rusbridger's observation that the mass collection of meta data by the NSA could be justified within Mill's utilitarian framework, Hladik argues that its appeal to utility is unfounded. Hladik is critical of the NSA's argument that the positive consequences of their surveillance practices outweigh the negative ones, so they are justified. The intelligence programs of the NSA are claimed to produce happiness in the form of security because they protect citizens from harmful attacks, while they produce unhappiness insofar as they rob them of personal privacy and freedoms.

The NSA argues the determinations are made in the dictates of security, however Hladik (2014: 35) notes

> …although they judge the positive consequences to outweigh the negative ones, they cannot legitimately make this claim within the utilitarian framework to which they appeal since Mill argues that only an agent intimately familiar with the pleasures and pains involved can determine the dictates of utility.

With this in mind, Hladik notes that the benefits of spying do not outweigh the drawbacks and the rights of citizens are arbitrarily infringed, a clear violation of the utilitarian calculus. There is no possible way the spying agency has made legitimate determinations about the utility of the actions so cannot claim the benefits outweigh the pain suffered by ordinary citizens.

This modern application of the utilitarian model to real world politics is useful in showing the complexities of the argument are as relevant today as they were a century ago.

3.2.6 Conclusion

This dissertation aims to find a philosophical model which best describes how intelligence practitioners may deal with the ethical challenges they encounter in their daily work. The classical philosophical theories highlight what ethical dilemmas may confront human activity and may provide a framework for understanding how individuals should act in various circumstances but they fall short in explaining the unique environment of the intelligence practitioner. As each individual has his or her own personal ethical framework, one which is not necessary framed by one of the philosophical models, it was deemed necessary to include a section on the personal ethical framework.

3.3 Personal Ethical Framework

A personal ethical ideology impacts on decisions individuals make to participate in any human activity and this will include activity relating to the work of intelligence practitioners. This study assumes that intelligence practitioners are at first, human beings with personal ethical frameworks which may direct their behaviour. This personal ethical framework, in the view of Born & Willis (2010: 36), should be firm as it is the only safeguard against wrongdoing in intelligence work. Intelligence collection involves various activities where clandestine collection is but one. A blanket pronouncement on the moral acceptability (or otherwise), according to Erskine (2010: 136), is not helpful. The

various approaches that have been applied to collection methods disagree on the moral weights that should be applied to the range of collection activities. Erskine asserts the realist, consequentialist and deontological approaches

> …provide radically different ways of thinking about the ethical boundaries within which moral agents engaged in intelligence collection might deliberate, act, and, indeed, be judged.

Erskine also asks if any of them can be applied to the activity of intelligence collection without condemning the very substance of effective intelligence collection.

3.3.1 The moral compass

Moore and Gino (2013: 6-7) use the metaphor of the moral compass to describe the "inner voice that motivates us toward ethically sound action" and which determines our internal standards of behaviour implying "both that our moral center is stable (a compass always points North) and its orientation clear." It is therefore an inner voice which guides an individual into right or wrong action in various circumstances. A person who engages in unethical behaviour is said to have "lost" their moral compass and this could be as a result of social or environmental circumstances. The magnets within our moral compass can be strengthened if we surround ourselves with people or symbols we admire (positive role models) or even "… priming the idea of God increases prosocial behavior (Shariff & Norenzayan 2007)" (Moore and Gino 2013: 47).

Moore and Gino (2013: 56) believe the locus of control of our moral compass is often in the hands' of others, and this results "in behavior that is inconsistent with our best selves" (Roberts et al., 2005).

There has been much research on what motivates or inhibits ethical behaviour and how individuals respond to ethical dilemmas (cf Kohlberg 1983, 1984; Rest 1990). Henle et al. (2005: 219) acknowledge that a personal ethical ideology has a profound impact on decisions individuals make to participate in 'socially disapproved behaviour'. Other authors stress the important role and influence of personal values (England 1967; Christiansen et al. 1987; Freeman and Gilbert 1988). Frizsche (1995: 909) suggested specific values should be identified which could be linked to ethical behaviour. These studies show the importance of personal values in individual's ethical decision-making. Crossan et al (2013) have presented a decision making model which "integrates virtues, values, character strengths and ethical decision making (EDM)." Other studies propose that personal religiousness is a source of ethical norms and a contributor to ethical decision making (Clark & Dawson 1996: 359). Researchers appear to agree that individuals possess a type of personal ethical framework, from which decisions are made. Ayal and Gino (2011: 3) quote research which suggests most individuals strive to be moral.

> In the same vein, people typically value honesty, believe strongly in their own morality, and strive to maintain a moral self-image (Greenwald 1980; Sanitioso, Kunda, & Fong 1990). For instance, approximately 84% of individuals self-report that they are moral and honest (Aquino & Reed 2002).

The central core of personality contains one's self-concept and this drives the individual:

> These central core characteristics may dictate the nature of other items which are closer to the surface (e.g., a religious person may dress in a manner which he or she feels is consistent with that religious ethic). Baack et al (2000: 40)

Baack et al (2000: 40) see the importance of the Social Penetration Theory (Altman and Taylor 1973; Baack, 1991) to explain and examine the nature and structure of an individual's ethical and moral framework and to portray the degeneration of a personal ethical code. Moore and Gino's (2013: 3) review

> …portrays a moral pendulum which allows people to swing back and forth between the guilt associated with unethical temptation and a sense of decency elicited by justifications.

3.3.2 A sense of morals

All humans possess a moral sense and have a moral experience which helps them understand the difference between 'I ought to do this' and 'I would like to do this', or 'it would be expedient for me to do this' (Joad 1947: 170). Frankena (1973: 63) suggests that morality has more to do with traits of character rather than rules or principles. Stephen (1882: 155) reinforces ideas held by Plato and Aristotle that morality is more about virtues than obligations: *"The moral law…has to be expressed in the form, 'be this,' not in the form 'do this'."* This view advocates an inherent ethic, one which is in your DNA, not one imposed as a duty. Kant made the point that principles without traits are impotent and traits without principles are blind (Frankena 1973: 65). Clearly, both may be equally valid to direct an action in the morally correct way, where principles of prima facie duty are not always clear at the moment of decision, and we have to rely on our 'moral compass'. Moore and Gino 2013: 18 note that

> Social networks play a role in normalizing unethical behavior and can be a source of moral compass deviations as well. Socialization to unethical practices may become "contagious" through the network of formal and informal relationships that organizations foster (Brass, Butterfield, & Skaggs, 1998; Labianca, Brass, & Gray, 1998).

3.3.3 Organisations are amoral

Human beings often function within an organisation (or an institutional framework.) Intelligence practitioners are employed in an intelligence agency. Organisations have their own ethical identity, but more often than not, the organisation itself is neither 'good' nor 'bad'. Moore and Gino: (2013: 16) assert that

> …some commentators have described organizations as inherently amoral—that is, incapable of attending to the moral implications of their actions (Ashforth & Anand, 2003; Brief, Buttram, & Dukerich 2001; Clinard & Quinney 1973, p. 212; Gross 1978, 1980). Gross even claimed that "all organizations are inherently criminogenic" (Gross 1978, p. 56)

Certain professions are seen to have a reputation for deviance and research was needed to determine if this perception conforms to reality. A study by Rusch (2015: 6) suggested that the banking profession is characterized by sub-standard morals. Rusch studied the ways bankers respond to various moral dilemmas as opposed to 'normal' people, based on the assumption that bankers have 'less than standard morals' and are seen to "have a low standing in public opinion" (Rusch 2015: 6). The results of the study, which compared "the responses of professional bankers to the two standard trolley dilemmas 'bystander' and 'footbridge' to those of ordinary people" were interesting. There were

> … no indications that individual bankers' evaluations of the moral acceptableness of the behavioural options in these dilemmas deviate from those of ordinary people (Rusch 2015: 13).

The intelligence profession is not the same as the banking profession.

The famous spy writer John le Carre (*The Spy Who Came in from the Cold:* 1963*)* wrote

> …what do you think spies are: priests, saints and martyrs? They're a squalid procession of vain fools, traitors too, yes; pansies, sadists and drunkards, people who play cowboys and Indians to brighten their rotten lives. Do you think they sit like monks in London balancing the rights and wrongs? I'd have killed Mundt if I could, I hate his guts; but not now. It so happens that they need him. They need him so that the great moronic mass that you admire can sleep soundly in their beds at night. They need him for the safety of ordinary, crummy people like you and me.

Le Carre's character raises an important point – intelligence practitioners - as bereft of ethics as they may be perceived to be - are needed for the security of ordinary people. To paraphrase Henry Kissinger's famous remark: "Espionage should not be confused with missionary work" (Johnson 2006: 271). A former director of the CIA, Allen Dulles said there are few archbishops in espionage and Richard Helms, another CIA director said "We're not in the Boy Scouts" (Olson 2006: 40). It is a dirty business conducted by men and women of integrity. The argument is that if the client (the intelligence agency) wants to know what is happening in the target areas, they would have to "hold their noses and pay" agents to provide the necessary information on drug smuggling, people smuggling, organised crime groups and terrorist cells (Johnson 2006: 271). The people who control and handle these agents are the intelligence practitioners who are the subject of this study.

3.3.4 Contradictory moral standards

Although intelligence agencies are not deliberately criminogenic, the employees who are attached to operational or

investigative arms may be required to function immorally. The functions which practitioners perform are defined not only by the organisation, but by Acts of Parliament. The SSA prescribes to the members which goals need to be reached. Moore and Gino (2013: 16) suggest that

> Organizational socialization sets up role expectations for individuals, communicates which organizational goals are important, and establishes appropriate ways to achieve them. Socialization processes per se are agnostic about questions of morality.

The SSA is not in a position to attend "to the moral implications of [intelligence practitioners'] actions" but would expect professional performance in line with the laws of the country and consistent with the traditions of intelligence. Because of the silence of the institution on work-related ethics, the personal ethical framework of an intelligence practitioner may be a conflicted one. Hulnick & Mattausch (2006: 44) view secret intelligence operations as a 'sphere of moral tension and even moral tragedy.' They propose the justifications for breaking deontological imperatives by intelligence practitioners do not relieve them from guilt. In their view, intelligence practitioners are human beings who have to accept moral responsibility for their own actions. Immoral actions, however justified from an ethical point of view, elicit feelings of guilt and may create a moral deficit in the individual (Jones 2010: 28). Yet their professional ethics allow them to consciously break societal rules (without becoming bad people) and so are expected to operate in two worlds with contradictory moral standards (Jones 2010: 29). How much leeway should an intelligence practitioner be given to achieve her assigned goals? Can she mislead, lie and deceive an agent in the belief that the "proper course of action is the one that maximizes the overall happiness?" (Bailey 2012: 64).

Phythian (2012: 13) refers to Kent Pekel's research based on structured interviews with fifty CIA professionals. The serving officers saw intelligence as being ethically neutral and like journalism and the military, people were allowed to act in ways which would be wrong, were it not for the role (Pekel 1998: 3). Pekel's research noted that intelligence practitioners believed in the moral purpose of the Agency (CIA) mission and this legitimized their actions which would be unethical if carried out by an ordinary citizen Phythian (2012: 13). Phythian refers to the term "social construction of threats" where policy makers develop this moral dimension to intelligence work which then legitimizes targeting and methods. Political culture and direction, in his opinion, is therefore linked to intelligence ethics. This leads to accountability and the price that citizens are willing to pay for the protection of the national interest.

In intelligence, accountability is a key expectation.

> To be accountable (to the people or to a legislature) is to be under an obligation to respond to requests for explanation and information about one's official actions (Beitz 2006: 217).

Accountability is a safeguard against the abuse of power and in the case of intelligence practitioners, accountability is particularly important because of the magnitude of the power given to them. Being accountable should deter intelligence practitioners from using the powers of their office outside the limits of their authority (Beitz 2006: 217). Perry asserts that research shows that the public allows intelligence practitioners to make ethical trade-offs (if they serve a legitimate, democratically elected Government, as part of a social contract) but these officers should never consider themselves immune from public scrutiny (Perry 2006: 224).

In the literature, it is interesting to evaluate the analysis of responses to intelligence scenario moral dilemmas which Olson (2006: 47) presents. In his study, one of the participants, Louise Corbin, a former CIA officer, had noted a change in how she viewed unethical intelligence activity, such as blackmail operations. She stated that blackmail is repugnant but confessed

> I cannot help feeling that my reactions are different today from what they would have been if I were still working at the Agency (Olson 2006: 47).

She conceded it is easy to be mission-focused without critically looking at the ethical issues involved. She suggests that she did not lack a moral compass when she worked at the Agency, but now that she was outside of the intelligence world, she first judges cases in an ethical context, and then only for intelligence value.

3.3.5 Moral drift of intelligence practitioners

An intelligence practitioner striving to achieve strategic goals may have his or her moral conscience blunted and develop an 'at all cost' type tunnel vision in reaching that goal. Moore and Gino (2013: 21) suggest that

> …by mobilizing and focusing our behavior toward specific ends, goals lead us to neglect other (often desirable) behavior (Shah et al., 2002).

How are these conflicts between 'overall happiness' and the rights of citizens enshrined in the Constitution resolved by an intelligence practitioner at the level of his personal ethical framework?

It is suggested that

> …a present but misdirected moral compass could seduce us with the belief that we are behaving ethically when we are not, while allowing us to maintain a positive moral self-image (Moore and Gino 2013: 7)

Individuals' morality is not cast in stone, but adaptable, or malleable (Moore and Gino 2013: 8; Ayal & Gino 2011; Monin & Jordan 2009). If an individual's ethical framework is malleable, it can be moulded by various factors and influences and this can cause the moral compass to drift. One of the influences is the groups we associate with through social categorization, (Turner 1999; Turner et al. 1987) and this could take place on the basis of similarities, which include assignment to the same group or work unit (Guzzo & Dickson 1996) (Moore and Gino 2013: 12). Rai & Fiske 2011, quoted by Moore and Gino 2013: 12, indicate that

> …the groups we create through social categorization influence the types of relationships we form, and also how we evaluate the moral content of our actions.

Based on this argument, intelligence practitioners may be influenced within their work environment (social group) to accept certain unethical activity as a norm and this may cause a drift in their moral compass. This phenomenon, which Welsh et al (2015: 3) calls the slippery slope of unethical behaviour, is likely to take place gradually, where the

> … temptation to commit small indiscretions (Mazar, Amir, & Ariely, 2008) over time may gradually lead people to commit acts that are considerably less ethical than they may have originally considered permissible.

The clash of personal and professional ethics is not new. Research has been done on various professions where this

conflict is evident. In González-Prende's study (2011: 1) the conflicting values in the social worker profession are explained:

> Often, in the course of practice, workers encounter situations that bring them face to face with a conflict between their personal values and the values of the profession.

Shu et al (2011: 3) contend that

> [t]he vast majority of us hold very positive images of ourselves as good and moral individuals (Aquino & Reed, 2002) who resist shining a critical moral light on our own behavior. Most of us care that we are considered to be ethical individuals.

3.3.6 Conclusion

In this study, intelligence practitioners may be required (if not 'forced to') undertake unethical activities in the course of their work roles. Socialization may take place through being part of the organization and culture and receiving training on how to engage in these activities. Where the organization is perceived to be, at best amoral, or at worst, unethical, socialization into immoral activity may occur. It is clear there are influences on an individual's moral compass which affect the way they behave which may cause conflict in the way they see themselves. Where there is conflict, certain adaptations need to be made in order to consider themselves to be 'moral' again.

The concept of personal ethics was explored and how a personal ethical framework can be influenced by various environmental factors was given attention. The starting point for exploring ethics in the intelligence environment may be having a

clear understanding of how ethics and the field of intelligence converge at application level. The personal ethical framework of an intelligence practitioner may be more prone to influence by external factors, or more adept at adapting. Born and Wills (2010: 37) quote Shpiro's definition of intelligence ethics as "a set of behavioural guidelines based on certain beliefs…regarding the role of intelligence in society." This section explored the various theories which are applicable to the study of intelligence ethics generally and as applied to the personal ethical framework of an individual intelligence practitioner.

It was considered necessary to look at other models which may have utility in explaining how intelligence practitioners deal with moral dilemmas within their work function. Answers were sought in criminological models.

3.4. Criminological Models

"Ingenuity was apparently given man in order that he may supply himself in crises with shapes and sounds from which to guard himself from truth."

William Faulkner, *Light in August*

Having determined that the intelligence practitioner must have a personal ethical framework in which he or she functions and where the objectives of the institutional framework demand activity which may conflict with the personal ethical framework, it is now proposed that some type of rationalization must take place for the intelligence practitioner to work effectively. In the

previous section, attention was given to the various theories which try to explain ethics. The utilitarian and deontological approaches are limited in their explanations of *how* individuals deal with ethical conflicts. The literature which describes a personal ethical framework suggests that individuals may have 'moral compasses' which are influenced by external factors, including a work environment which is seen as 'amoral'. The ethics models do not provide clarity on the focus of study and other models were sought to explain the environment. This section will introduce two criminological theories, the rational choice perspective and the neutralization theory in an attempt to understand how intelligence practitioners may rationalize and neutralize their 'deviant' behaviour. The use of criminological models is considered appropriate as these models describe deviant behaviour and how criminals rationalize their deviance and there is a convergence of views between the philosophical models and rationality. Although intelligence practitioners are not criminals, they may use the same justifications to normalize their behaviour and restore the internal conflict which deviance may cause. For the purposes of comparison and application of these theories, the researcher makes certain assumptions. Firstly, the person being targeted by a clandestine intelligence collection action (the target) is deemed 'a victim', although in most cases the target is in fact the perpetrator and society is the victim. Secondly, the intelligence practitioner is deemed the victimiser because he or she is conducting actions which would be considered criminal were they not legally sanctioned. The rational choice and process theories may both support the justifications intelligence practitioners make in their decision making when contemplating clandestine intelligence collection methods.

3.4.1 Utilitarianism and Rational Choice

There is a definite link between utilitarianism, traditional teleology and the concept of rational choice. Macdonald & Beck-Dudley 1994: 621) draw a clear distinction between the utilitarian concept of rationality as efficiency in allocating resources to maximally satisfy preferences, and the traditional teleological idea of the 'rational man' standard, where reasonable people avoid deviant behaviour and develop natural virtues. The normative problem of rationality is about what choices people should have and the rational choice theory prescribes the best ways to achieve these desires (Read 2004: 1). Bentham's definition of utility found in rational choice theory has been revived by David Kahneman (1997) and measures *experienced utility.* Read notes that the experienced utility theory asserts that there is a 'measurable good' that is separable from the choices people make (Read 2004: 4). Kahneman makes a distinction between experienced utility and decision utility, the utility reflected in choices.

With this introduction in mind, the rational choice perspective becomes a good framework for investigating how ethical choices are made.

3.4.2 Rational Choice Perspective

The rational choice model was developed by Derek Cornish and Ronald Clarke in the 1980's and presented the offender as a reasoning person who

> […used] cues present in potential crime settings to guide their decisions about whether (or not) to commit

> particular crimes and, if so, how to commit them (Cornish & Clarke 2017: 32).

The rational choice theory may be useful in the study of intelligence practitioners' actions because these individuals are consciously making decisions based on information at their disposal and the model is valuable in explaining this (Tunnel 1992: 3). Akers (1990: 654) asserts that

> …human actions are based on "rational" decisions- that is, they are informed by the probable consequences of that action.

In this sense, the individual makes decisions in the context of a utilitarian framework, where the reward/cost balance or expected utility function is considered. The rational choice theory suggests that an individual will take an action, "criminal or lawful, which maximize payoff and minimize costs" (Akers 1990: 654). Gül (2009: 38) sees the core assumption of the rational choice perspective (Cornish & Clark 1986) that a criminal is goal-driven and acts according to a choice made on the basis of cost versus benefit. Rational choice theory could apply to other individuals besides criminals and be a normal decision- making process for all individuals. The theory "posits that people make cost-benefit calculations to make decisions that guide their behaviour" (Cordy 2007: 41) and that it "implicitly assumes that human motivation stems from market-based cost-benefit analysis to maximize utility".

The criminal calculates the perceived reward against the costs and risks of alternative actions in the same way an intelligence practitioner may weigh up the benefit of a potential action (information gathered) against potential harm (compromise of agent, invasion of privacy, disregard of target's right of association, movement etc). The rational choice model underscores the cognitive processes of evaluation,

contemplation and decision making in the individual (Van der Hoven 2000: 193). The view that individuals make moral choices within the context of particular circumstances is found between the extremes of free will on the one pole and determinism on the other. Rational choice is essentially a social learning theory which includes a full range of behaviour encouragers and inhibitors including cost/benefit (Akers 1990: 655). An individual is not passive and unreasoning but is constantly being influenced by environmental factors and consequences. Akers (1990: 666) concedes that

> social learning is a behavioural approach to socialization which includes individuals' responses to rewards and punishments in the current situation, the learned patterns of responses they bring to that situation, and the anticipated consequences of actions taken now and in the future in the initiation, continuation, and cessation of those actions.

3.4.2.1 Neutralisation, redefinition and desensitisation

Some of the basic premises of the rational choice perspective can be applied to the intelligence collection phenomenon where “sanctioned misdeeds” occur because the intelligence practitioner makes a rational decision to proceed with a deviant course of action. He or she is driven by a motive (in the case of criminals, the motive is financial gain; in the case of intelligence practitioners it is the collection of information to preserve state security). The three mental processes which Fattah (1993: 243) maintains occur before the offence are neutralisation, redefinition and desensitisation. Neutralisation enables the perpetrator to overcome moral and cultural obstacles before proceeding with a criminal action and this eliminates the effect of the mechanism of social control (Van der

Hoven 2000: 195). Secondly, redefinition attempts to redefine, rationalise and justify the action and strip it of its immoral character. Desensitisation is an attempt on the part of the victimiser to desensitise him or herself from the pain and suffering of the victim so no guilt is felt and this is achieved through various techniques such as denial of harm caused to the victim, devaluing and depersonalising the victim (Van der Hoven 2000: 195). Guilt is dissipated through desensitisation so no post-victimisation cognitive dissonance is experienced. One of the shortcomings of the rational choice theory is its failure to explain irrational offences, but this is irrelevant to this study.

The techniques of neutralisation, redefinition and desensitisation may equally apply to intelligence practitioners who are called upon to conduct a clandestine intelligence activity. The intelligence practitioner may have to overcome moral and cultural obstacles (in terms of his or her personal ethical framework) before an action can be initiated. Redefinition of terms such as ‘stealing’ and ‘lying’ may be necessary to rationalize an action and strip it of its immoral character (Van der Hoven 2000: 195). Third, eliminating guilt through desensitization may be necessary for the intelligence practitioner to function efficiently. This may be achieved through depersonalizing a target person (giving him or her a number or code name) and by denying harm is caused to that person. Neutralization techniques will be discussed in more detail in the next section.

3.4.2.2 Learnt behaviour in rational choice

Akers (1990: 670) sees rational choice as a component of social learning where behaviour is learned by conditioning and shaped by the modelling of the behaviour of others and this is

reinforced by past and present reward and punishment stimuli. This is consistent with Moore and Gino's (2013: 16) view that

> […o]rganizational socialization sets up role expectations for individuals, communicates which organizational goals are important, and establishes appropriate ways to achieve them.

In the context of intelligence practitioners, it can be argued that social learning takes place in the secret intelligence environment and the punishment reward stimuli may be seen as intelligence failure versus intelligence success. Essentially, intelligence practitioners are taught the skills of tradecraft to deceitfully acquire information through formal training but also through socialization within the culture of the organisation. If they use these skills optimally, they should be rewarded with good results and this reinforces peers (and the organization) to encourage further use of the same techniques. There is reason to include a moral cost dimension into the equation and some social learning models include "conscience, religious beliefs and commitment, and other moral attitudes and commitment" (Akers 1990: 671).

Bruhn (2009: 205) proposes that some organisations have a grey area ethic where the boundary between right and wrong is blurred. Bruhn quotes Nel as calling the area where the border between right and wrong is blurred, 'the twilight zone' (Bruhn 2009: 206). Ethical grey areas are commonly found around boundaries which may be

> …physical, social, psychological, emotional, and they can be policies, procedures, rules, or formal or informal agreements.

Bruhn (2009: 206) observes that every organisation has an embedded morality which establishes the boundaries of ethical behaviour. The intelligence community possibly has a unique

conundrum to overcome, because practitioners are required to be ethically sound within the organisation but perform unethical activity as part of their work. There are no written or unwritten policies in the SSA which guide intelligence practitioners to deal with ethical and moral dilemmas they encounter in the work place. Bruhn suggests that managers are responsible for resolving grey areas in organisations and because there is often no written policy to guide them, they experience 'moral stress' (Bruhn 2009: 207). Studies show that managers rely on prior ethical socialisation to resolve ethical dilemmas. The organisation should be clear about what is ethical and unethical in intelligence activity and have specific guidelines and boundaries instead of leaving intelligence practitioners to decide for themselves and having to deal with the guilt or conflict which follows. Bruhn (2007: 212) concludes that grey areas should be anticipated and planned for, and policies developed to deal with the issues.

3.4.2.3 Critique of rational choice theory

There have been varied criticisms of the rational choice theory (Opp 1997; Jones 2001; Paternoster & Bachman 2001; Malesevic 2002) where the question of what constitutes a rational choice is mostly argued. Cordy (2007: 48) is critical of the reductionist nature of the rational-choice model. He argues that the theory presupposes all individuals are rational, utility-seeking actors who are trying to maximise profit or gain. He asserts

> […w]hen all actions are reduced to the maximization of profit, we learn little about where people's motivations come from other than a desire to increase.

For the purposes of this study, it is useful to acknowledge this point, because intelligence practitioners may be rational, but their motivation to commit a 'deviant' act may not be self-gain or pleasure, it is to serve a greater cause. Other motivations may be 'axiological', which are

> … social actions that are rooted in values instead of ends, and situated rationality occurs when actors have 'good reasons' for pursuing an action. The reasons for their actions are often driven by strong belief systems as well as the actor's internal motives (Cordy 2007: 48).

These types of motivations are more relevant to what drives a rational thinking intelligence practitioner into action. The appeal to action may be loyalty and duty to country, the preservation of a secure environment or a desire to 'make a difference.' So a rational choice may also be toward a positive end, with a pure motive driving it. Even if a decision made to participate in a morally questionable activity is rational, there may still be conflict if the action is incongruent with the practitioner's personal ethical framework. It is therefore important to highlight the techniques individuals use to justify or rationalize behaviour which may cause them discomfort.

3.4.3 Neutralization Theory

There is no perfect fit of any criminological theoretical framework for understanding the justifications intelligence practitioners use to perform their work, but there are useful framings which may explain how they deal with 'unethical' behaviour. Social control theory is a branch of social process theory which attempts to explain how individuals become

offenders through social interactions or processes. Social Control theories introduced the self-report tradition where the self-report survey (asking juveniles about their behaviour) became the dominant form of gathering criminological data (Williams & McShane 1999: 190). This theory relies on social factors to explain the controls which are needed to prevent harmful activity. The reason for choosing social control theory as a possible framework for explaining intelligence behaviour is based on the assumption that socialization teaches us how to function in society. It was Hobbes who conceded that humans are basically evil and need socialization to help control them from acting out their desires. The Neutralization theory of Graham Sykes and David Matza (1957) holds promise in understanding how intelligence practitioners may justify unethical activity and embrace it as a norm of the intelligence subculture.

3.4.3.1 Sykes and Matza's Neutralisation theory

Sykes and Matza (1957) proposed that delinquents can be freed from commitment to societal values through a process of neutralisation (Williams & McShane 1999: 193). The techniques of neutralisation create a state of limbo or drift in the individual who is then freed to commit a deviant act. Sykes and Matza emphasise the fact that deviants' (who possess conventional values) rationalize their delinquent behaviour to make it acceptable to themselves and society (Bersoff 1999: 29).

> These rationalizations, known as techniques of neutralization, precede deviant behaviour, making delinquency possible by neutralizing potential disapproval from both internal and external sources.
>
> Thus, social controls that serve to inhibit deviant behaviour are rendered inoperative, and the individual is

> free to engage in delinquent behavior without serious self-esteem damage (Sykes & Matza, 1957).

The neutralization theory has been adapted for use outside of the purely criminological framework in various studies. Sykes and Matza applied the neutralization theory to lower class youth, but conceded the theory was applicable throughout society. A case in point is Ertz et al's 2016: 6) use of Sykes and Matza's theory to identify how consumers justify the existence of controversial consumption systems such as commercial peer-to-peer mutualisation systems (Uber and AirBnB). Christensen (2010: 554) indicates the idea of neutralizations has also been extended to a number of behaviours, including corporate crime (Leeper Piquero et al. 2005), the sex trade (Thompson et al. 2003), shoplifters (Cromwell and Thurman 2003), the holocaust (Alvarez 1997), pedophiles (De Young 1988; Durkin and Bryant 1999), hit men (Levi 1981), rapists (Scully and Marolla 1984), beauty pageant mothers (Heltsley and Calhoun 2003), and the perpetrators of a variety of other non-conforming behaviours (Copelton 2007; Eliason and Dodder 1999; Evans and Porche 2005; Gailey and Prohaska 2006; Gauthier 2001; Green, South, and Smith 2006; Peretti-Watel 2003; Pershing 2003; Pogrebin et al. 2006; Vitell and Grove 1987). The theory has been widely adapted and used to explain behaviour (Divard 2013), especially to better understand consumer decision-making (Chatzidakis, Hibbert and Smith 2006, 2007; Brunner 2014; Chatzidakis, Kastanakis and Stathopoulou 2016). Ertz et al (2016: 7) noted this theory helps explain how individuals choose a certain behaviour which contradicts personal beliefs and values. In Ertz et al's study, consumers applied neutralization techniques to diminish the sense of guilt or cognitive dissonance which was experienced. Bersoff (1999: 29) concurs that neutralization techniques are not the sole preserve of delinquent groups. He disagrees with the contention that neutralization, as originally conceived, is a learned response pattern. He argues

> …that a redefinition or distorted construal of an unethical action as being morally acceptable often precedes and fosters decisions to act in an unethical manner among people generally.

In this sense, all individuals, not just deviants, use neutralizing techniques every day to redefine and justify unethical behaviour.

Chi-Mei (2008: 252) studied 30 subjects in Hong Kong to determine neutralization techniques and found that neutralizations played an important role in the decisions of the subjects to offend. An important finding was that "the subjects in this study used different justification techniques before, during, and after their punitive offences". Henry (1976) suggested that offenders perform neutralizations while contemplating their crimes, verbalizations after contemplation and before commission, and rationalizations following commission.

Bersoff (1999: 29) notes that neutralizations

> …allow people to act contrary to the dictates of their values or attitudes without experiencing cognitive dissonance or any of the other discomforts which have been associated with perceived inconsistencies between one's attitudes and behaviour.

3.4.3.2 Techniques of neutralisation

With this in mind, the researcher asks if it may be possible to apply the techniques of neutralization to explain how intelligence practitioners justify unethical or immoral acts within the framework of their society or culture, the intelligence realm. Four of the techniques of neutralisation are explained (Williams & McShane: 1999: 193; Ertz et al 2016: 6).

Denial of Responsibility. Acts are the product of forces beyond the control of the delinquent. The delinquent has no control over the situations he or she finds him or herself in and is therefore not responsible for his actions “I didn’t mean it”.

Denial of injury. No harm is caused. “I didn’t really hurt anybody.”

Condemnation of the Condemners. Those who disapprove of the act have wrong motives or ulterior agendas. Those committing deviant acts may also point out that those accusing them also engage in unethical behaviour. “Everyone’s picking on me.”

Appeal to Higher Loyalties. Some rules of society are abrogated for the good of other individuals or groups. They argue their violation of norms is to a higher order or achieve a greater value. “I didn’t do it for myself.”

Sykes and Matza’s neutralization theory has merit in explaining how individuals rationalize their deviant behaviour. Sykes and Matza acknowledged that there is an inherent flaw in neutralizations in that the use of valid justifications can be distorted into a context which is unacceptable to society. Bersoff (1999: 37) notes that there is a concession in that

> …the less moral ambiguity there is surrounding a situation, the less latitude an agent has in negotiating reality in such a way as to provide justification for an unethical action.

In the case of this study, the view South African society has of clandestine intelligence methods is not known so intelligence practitioners may rely on their own perceptions of what society believes about their actions. In this way, their own perception may create a new reality which provides for their justifications. The fact that there is moral ambiguity around the intelligence profession could mean the practitioner may have little latitude in negotiating that new reality.

It is likely some of the neutralizations offered by intelligence practitioners prior to their actions and rationalizations afterwards could be interpreted in other ways. The aim of this study is to create a platform of possible explanations and not a rigid, deterministic viewpoint.

3.4.3.3 Limitations of neutralisation theory

Christensen (2010: 566) notes techniques of neutralization and rationalization may not serve the functions being attributed to them. The argument is made that there is a lack of empirical proof that techniques of neutralization neutralize guilt:

> There is no measurement of the individual's feelings of guilt before and after the neutralization was uttered.

Christensen (2010:566) notes that Copelton 2007; Eliason and Dodder 1999; Peretti-Watel 2003; Thurman 1984 see a link between neutralization techniques and the reduction of cognitive dissonance (Festinger [1957] 1962) arising from violating the norms and values one is committed to. Cognitive dissonance will be discussed in the next section.

Rationalizing behaviour, considered after an action, may also involve dissociation which involves altering a reality. Van Rees (2009: 4) suggests that dissociation means separation, as in regarding two things as separate from one another. Dissociation involves the resolving of a conflict or paradox by creating a new reality, one which is more acceptable. Philosophical pairs of appearance/reality is the basis of dissociation (spirit/letter, means/end and relative/absolute) (Van Rees: 2009: 5). This adaptation has been used in the

intelligence realm before, cited by Trahair (2004). The unethical practice of using women as honey traps (an operation to recruit targets through the use of illicit sex and threats of exposure) was used by the Komitet Gosudarstvennoy Bezopasnosti (KGB) (the Soviet intelligence agency), particularly during the cold war (Trahair 2004: 127). The practice involved the recruitment of women prostitutes (known as 'swallows') to trap foreigners into co-operating with the intelligence agency. Trahair noted

> …although some KGB officers felt guilty about forcing women into the role of a swallow, they did not feel guilty as professional espionage agents. They simply split or dissociated their selves (sic) from their role.

Trahair observed that the KGB officers rationalized the honey trap by believing the swallows were serving their country (Trahair 2004: 128). This rationalising of an uncomfortable reality can also be seen as creating consonance out of dissonance (see below). The separation of an individual from his role, function or from an action may be an important rationalising mechanism used by intelligence practitioners. It implies a separation of two ethical frameworks, a personal one (where guilt would be felt) and a separate, working framework, where the role requires the action to be undertaken.

3.4.3.4 Conclusion

Control theories focus on the restraint of individuals to prevent them from pursuing their own interests rather than the interests of society. Social institutions are important to educate people in order to remain law abiding (Joubert 2000: 226). The training institutions in the intelligence environment and the social environment (corporate identity) of the intelligence agency may

assist in socializing the intelligence practitioner into accepting unethical and immoral behaviour. Part of this process may require the intelligence practitioner to find neutralizations before and rationalizations after they have committed this behaviour. A theory which advocates dealing with the discomfort or dissonance caused by conflict in the personal ethical framework is the theory of cognitive dissonance. This theory may have an answer for the discomfort intelligence practitioners may experience as their personal ethical framework is tested by their engaging in repugnant behaviour. A model of ethical dissonance is also examined as it may support the idea of a rationalizing framework. Although the following two studies relate more to the field of psychology, it is important to note the underlying processes of neutralization and rationalization that are relevant to this study.

3.5 Theory of Cognitive Dissonance

The intelligence practitioner working in an environment which requires exposure to ethical dilemmas on a daily basis may bring about what social psychologists describe as cognitive dissonance. The theory was first published in 1957 by Leon Festinger and postulated that pairs of cognitions, or elements of knowledge, which are relevant to each other may be dissonant if the obverse or opposite of one cognition follows from another (Harmon-Jones & Mills 1999: 3). The individual who is experiencing this dissonance is psychologically uncomfortable and attempts are made to reduce this dissonance. Cooper (2007: 6) summarizes Festinger's theory thus:

> A state of cognitive dissonance occurs when people believe that two of their psychological representations are inconsistent with each other.

Shu (2011: 12) quotes (Festinger & Carlsmith 1959):

> Cognitive dissonance exists when there is a discrepancy between one's actual behavior and one's values or attitudes.

3.5.1 Self-verification

People generally see themselves as moral, decent, and ethical (Aquino & Reed 2002) and this cognition, when in conflict with a cognition arising from an unethical behaviour, causes dissonance (Gouws, Louw, Meyer & Plug (1979: 154)).

The theory has its limitations as Bersoff (1999: 29) observes that dissonance occurs *after* a person has committed to behaviour.

> Because of its post hoc etiology, cognitive dissonance is not useful in accounting for how people initially decide to perform actions contrary to their own values.

Since Festinger first postulated his theory, there have been a number of revisions applied with limiting conditions. Cooper (2007: 73) highlights the conditions under which inconsistent behaviour produces dissonance. Dissonance is caused when decision freedom is high; when people are committed to their behaviour; when this behaviour leads to aversive consequences which consequences were foreseeable. Harmon-Jones et al: (1996: 1) confirm that over the past three decades, various revisions of Festinger's (1957) cognitive theory have been posited, the most influential of which suggests that

> … inconsistency is neither necessary nor sufficient to cause dissonance-related attitude change and that the production of aversive consequences is necessary and sufficient (e.g., Collins, 1969; Collins & Hoyt, 1972; Cooper & Fazio, 1984; Cooper & Worchel, 1970; Scher & Cooper, 1989).

The possibility that consequences alone can cause dissonance-related attitude change and not only inconsistency is of value to this study because intelligence practitioners may rationally consider the consequences of their actions. When an individual engages in an undesirable (or unethical) activity to achieve an outcome, dissonance is experienced and this causes discomfort. The individual tries to neutralize it by creating the opposite cognition, consonance. One of the ways of reducing dissonance and increasing consonance is by exaggerating the desirability of the outcome (Harmon-Jones & Mills 1999: 7). Intelligence practitioners may use this mechanism to reduce the dissonance caused by conflict between their personal ethical framework and the obligation towards achieving a goal (outcome) – security, however there is no empirical evidence at this stage to confirm it. An adverse consequence which results from an individual acting without a choice or where the consequence was unforeseeable, will reduce dissonance (Cooper 2007: 76). The dissonant state will have to be reduced by an attitude change. One of the revisions of Festinger's original conceptualization of the cognitive dissonance theory was the self-consistency interpretation of dissonance. The self-consistency referred to how situations which cause dissonance do so because they create inconsistency between the self-concept and behaviour (Harmon-Jones & Mills 1999: 13). This revision to the theory highlighted the possibility that individuals may experience dissonance when they behave in a way which is inconsistent with their self-concept as a moral person. This dissonance is experienced when an individual views himself as

immoral or unethical and which jeopardizes his positive self-concept (Harmon-Jones & Mills 1999: 14). Moore and Gino (2013: 26) see self-verification as a facilitator of moral justification. According to the self-verification theory (Swann, 1983, 1990), “people are motivated to verify, validate, and sustain their existing view of themselves.” They are also then encouraged to associate with others who see them as they see themselves, as this confirms their self-concept (Swann, Pelham, & Krull 1989). Self-verification of one’s own morality will result in one viewing oneself as moral, regardless of the actual ethical content of actions (Moore and Gino 2013: 27). They concede that this

> … tendency can lead individuals to create and maintain cultures that may perpetuate morally questionable behaviours, as individuals will seek to remain in the company of those who confirm their positive self-regard, regardless of their actions.

This suggests that intelligence practitioners may be able to maintain a positive self-regard within the intelligence culture, where they are surrounded by like-thinking individuals. Festinger hypothesized in 1954 that individuals tended to make their cognition and their behaviour consonant.

> Cooper and Fazio (1984) proposed, in an influential review of the dissonance literature, that "dissonance has precious little to do with the inconsistency among cognitions per se, but rather with the production of a consequence that is unwanted" (Harmon Jones et al 1996: 7)

The unwanted consequences refer to an event which blocks self-interest or an unwanted event. The intelligence practitioner may experience dissonance as she tries to reconcile her activity to her personal ethical framework. There may be a conflict between how she views her moral code and what she is required to do as an intelligence practitioner (which may result in

adverse consequences). Cooper (2007: 92) draws on research conducted by Claude Steele to suggest that when an individual's self-system is threatened, they need to affirm its integrity. These threats may occur when individuals see themselves as being unworthy or dishonest. Ayal and Gino (2011: 3) draw on research done by social identity theorists such as Schlenker (1982) and Tajfel (1982), who have argued that…

> …people want to feel good about themselves and strive to maintain a positive self-image, which presumably includes viewing themselves as moral. But sometimes this requires a little immorality combined with self-deception.

3.5.2 Cognitions which facilitate unethical behaviour

Various studies have been conducted where researchers have attempted to measure peoples' ethical responses. Bersoff's (1999: 30) experiment with 120 participants who were overpaid to participate in a study, aimed to test the hypothesis that

> … unethical behaviour is promoted when people are able to develop and maintain a biased characterization of an unethical action as being morally acceptable.

It can be argued that intelligence practitioners, possessing integrity and a strong personal ethical framework (based on their fulfilling the requirements of security vetting), must have some adaptive means to function in an environment where unethical conduct is necessary. Research will have to substantiate the hypothesis that the participation of practitioners in unethical functions may have an influence on how they view themselves, as moral human beings. Bersoff (1999: 28) suggests that people

sometimes freely decide to behave in an unethical way which compromises their self-image, where they view themselves as being ethical and honest and this results in dissonance, anxiety and stress. Bersoff (1999: 28) cites various studies which substantiate the idea that defensive processes must necessarily be brought to bear in order to rationalize unethical behaviour.

> If an insult or potential insult to one's self-image cannot be avoided, then a whole series of ego-defensive processes are brought to bear. These include various forms of motivated reasoning (Kunda 1990), self-handicapping (Jones & Berglas 1978), and verbal strategies such as accounts (Scott & Lyman 1968). The ultimate goal of these defensive processes is to sustain a phenomenal experience of the self as being moral, competent, good, stable and capable of choice and control (Steele, 1988).

Bersoff's (1999: 38) findings helped in the understanding of the cognitions which facilitate unethical behaviour. His study showed that in acts of social deviance,

> … people commonly distort the moral implications of their desired behavioural response and end up acting contrary to these motivations.

Behaviour which involves dishonesty creates a threat to the individual's self-worth and they would do anything to correct this situation and reaffirm the self-system. The researcher suggests that in the case of an intelligence practitioner, she may have to lie, steal or deceive (threatening her self-system) but then remind herself that she is working in the best interests of the citizens of South Africa – and this reaffirms the global integrity of the self. In so doing the threat is neutralized. The reminder can be seen as an attitude change, which is one of the techniques of reducing dissonance. When dissonance is high because of discrepancies between various pairs of cognitive elements, the individual has several choices to reduce dissonance and relieve

the discomfort. Festinger (1957) suggested that changing your opinion about the element causing dissonance is an important strategy to restore consonance. The discrepancy between a decision made and the consequence can be minimized by justifications. Harmon Jones et al (1996: 1) note that in the reduced compliance paradigm,

> …participants are induced to act contrary to a previously held attitude, and if they are provided minimal external justification (few consonant cognitions) for doing so, they will experience dissonance and reduce it, usually by changing their attitudes to be more consistent with their behaviours.

3.5.3 Reducing cognitive behaviour

Shu (2011: 12) refers to studies by Bandura and others to explain how individuals reduce cognitive dissonance in cases of dishonest behavior (Bandura 1990; Bandura, Barbaranelli, Caprara, & Pastorelli 1996; Detert, Treviño, & Sweitzer 2008).

> People whose actions are at odds with their moral standards will modify their beliefs about their bad actions through moral disengagement in order to alleviate cognitive dissonance. Moral disengagement repackages detrimental conduct in a way that is personally acceptable by relabelling the questionable behavior as morally permissible (Bandura et al. 1996).

Welsh et al (2015: 8) reinforce this point:

> Moral disengagement involves a dissonance-reducing process through which an individual is “freed from the self-sanctions and the accompanying guilt that would ensue when behavior violates internal standards” (Detert et al., 2008, p.375).

Moore and Gino (2013: 33) are of the view that moral disengagement refers to the means we use to neutralize the

"self-sanctions that typically compel us to behave morally" (Bandura 1990, 1999). When these means are depleted, people may become susceptible to moral self-deception (Welsh et al 2015: 8). It is a process which occurs in small increments over time, due to the self-deception that occurs along the way (Welsh et al 2015: 9). Moore and Gino (2013: 33) posit that moral disengagement disturbs the needle of the moral compass, moving it towards morally justified behaviour through its processes. Cooper (2007: 85) suggests that individuals change their attitudes to reduce dissonance to try and make the consequences of their behaviour more acceptable. People search their autobiographical memories for evidence they can use to support their new position following an attitude change, but this has constraints as reality can get in the way as there is prior knowledge of their true attitudes. Shu (2011: 15) introduces the term Motivated Forgetting:

> Individuals are curators of their own collections of memories; they act as "revisionist historians" when recalling the past (Ross, McFarland, Conway, & Zanna 1983). People recall features selectively in ways that support their actions. They engage in "choice supportive memory distortion" for past choices by selectively over-attributing positive features to options chosen while simultaneously over-attributing negative features to options overlooked (Mather & Johnson 2000; Mather, Shafir, & Johnson 2000).

Shu (2011: 15) suggests that individuals can regain a positive self-image after acting unethically by revising their memory and "only recall rules that favour their self-image" and so forget the rules created to change their behaviour. Individuals may change their attitude in a way that makes it more closely aligned with the counter attitudinal behavior they have produced

(Harmon-Jones & Mills, 1999). Martinie et al (2013: 1) note that individuals may also

> …agree to undertake a second, related behavior (act rationalization, Beauvois, Joule, & Brunetti 1993). They can modify their usual behavior (Dickerson, Thibodeau, Aronson, & Miller 1992), play down the importance accorded to the cognitions involved in the state of dissonance (trivialization, Joule & Martinie, 2008; Simon, Greenberg, & Brehm 1995) or feel less responsible for their behavior (denial of responsibility, Gosling, Denizeau, & Oberlé 2006).

Dissonance may be reduced by believing the harm caused to a person through deceit is justified by a positive outcome.

3.5.4 Dissonance and culture

Culture includes a social group's values, ideals and symbols, shared rules and norms which are passed on from generation to generation (Cooper 2007: 137). These rules determine how an individual will think and act in a certain environment. Hoshino-Browne et al's (2005: 295) cross-cultural study showed that

> …the characteristics of independent Western self-concepts that are likely to contribute to effective self-affirmation tend to reinforce people's beliefs in their individual uniqueness or distinctiveness from other people. In contrast, the self-affirming characteristics of interdependent East Asian self-concepts tend to reinforce a strong sense of connectedness or belongingness with important in-group members.

Cooper (2007) asserts that some cultures (North American and Western Europe) tend to be more agentic, that is, people are responsible for their own behaviour and outcomes. In East

Asia and India, cultures are more holistic, where people view their behaviour as being embedded in their relationships with significant other people (Cooper 2007: 137). This is similar to the African term of *ubuntu* which means *'I am what I am because of who we all are'* (https://www.ubuntu.com). In a study conducted by Hoshino-Browne et al (2005: 294) where the effects of self-affirmation on dissonance arousal were examined cross culturally, the researchers found that

> …both Easterners and Westerners can experience dissonance, but culture shapes the situations in which dissonance is aroused and reduced.

Hoshino-Browne et al propose that dissonance emerges in culture-specific ways because culture plays a role in how and when such rationalization occurs. In terms of dissonance, studies have shown that Western cultures eschew virtues like say what we believe, believe what we say and take responsibility for our actions, whereas holistic cultures - where people view themselves in relation to others - are more complicated. (Cooper 2007: 138). The suggestion is therefore made that dissonance reduction may only be a phenomenon of agentic cultures (i.e., people who prefer consistency among their behaviours and experience discomfort when there is inconsistency). The study by Markus and Kitayama (1991) attempted to answer the question of whether dissonance is culture-specific or not. The results were inconclusive and this question remains a matter of ongoing debate (Cooper 2007: 140). For the purposes of this study, it can be said with reasonable surety that lying, deceiving and coercing are actions which would be considered unethical in all cultures, so the question of cultural responses to dissonance would probably not be relevant to this study.

3.5.5 Conclusion

Despite the inherent difficulties in measuring the attributes of cognitive dissonance and some of the criticisms which have been levelled at the theory, there does appear to be a place for the application of the theory to this study. Martinie et al's (2013: 7) conclusion serves to underpin what this researcher suggests intelligence practitioners' experience in the course of their work:

> It is now well documented that individuals can reduce their dissonance by adapting their behavior or their thoughts. They do this primarily in order to avoid psychological discomfort and the associated negative affect created by inconsistencies between two cognitions.

Cognitive dissonance is generally resolved overtly, but there is another type of dissonance which may be experienced at a more hidden level. This is ethical dissonance.

3.6 Ethical Dissonance

Ayal and Gino (2011: 4) suggest the phenomenon of 'ethical dissonance' could be similar to 'cognitive dissonance' but where the focus is on the discomfort caused by ethical, not cognitive conflict.

> Ethical dissonance is the tension that arises from the inconsistency between one's actual cheating behavior and one's ethical values or attitudes. We argue that the discomfort produced by ethical dissonance, similar to the consequences of cognitive dissonance, calls for some kind of adjustment.

Barkan and Ayal (2015: 9) see ethical dissonance as serving as a moral gatekeeper to remind people to maintain a set ethical standard, using the discomfort or tension the dissonance arouses. Ayal and Gino (2011: 4) make the important distinction between cognitive dissonance and ethical dissonance. In the case of the first, the action causing dissonance is more public, where attitude cannot be denied and so the tension they experience has to be reconciled by adjusting their attitude to match prior behaviour. In the case of ethical dissonance,

> …the unethical behavior, such as a minor instance of cheating, is hidden from other people. Thus, the adjustments and corrections people make to cope with ethical dissonance do not necessarily require them to relax their contradictory internal code.

3.6.1 Ethical dissonance and self-image

Barkan and Ayal (2015: 4) posit that ethical dissonance can be aroused when there is the breach of absolute criteria of right and wrong (e.g. the Ten Commandments; Aristotle, Nicomachean Ethics). Ethical dissonance becomes a threat to the self by

> …including also the violation of social norms and failed self-integrity… people cannot solve this dissonance with a change of attitude, as explicit cutback of moral standards will further threat the self-image.

Moore and Gino (2013: 3) suggest that justifications resolve ethical dissonance by restoring the self-image, but they also allow people to behave unethically, giving them a false sense of

their own morality. Shu et al (2011: 14) conducted research which showed that people "explicitly violate ethical standards while maintaining a positive view of [their] own ethicality." Welsh et al (2015: 6) quote studies which show that

> …individuals not only desire to maximize the benefits obtainable in a given situation but also want to view themselves in a positive manner that corresponds with their moral values (Mazar et al. 2008).

3.6.2 Ethical dissonance and the environment

Shu (2011: 6) suggests that environmental factors play a major role in determining ethical behaviour and cites the famous Milgram (1974) experiment and Stanford Prison Experiment (Zimbardo 1969). The results suggest that when individuals are placed in a situation where authority demands obedience, ethical transformation takes place and harm can be inflicted on innocent persons. Moore and Gino (2013: 38) assert

> …[o]bedience to authority appears to be a deep-seated psychological response that only a minority of individuals naturally resist (Milgram, 1974).

Other environmental or situational factors which may influence negative ethical conduct are, according to Shu (2011: 7), "job context, incentive structures, and organizational culture" (Ferrel Gresham, & Fraedrich 1989; Treviño, 1986). These studies in organizational behaviour are important to note because intelligence practitioners are part of an organizational culture where the nature of the job requires a certain amount of moral dishonesty. In this sense, decision making is not only made in the context of the personal ethical framework but is also influenced by situational factors arising from the context of the

decision. Moore and Gino (2013: 39) assert that organisations may be structured in ways which minimize moral accountability for actions:

> First, bureaucracy and the anonymity it provides exacerbate the diffusion of responsibility—the minimization of moral agency that occurs when one is a member of a group. Second, hierarchy exacerbates obedience to authority and the displacement of moral agency onto organizational superiors.

Within a bureaucratic environment where secrecy is of a high order, this phenomenon may be even more prevalent. Moore and Gino (2013: 39) suggest that employees of bureaucracies may possess a personal sense of anonymity, where

> …an individual is "protected, in so far as the office sets the limits of his responsibility, from both the bludgeons of critics and the sharp thrust of his own conscience" (Hughes, 1937, p. 406)

Anonymity therefore affords individuals the benefit of "not feeling like themselves" and unobserved actions are often consistent with no consequences. Moore and Gino (2013: 49) concede that an individual's sense of anonymity is "undermined when they believe they are being monitored."

3.6.3 Ethical dissonance and ambiguity

An important factor which Ayal and Gino: (2011: 7) highlight is that ambiguity blurs the criteria for judging what is right and what is wrong and allows individuals to reinterpret behavior which may be unethical.

Barkan and Ayal (2015: 6) assert that people have the ability to pre-empt ethical dissonance by using justifications which redefine unethical behavior as a 'non' -violation. Their view is that

> [A]mbiguity and grey areas allow people to blur the difference between right and wrong, and diminish the threat to the moral-self.

If there is no ambiguity and an action is clearly wrong, rational mechanisms (Ayal and Gino 2011: 7ff) can be used to reduce dissonance, such as moral cleansing (Tetlock, Kristel, Elson, Green, and Lerner 2000). Moral cleansing is a process whereby individuals can purge negative feelings after an unethical act and allows them to distance themselves from the act and start afresh. One of the methods of moral cleansing is 'emotional accounting' where an individual may try to counter unethical behavior after the fact by acting in ethical ways to add 'credits' to the moral ledger to counter the debits in the utilitarian tradition.

3.6.4 From wrong behaviour into right

Barkan and Ayal (2015: 6) introduce the concept of s*elf-serving altruism.* Anticipated dissonance can be neutralized by harnessing altruism to turn wrong behaviour into right.

> Unlike a lie that benefits only the liar, if a lie benefits another person as well, it can be justified, and redefined as altruistic.

Ayal and Gino (2011: 13) quote research by Latane (1981) on diffusion of responsibility behaviour and Loewenstein, Thompson, & Bazerman's (1989) research on how individuals involved in deviant behavior attempt to neutralize the dissonance felt by engaging in altruistic behavior. In the first

instance, diffusion of responsibility relates to how individuals in groups may *diffuse* responsibility amongst other members in the group, thereby reducing their own responsibility (Latane 1981). Ayal and Gino (2011: 13) make the important point that

> …[s]everal studies have demonstrated that people care not only about their own benefits, but also about their utility to others (i.e., social utility; Loewenstein et al., 1989).

This may serve as a relevant motivating factor in justifying the work of intelligence practitioners. Members within the group compare themselves to others in the group to "maintain or enhance positive social identity and self-esteem" (Ayal and Gino 2011:17). If 'deviance' is allowed within the group, it may be seen as a norm, but if the same activity is undertaken outside of the group, it will be seen as 'deviant' by the in-group. The in-group members may still display signs of moral hypocrisy – where an individual can believe one thing, whilst acting contrary to it (Ayal and Gino 2011; Batson, Kobrynowicz, Dinnerstein, Kampf, & Wilson 1997). Barkan and Ayal (2015: 7) describe *moral hypocrisy* as a "cynical post-violation justification [which] allows people to hold two distinct belief systems". In so doing, individuals distort their understanding of their actions (Moore and Gino 2012: 23) and reframe immoral actions as defensible (Barkan and Ayal 2015: 9).

3.6.5 Sanitizing unethical practices

Organisations often use euphemistic language and rename "practices or products to make them seem more innocuous and hence more legitimate than they actually are" Moore and Gino (2013: 27). They quote empirical studies "which confirm that euphemistic labels can psychologically sanitize unethical

practices, facilitating our participation in them." So, language is an important facilitator of how a decision should be understood and allows an individual to choose appropriately. In this sense, the moral justification and the use of euphemistic labels allows one to maintain the self-image of a moral person and dispel guilt, although guilt is not always an automatic response to dissonance.

3.6.6 Conclusion

For the purposes of this study, it is important to note that any conflict in an individual's personal ethical framework leads to discomfort which demands a return to comfort through some sort of rationalization process which is supported by various studies. It is likely that these processes take place over time in what Welsh et al (2015: 4) describe as a slippery slope into unethical behaviour.

Dissonance may be aroused when people compare the consequences of their behaviour to a moral standard and become uncomfortable when the results are disappointing. The restoration of the self-image to one that is seen as moral becomes a necessary endeavour and various techniques were highlighted in this study. The intelligence practitioner who engages in clandestine action may feel cognitive and/or ethical dissonance in the course of the work and try to rationalize their behaviour by changing an attitude or redefining what 'normal' is in an intelligence culture which has ambiguous values and a strong support system for those in the in-group.

3.7 Summary

The research objective of this paper is to delve into the responses of a particular group of people (intelligence practitioners) in a particular environment (intelligence sector) who engage in specific actions (clandestine intelligence collection) with a view to understanding the ethical dilemmas they face in so doing. Chapter 2 described the environment in which these practitioners exist and some of the actions which they engage in which define the work of intelligence collection. These actions may be seen as deviant by society and ethically questionable so the application of ethical theories to these activities was essential. This section highlighted the various ethical models which philosophers over the centuries have suggested may explain responses to ethical dilemmas. These fell into the broad categories of utilitarianism and deontology. New research suggests there may be other alternatives to the utilitarianism/deontology framework which bridge the historical divide that pitted the one philosophy against the other and this was explored in the chapter. Utilitarianism and deontology may explain how ethics affect decisions, but fail to provide answers as to how specific individuals make ethical decisions in specific situations. The shortcomings of these models led to an inadequate framework for understanding intelligence ethics and innovative theories in the criminological and psychological fields were applied. The various types of neutralizations and rationalizations which intelligence practitioners may use to enable them to function in an ethically-challenging environment were explored.

Having thus explained the institutional framework in which practitioners work and the nature of the work itself in Chapter 2 and the application of a selection of philosophical, criminological and psychological models to the types of dilemmas faced by practitioners, the research question can now be operationalized

and the next chapter will describe and explain the methodology used to extract data.

CHAPTER 4

METHODOLOGY

4.1 Introduction

This chapter will describe and explain the research methodology used to gather data to explore possible answers to the research question. The aim of the research, the participants, the data collection and analysis process and the ethical considerations which relate to the study are also described. It will conclude with the limitations to qualitative research, and an assessment of the study's reliability and validity.

At the onset, it should be appreciated that the study of the phenomenon of intelligence is unique because of the secretive environment. A study which seeks to assess the ethics of serving intelligence practitioners in a statutory environment is a daunting task but it is a challenge which has been experienced by other researchers before. Born & Wills (2010: 36) concede that the study of intelligence ethics is hindered by the secrecy which surrounds the profession:

> A further barrier to the study of ethics is the lack of information about ethical standards in intelligence available in the public domain. Official codes of conduct for intelligence officials are seldom made public.

The secrecy makes it difficult to evaluate the conduct of intelligence agencies against any specific guidelines. Gill (2010: 44) suggests that predictions on research outcomes are difficult

to make because of the “secrecy, uncertainty and complexity that characterize the field of intelligence.” Bruneau and Boraz (2007: 1) concede there has hardly been any consensus on how to research and study the intelligence community, and often what is passed off as data or analysis can be wrong. They go on to note that there is no public control or competing positions to correct the errors as there would be in academia. Erskine (2004: 210) agrees that further investigation into ethics and intelligence is needed as the practice of intelligence in the 21st century becomes more challenging. The need for rigorous research and data collection in the organisation of intelligence cannot be overstated. Scott and Jackson (2004: 16) also lament the fact that ethics is an under-explored area in intelligence studies. Ethical issues must affect intelligence practitioners, who are moral agents who use their thinking capacity to consider various courses of action and the consequences thereof, and act on these (Erskine 2004: 197). Born & Wills (2010: 40) concur that until post the 9/11 terrorist attacks in the US, there was little academic interest in ethical issues in the area of intelligence, but this has changed in the past decade. For the purposes of this study, intelligence gathering or collection will be considered an activity which involves performing actions, in order to allow ethical evaluation (Erskine 2004: 196). Fundamentally, only if one looks at the intelligence practitioners’ actions, would one be able to assess his or her ethical imperatives. This study is not concerned with the general acceptance or rejection of the ethics of intelligence as a profession or an institution. It is people who are involved in obtaining intelligence, “purposive actors and active participants in the practices of intelligence” (Erskine 2004: 198) that are under the microscope in this study. Although the organisation is also a moral agent which may eschew ethical guidelines through codes of conduct and standard operating procedures, the aim of this study is to assess the personal effect and impact on human subjects. The focus is

also on clandestine collection as there are other forms of intelligence collection (such as overt collection) where the method does not subject the intelligence practitioner to moral or ethical considerations although there could still be unintended harm or effects (collateral damage) (Erskine 2004: 210). There are also other aspects to the intelligence cycle (analysis, dissemination) where ethical issues may not play a dominant role or where other types of ethics may come into play.

Erskine contends that intelligence, in general terms, is practiced within an ethical realist framework. Intelligence practitioners in democratic societies, like South Africa, act within strict codes of conduct which

> …establishes strict criteria for appropriate action, rather than offering carte blanche approval of any policy or practice (Erskine 2010: 136).

Academic research has a central role to play in highlighting ethical dilemmas that intelligence professionals face and contribute to the debate on how they should be resolved (Born & Wills 2010: 35). The study of ethics is now seen as being highly relevant in supporting efforts to improve accountability, image, professionalism and control of intelligence services (Born & Wills 2010: 34). This study will primarily be a theory of intelligence, using social sciences to explain a uniquely intelligence phenomenon (Gill 2010: 43). The methodology used will be discussed below.

4.2 Research methodology

In this research, a qualitative methodology was used because qualitative approaches share a similar goal in that they seek to arrive at an understanding of a particular phenomenon from the perspective of those experiencing it (Vaismoradi et al 2013 : 398)

Miles and Huberman (1994: 1) describe qualitative data as 'sexy' because they are

> …a source of well-grounded, rich descriptions and explanations of processes in identifiable local contexts.

4.2.1 The goal of qualitative research

The attraction of qualitative data is that they may help generate or revise conceptual frameworks and get beyond initial conceptions (Miles and Huberman 1994: 1). Qualitative research employs methods of data-collection and analysis which explore social relations and describe reality as experienced by the respondents (Sarantakos 1998: 6). A feature which this researcher considered important in this study is the fact that

> …qualitative approaches share a broad philosophy, such as person-centeredness, and a certain open-ended starting point (Holloway & Todres, 2003).

Quantitative research seeks to *explain* social phenomenon, while qualitative research has as its goal the *understanding* of social phenomenon (Bailey 1987, Denzin and Lincoln 1994, Miles and Huberman 1994, Sarantakos 1998). The qualitative methodology provides insight into the thought processes of the respondents and provides a way of voicing these thoughts and experiences. This approach allowed for exploration into a field with the researcher having limited preconceptions about the findings. Qualitative research begins from reality and researchers

> …study things in their natural settings, attempting to make sense of, or interpret, phenomena in terms of the meanings people bring to them (Denzin and Lincoln 1994: 2).

The aim of qualitative research is to take a snapshot of reality, capture reality as it is and is seen by the respondents. The focus is on people's 'lived experience' and this serves well the purpose of "locating the *meanings* people place on events, processes and structures of their lives" (Miles and Huberman 1994: 10). An attraction of qualitative research is that it is factist. Vaismoradi et al (2013: 400) describe the perspective.

> A factist perspective assumes data to be more or less accurate and truthful indexes of the reality out there (Sandelowski, 2010). In other words, the researcher wants to find out about the actual behaviour, attitudes, or real motives of the people being studied, or to detect what has happened (Ten Have, 2004).

4.2.2 The methodology of qualitative research

Qualitative research's purpose is to study a small number of respondents and interpret their view of reality and so capture the meaning of social actions, as subjectively experienced by the respondents. These meanings are captured in the form of words, gathered through observation, interviews or documents (Miles and Huberman 1994: 9) Qualitative research uses methods which produce descriptive data, presented in a way which reflects the respondents' own views and experience (Sarantakos 1998: 46).

4.2.3 Limitations of qualitative research

It is in the interpretation of data wherein the first underlying limitation of qualitative research lies. Words (data) can be framed by the researcher's implicit concepts (Miles and Huberman: 1994: 9). Indeed, it was suggested in the section above concerning ethics research that an 'interpretive frame' should be avoided by researchers at all cost. Christensen (2010: 558) highlights Loseke and Cahill's (1984) argument about how researcher's should avoid the pitfall of 'framing' where an actors' perception of reality is socially constructed. It is important to let themes emerge naturally from data and not from second order conception. The subjectivity and relativism of the qualitative approach has been called into question by critics (Chadwick, Bahr & Albrecht 1984: 214). The risk of collecting meaningless and useless information and the excessive amount of time qualitative research takes is also considered a weakness. Chadwick et al (1984) note qualitative research involves entering the personal space of the participants and the consequent ethical issues are a central concern.

4.2.4 Strengths of qualitative research

Despite these limitations, the qualitative method gives the researcher the freedom to research people in their natural settings. It also assists the researcher in achieving a deeper understanding of the participants' world, their interpretations of reality and the meaning they attach to the subject under investigation (Chadwick, Bahr & Albrecht 1984: 214). Participants' responses involve emotion and conscience.

Ethics is a distinctly human characteristic and reducing participants to numerical symbols and statistical figures would have resulted in a loss of perception of the subjective nature of human behaviour (Sarantakos 1998: 46). Qualitative data provides descriptive information that is

> …vivid, nested in a real context, and ha[s] a ring of truth that has strong impact on the reader (Miles and Huberman 1994: 10).

Vaismoradi et al (2013: 400) highlights a key feature of descriptive qualitative approaches is the simultaneous gathering and analyzing of data and this adds to the "depth and quality of data analysis."

4.2.5 The researcher and the qualitative methodology

A questionnaire was used as a research tool and open-ended questions allowed the participants to describe their attitudes towards the ethics of tradecraft. Pertinent questions were pursued in a follow-up questionnaire to confirm or refute the researcher's initial findings.

Because the researcher had access to a large sample, representativeness, an essential element of qualitative research, was, on the balance of probabilities, achieved. The sample comprised participants who are directly involved in the activity under investigation on a daily basis in an easily identifiable population group. The setting under investigation was relatively finite, natural and easily accessible.

It is important to disclose how the researcher relates to the subject matter and participants. The researcher is embedded in the research population and is part of the institution from where the participant sample was drawn. Researcher tried his best to not reflect institutional views or try to explain or expand upon participant inputs, but merely present them and let the data speak for itself. The danger lies in 'co-producing' knowledge with the participants and this was guarded against and corrected through rereads. The researcher therefore adopted a critical approach as best he could with these limitations of institutional experience and knowledge in mind. Consequently, the researcher sought to be honest and frank with the reader and acknowledges his role as researcher must be separate from his role as an intelligence practitioner in his own right to avoid normative stances.

4.3 Validity in qualitative research

The aim was to achieve validity in this study There are many different types of validity and the means to assess or evaluate validity (Bailey 1987: 66). Some of the ways of assessing validity are face validation (Selltiz et al. 1976, Phillips 1976; content validation (Kerlinger 1964) and logical validation (Goode and Hatt 1952). Construct validation is also a major form of validation (Bailey 1987: 66). For the purposes of this study, two methods of validation were chosen.

Communicative validation

This was achieved through interrogation of the participants' answers and requests for clarification and explanation. Once themes were identified and conclusions drawn, questions were reposed to participants to clarify findings.

Argumentative validation

This was established through presentation of the findings in a way that conclusions could be followed and tested. The analysis is presented with rich participant extracts which the researcher hoped would substantiate his arguments and findings.

It is also important to note that the researcher sought credibility, trustworthiness and authenticity (Sarantakos 1998: 80) in presenting the findings of this study.

4.4 Reliability

Some qualitative researchers aim to achieve high reliability in their studies, and others strive for auditability and confirmability as alternative forms of guaranteeing the quality of their research. The assertion is that the stability of the methods and findings is the reliability, which in turn is an indicator of validity, the “accuracy and truthfulness of the findings” (Altheide and Johnson 1994: 485). Bailey (1987: 70) notes that measure is deemed reliable if it remains consistent. Drew et al (1996: 169) propose a number of steps to achieve internal reliability in qualitative research. Taking note of these, the researcher employed a careful record of data (audit trail) which another researcher can follow back from conclusions to raw data and used low inference descriptors. With regard to external reliability, the researcher stated his own position on intelligence ethics so that readers knew what point of view drove the data collection. Secondly, the researcher clearly described who the participants were (besides anonymizing them to protect their identities) and described their role in the natural context and how they were

selected. The researcher also defined the analytic constructs which guided the study (conceptual frameworks). The data collection and analysis procedures were also carefully described (Drew et al. 1996: 169).

4.5 Research aim

The primary aim of the researcher was to conduct an exploratory survey on a small sample of intelligence practitioners within a limited population with a view to determine a possible framework for understanding the research question, phrased as:

What ethical views do a sample of intelligence practitioners hold in the collection of clandestine intelligence?

4.6 Participants

4.6.1Sampling method.

According to Sarantakos (1998: 139), sampling can be defined as “the process of choosing the units of the target population which are to be included in the study.” Non-probability sampling, specifically purposive sampling, was employed in this study. Bailey (1987: 94) proposes that in purposeful sampling, the researcher chooses respondents based on judgement as to whom would “best meet the purposes of the study”. The sample units have to fulfil certain criteria and be easily identifiable.

Identification of participants therefore becomes part of the sampling process. In this study, participants were selected by

approaching a range of State Security Agency (SSA) practitioners who are involved in one or more of the areas of operation (agent operations, investigations or communication interception). In the opinion of the researcher, this sample was in the best position to provide data on the subject under investigation. There were a finite number of possible participants and the sampling was directed towards typical cases within this finite number. The sample size was envisaged to comprise no less than .02 percent of the total population involved in the activity under investigation (10 out of a possible 500)[2].

Simple random sampling was used. The population is defined as the total number of intelligence practitioners involved in operational work in the Agency (as opposed to administrative, managerial or technical personnel). Precise numbers of practitioners involved in operational work and who fit these criteria is classified information and cannot be made public. A sub sample of 20 was chosen through convenience sampling, because it represents a practical, workable number. These twenty were identified and selected based on the selection criteria, outlined below. Selection was done through the internal directory to which the researcher had access. From this list of potential participants, 12 were randomly selected by allocating each person (unit) a number. Twelve numbers were selected using a computer program that generates random numbers. The selected twelve were contacted. No inducements were used and participants participated voluntarily. Participants answered questions on a questionnaire relating to ethics and submitted to a follow-up questionnaire to clarify answers and provide more detail. The sample comprised a selection of members of all race and gender groups and in the age group of 25 -55 as per the 20 chosen through convenience sampling. The participants are all

[2] The figure of 500 SSA members involved in clandestine intelligence collection is an estimate as exact numbers are classified.

serving members of the SSA who may know each other and may know the researcher. This is unavoidable as the draw pool is relatively small and intelligence practitioners are generally a close community of people. There are no factors which may have increased the vulnerability of participants or increased their susceptibility to harm. The survey was conducted after approval from the UCT Ethics Committee.

4.6.2 Selection criteria

Serving members of the SSA were the population from which participants were chosen. A sub group of members who practice clandestine collection methods in their daily work was selected from the population. No specific culture, gender or ethnic group was required. The selection criteria were:

•Participants needed to be members of the SSA for a period of not less than five (5) years.

•Participants needed to be over 18 years of age.

•Participants needed to be in an operational environment where collection/operational activities are personally undertaken.

•Participants needed to have a firm grasp of the English-language.

•Participants were willing to sign informed consent to participate in the study.

The participants were required to be members of the SSA for a minimum of five years as this was perceived as a reasonable amount of time in which to gain experience in a specific speciality, conduct actual operational or field work, and

have a clear understanding of the nature and culture of the intelligence profession. Participants needed to be over 18 years of age so that parental permission was not required and so that there was a level of maturity. Typically, members inducted into the SSA as field officers would be at least 23 years old. The participant needed to be in an operational environment where there would be exposure to the ethics of clandestine intelligence collection. The participants would have a basic knowledge of the theories being applied.

The participants had to have a firm grasp of the English language as the qualitative nature of the study demanded extraction of meaning from sentences. Translation from other languages into English may have corrupted data and analysis. Finally, signing an informed consent form was a pre-requisite of selection.

4.7 Data collection

4.7.1 Collection process

As per the policy of the SSA, signed consent was obtained from the Director-General SSA to conduct the research on participants who are members of the Agency. Individual consent was obtained from each member selected. The participants were given the choice to seek permission from their supervisors to participate in the study but were also made aware that this would affect their anonymity. The research was conducted in their own time and with their own resources, and they were not obliged to seek further permission to participate; the DG permission would suffice.

These participants were initially contacted through internal email and the researcher introduced himself and briefly

explained the scope of the study. Participation was requested (see Appendix B). The letter explained the purpose of the study and what would be required of the participant. The confidentiality of the study was stressed and it was indicated consent would be required to participate.

Once the participant agreed to participate in the study and the relevant consent was signed, the participant received the questionnaire through private email and was required to complete it within a reasonable period of time (two weeks). The confidentiality of the questionnaire was communicated to the participants prior to their participation. For this reason, the participants did not use internal communication systems (emails) to communicate with the researcher and receive the questionnaires, but a private email address was used. The participants should not have felt that they could be victimized or scrutinized by the employer which would cause any undue stress and cause them to hold back in their answers. Anonymity of participants, in the case of this study, was of ethical concern and the researcher made every effort to change any information that could be identifiable to a specific person, work area or geographical location. If the researcher deemed an answer to a question may have led to the identification of a participant, the answer was discarded and expunged from the research. If an answer contained a word or phrase which was deemed sensitive, the relevant word or phrase was redacted.

Once completed, the questionnaire was returned to the researcher for analysis.

Follow-up questions, for clarification purposes, were conducted with some of the participants once the questionnaires were received.

4.7.2 Instruments

A semi-structured questionnaire was constructed and sent to the supervisor for scrutiny and suggestions. A final draft was approved by the supervisor and UCT's Law Faculty Ethics Committee. The researcher was careful to avoid framing questions in such a way that they would elicit answers which fit a preconceived 'reality'. Christensen (2010: 558) highlights Loseke and Cahill's (1984) argument about how researchers should avoid the pitfall of 'framing' where an actors' perception of reality is socially constructed. How a reader interprets an action or statement is greatly dependent on the way the situation in which it occurs is typified and this creates the context. Loseke and Cahill (1984) stress the importance of experts controlling the interpretive frame.

> They argue that experts define behavior in a way that allows them to create "…an interactional situation which will produce evidence confirming the accounts they [experts] offer…" (Loseke and Cahill 1984: 302).

This researcher acknowledges the importance of the interpretive frame and context and by every means avoided 'confirming an account that is offered.'

For this reason, the questionnaire was structured as a series of three scenarios with a list of open-ended questions on each scenario. The aim was to encourage participants to engage the topic in a narrative way which would allow for the free expression of thoughts and feelings. The scenarios were also hypothetical and not specifically related to SSA work, which the researcher hoped would encourage participants to be more honest in their answers without fear of compromising their employer or their loyalty towards the SSA. The questionnaire ended with a set of short questions. The narrative approach was

adopted to maximise understanding of the ethical issues raised in a format which lends itself to transparency. The aim of scenario sketching was also to delink any actual or real situations from the participants' minds and answers, in keeping with the SSA's security prescripts.

A portion of a scenario with questions is attached below:

Scenario 3: The Scientist

Dr Kara Jamal is a biochemist working at a private research institute, Cryrotech Industries in Johannesburg. Cryrotech specialises in developing cultures in a Bio Level 1 laboratory. The cultures are for the production of medication for drug-resistant infections. Information has reached your desk indicating Jamal had a meeting with a diplomat from the North Korean embassy, Kim Jong, who is suspected of being an undeclared intelligence officer. A decision is made to target Jamal because of her contact with Jong. Initial investigations indicate Cryrotech products can, with minimum adaptation, be used as a biological agent and Jong is known to be sourcing material for North Korea's Weapons of Mass Destruction (WMD) program. More intrusive investigations indicate that Jamal leaves the bio medical lab every week with a briefcase and meets Jong at a local coffee shop.

1 Is it ethically correct to target Jamal before there is proof of her being involved in illegal or unconstitutional activity? What level of intrusive targeting against Jamal would you as the investigator be comfortable with? More or less intrusive?

2 When Jamal is officially targeted, is she dehumanized (loses her value as a human being with rights)? Does this make monitoring her activity easier?

(End)

Constant monitoring and feedback from participants was encouraged. Qualitative reporting required data extracts (verbatim extracts) being used as evidence in the report and this was explained to participants. It was stressed that identifying information would be anonymised and participants de-identified (specific job title, place names etc)

Collected data and other information was stored off-site on flash discs and not on in-house IT systems. The data was also password protected and only the researcher and supervisor had the password. Only the researcher and supervisor had access to the data which will be stored until completion of the project and then deleted. Hard copy data was kept in a lockable cabinet and shredded on completion. Identifiers were removed from the data at the analysis phase. Names of participants were changed at selection phase and known only to the researcher. Pseudonyms were used which still identified the participant's gender and race.

Participants were encouraged to skip questions which they may have found too traumatic to answer. In the unlikely event of a question leading to emotional or psychological stress, embarrassment, deception, stigma or stereotyping, the details of the SSA social services/psychologist/total wellness officer were provided on the questionnaire with instructions to reach out for counselling if necessary. Participants could withdraw at any time without prejudice.

4.8 Data analysis

4.8.1 Thematic analysis

An analytic method often used in psychology is thematic analysis (Braun and Clarke 2006: 77).

The advantage of Braun and Clarke's (2006) model is that the phases are general which allowed the researcher to follow a method that optimised the current study's data.

The disadvantage of this model is that it ignores the wider social, political, religious and economic themes implicit in data. Furthermore, narrative style and the use of metaphor and language are not accounted for. Attride-Stirling (2001) indicates that application of analytic models to a research study should be clearly explained. Braun and Clarke (2006: 79) argue that,

> …qualitative psychologists need to be clear about what they are doing and why, and to include the often-omitted 'how' they did their analysis in their reports.

Polit and Hungler (2007) are in favour of analysis being conducted before the literature review in order to keep analysis more data-driven. This was not possible in the current study, as ethical clearance (which required a research proposal including literature review) needed to be attained by the university before data collection and subsequent analysis could be completed. While the researcher tried to suspend knowledge from the literature review while conducting the data-driven analysis, it was not possible to fully suspend preconceived ideas from the literature review. In an attempt to keep with a data-driven narrative analytic process, the researcher tried to avoid fitting data into preconceived categories (as those defined by Zubin and Steinhauer, 1981, or Rutter 1997, 2002) and attempted rather to let the data 'speak for itself'.

Thematic analysis is a useful qualitative descriptive approach

> …for researchers who wish to employ a relatively low level of interpretation, in contrast to grounded theory or hermeneutic phenomenology, in which a higher level of interpretive complexity is required. (Vaismoradi et al 2013: 399)

The low level of interpretation was important to this study. Thematic analysis is a method for identifying, analysing and reporting patterns within data (Braun & Clarke 2006: 79). It organises and describes the data set and often even interprets various aspects of the research topic. According to Vaismoradi et al 2013: 401), one of the advantages of thematic analysis is that it is

> …able to offer the systematic element characteristic of content analysis, and also permits the researcher to combine analysis of their meaning within their particular context (Loffe & Yardley 2004).

Rubin and Rubin (1995: 226) claim analysis is exciting because “you discover themes and concepts embedded throughout your interviews.” The aim of using thematic analysis is that it searches for certain themes or patterns across an entire data set and not within a data item, such as an individual interview (Braun and Clarke 2006:80). It allows researchers to contextualize data within a framework of analysis (Vaismoradi et al 2013: 401). A theme describes an important aspect discovered in the data which relates to the research question. The aim is to find repeated patterns of meaning. Here, Vaismoradi et al (2013: 401) note the importance of context and researcher understanding where the aim is to create a world where the texts make sense:

> The researcher, who has a broader understanding of the context influencing the stories of the study participants, may develop a wider understanding of what is going on, in addition to the understanding that

> she or he may share with those participating in the research (Downe-Wamboldt 1992).

In this research, the researcher indeed shares an understanding of the topic with the participants and could therefore create a ‘world’ in context, where participants could answer the questions in a meaningful way.

The collected data were converted to a form which conveyed a central message which attempted to answer the research question (Sarantakos 1998: 313). In qualitative research, data collection, analysis and evaluation are one and the same process (ibid.) Braun and Clarke (2006: 86) concur that analysis is a constant back and forth movement between the entire data set, the coded extracts of data being analysed and the analysis of the data that is being produced.

After the questionnaires were received from the participants, the researcher summarised, coded and categorised the data. Data organisation took place in the form of assembling information around themes and categorising the information (Sarantakos 1998: 316). A theme can be defined as

> … a coherent integration of the disparate pieces of data that constitute the findings (Sandelowski & Leeman 2012)(Vaismoradi et al (2013: 402).

Vaismoradi et al (2013: 402) express the view that the researcher using thematic analysis is “mainly advised to consider both latent and manifest content in data analysis.”

In the interpretation phase,

> the same set of analytical interventions used in content analysis is applied in thematic analysis under the classifications of generating initial codes, defining and naming themes, reviewing themes, and searching for themes (Vaismoradi et al 2013: 402).

Braun and Clarke (2006: 87) describe the phases of thematic analysis thus:

Phase	Description of the process
1. Familiarising yourself with your data	Reading and re-reading data, noting down initial ideas.
2. Generating initial codes.	Coding interesting features of the data in a systematic fashion across the entire data set, collating data relevant to each code.
3. Searching for themes.	Collating codes into potential themes, gathering all data relevant to each potential theme.
4. Reviewing themes.	Checking if the themes work in relation to the coded extracts (Level 1) and the entire data set (Level 2.) generating a thematic 'map' of the analysis.
5. Defining and naming themes.	Ongoing analysis to refine the specifics of each theme, and the overall story the analysis tells, generating clear definitions and names for each theme.
6. Producing the report.	The final opportunity for analysis. Selection of vivid, compelling extract examples, final analysis of selected extracts, relating back to the analysis to the research question and literature, producing a scholarly report of the analysis.

Table 4.1: Phases of Thematic Analysis

The researcher used inductive method in locating themes. Personal understanding was suspended (as much as possible, bearing in mind the researcher is embedded in the same population the sample was drawn from) and themes were not consciously sought. When themes appeared from the texts provided, commentary was provided.

Vaismoradi et al. 2013: 400) are critical of researchers who fail to provide detailed descriptions of the methodology used. They

> …merely describe the use of qualitative data gathering techniques, such as interviews and focus groups, and not enough effort is made to qualify individual elements of methods other than signaling the data analysis process as either content or thematic analysis (Sandelowski & Barroso 2003b).

In this study, adequate explanation of the processes followed were provided.

4.8.2 Limitations to thematic analysis

The benefit of qualitative analytic models is that their lack of specificity allows for interpretation and the emergence of themes and ideas. However, the lack of clearly demarcated boundaries in this type of analysis has received criticism, as described by Braun and Clarke (2006: 78)

> …an absence of clear and concise guidelines around thematic analysis means that the 'anything goes' critique of qualitative research may well apply in some instances.

Braun and Clarke recommend utilising the flexibility that qualitative models provide, but also recommend that the researcher defines exactly how the model was applied and adapted. Braun and Clarke (2006: 86) support the use of any models as long as "…the finished product contains an account, – not necessarily that detailed – of what was done and why." The flexibility inherent in thematic analysis is flexible and allows for clarification and adjustment of models to maximise the needs of the dataset.

4.9 Steps in write-up

Following the random sampling process of identifying possible participants, twelve prospective participants were identified. One of the selected participants had already resigned from the SSA and one was not willing to participate. The remaining ten were sent consent forms, nine of whom completed and returned them. The tenth potential participant had misgivings about participating and did not co-operate, despite the researcher's best efforts to convince her. Nine questionnaires were sent to the participants in June 2017. Eight were returned by the middle of July. The ninth was returned on 25 July 2017. As mentioned above, the details of the participants were anonymised and all identifying information was removed. In order to retain authenticity the grammar and style of writing by participants, when quoting, was left unchanged unless there was an error which made the sentence unintelligible. This was important to reflect the meaning conveyed behind the words. The following steps were taken in the analysis and presentation of the results. Each questionnaire was scanned for key words and colour coded.

- Common threads were identified and described
- Key themes were lifted
- A model was compiled on each questionnaire's key themes
- A central model was built on common themes

- Verbatim quotes were used to substantiate the themes of the central model

By examining the various colour representations of the key themes, the researcher looked for similarities. These similarities were grouped together to create overarching themes and subthemes. Braun and Clarke (2006) suggest that a difficulty with this part of the analysis is the potential to lose detail by reducing raw data:

> By 'define and refine', we mean identifying the 'essence' of what each theme is about (as well as the themes overall), and determining what aspect of the data each theme captures. It is important not to try and get a theme to do too much, or to be too diverse and complex (Braun & Clarke 2006 : 92).

It is likely some of the neutralizations offered by intelligence practitioners prior to their actions and rationalizations afterwards could be interpreted in other ways. The aim of this study is to create a platform of possible explanations and not a rigid, deterministic viewpoint.

4.10 Demographic information

Table 4.2 presents the nine participants of the study and their basic demographic information. It is stressed here again that the participants' names have been anonymised and the names reflected do not represent real SSA members.

Participant	Gender	Age	Education	Religion	Work Experience	Work area
Ashley Govender	Female	32	Honours	Hindu	10 years	Investigations
Willem Jordaan	Male	45	Degree	Christian	20+ years	Collection

Nombeko Khoza	Female	31-40	Degree	Christian	5-10 years	Collection
Nicky Isaacs	Female	31-40	Matric	Christian	11-15 years	Collection
Logy Ranjeeth	Male	50	Honours	Hindu	20+ years	Collection
Esme Coetzee	Female	41-50	Honours	Christian	20+ years	Collection
Steven de Jager	Male	50	Degree	Christian	20+ years	Collection
Prince Kekana	Male	41-50	Honours	Christian	11-15 years	Investigations
Nazim Hoosein	Male	25-30	Degree	Muslim	5-10 years	Collection

Table 4.2 Participant demographic information

Participant A: Ashley Govender

Govender has been an intelligence investigator for nearly ten years. She is a 32 year old Hindu woman with an Honours degree.

Participant B: Willem Jordaan

Willem Jordaan is a middle-aged investigator with more than 20 years' experience. He has a bachelor's degree and considers himself to be a Christian.

Participant C: Nombeko Khoza

Nombeko Khoza was 31 years old at the time of the study and has been a member of the SSA for a period of eight years. She has a Bachelor's degree and is involved in operations where she manages human sources of information. She lists her faith as 'Christian.'

Participant D: Nicky Isaacs

Isaacs is a female collector in her mid-thirties. She is currently studying towards her Bachelor's degree and has been in the SSA for over ten years.

Participant E: Logy Ranjeeth

Ranjeeth and is an intelligence veteran with over twenty years' service as a collector and investigator. He holds an Honours degree and has Hindu beliefs. He is 50 years old.

Participant F: Esme Coetzee

Coetzee is a twenty year veteran and is nearly 40 years old. She is a collector and holds strong Christian values. She has an Honours degree.

Participant G: Steven De Jager

De Jager has more than twenty years' experience in collection and is over 50. He holds Christian values and has a degree.

Participant H: Prince Kekana

Prince Kekana is an operational member of SSA in his mid-forties. After completing his Honours degree, he worked in other areas of Government before joining the SSA 12 years ago as an investigator. He holds Christian values.

Participant I: Nazim Hoosein

Hoosein is in his late twenties, has a degree and over five years' experience in the collection field. He is of the Muslim faith.

These participants are all involved in the subject under investigation in this research, which is the collection of intelligence by using techniques such as recruiting and handling agents and conducting intrusive measure investigations which may include the interception of communications. The scenarios which were provided in the questionnaire, although hypothetical, are consistent with the types of scenarios these participants may have been exposed to as intelligence practitioners. As illustrated above, the study's participants varied in age, gender, faith and work experience allowing for a varied and comprehensive analysis.

4.11 Analysis of Results

The researcher only re-consulted the literature after the analysis of the questionnaires was completed and data was extracted. This was done so as not to influence the researcher and to keep the analysis data-driven. It was inevitable that the literature influenced the researcher's beliefs and interpretations; however the researcher endeavoured to intentionally suspend beliefs as much as he could to allow for a data-driven analysis. The analysis that follows was derived from the analysis of each of the questionnaires and determination of themes relevant to each. These themes were then consolidated into a global model which incorporates the overriding ideas of all the questionnaires. The raw data extracts attempted to substantiate the themes identified in the model and were referenced according to the questionnaire page number and line number, for example, Esme Coetzee's comments were referenced E2: 3-4 meaning Coetzee's questionnaire, page 2, lines 3 to 4. Follow-up questions were asked in a second questionnaire which is referenced with both letters of the participant's name, followed by the pages and line numbers (EC1: 5-6). The first time a participant's name was mentioned, the full name was cited, thereafter, only the surname. Sometimes, participant quotes were used more than once in different themes to substantiate the theme. The linking of the literature to the themes extracted from the data was reserved for Chapter 6, Discussion of Results. Thereafter, in the concluding discussion of results and interpretations, the data analysis was further summarised and collated.

4.12 Conclusion

The qualitative method of data collection combined with the thematic analysis of data received was considered the best methodology combination given the topic and population surveyed. The ‘what’ and ‘how’ of the research process was described in this chapter, noting the limitations of both qualitative data collection and thematic analysis. By being specific about how the qualitative model was applied and by giving a step by step break down of the process, some of the limitations of qualitative data collection and the thematic analysis process were overcome. Both latent and manifest content in data analysis was considered and the themes were allowed to develop organically. The researcher deemed it important to disclose how he relates to the subject matter and participants. The researcher is embedded in the research population and is part of the institution from where the participant sample was drawn. Researcher tried his best to not reflect institutional views or try to explain or expand upon participant inputs, but merely present them and let the data speak for itself. The danger lay in ‘co-producing’ knowledge with the participants and this was guarded against and corrected through rereads. The researcher therefore adopted a critical approach as best he could with these limitations of institutional experience and knowledge in mind.

CHAPTER 5

ANALYSIS

5.1 Introduction

This chapter presents participant information and the thematic analysis of the data. Excerpts were extracted from participant replies which the researcher hoped would support identified themes.

5.2 Collating participants' data

In the researcher's view, three main themes emerged which the researcher has denoted the Personal Ethical Framework, the Institutional Framework and the Working Ethical Framework. The last theme is operationalized and explained in paragraph 5.5. An exploration of each theme and subtheme is presented below, followed by the researcher's collation of these themes into a working model which summarises the participants' experiences.

5.3 Personal Ethical Framework

“I have my own belief system. I was conditioned from a very young age, and am firm in my beliefs.” Nicky Isaacs

The researcher noted that the participants appeared to have a personal ethical framework from which they assessed their moral decisions. The question was asked whether participants ever thought about ethics as practicing intelligence practitioners.

Without exception, all answered in the affirmative. Esme Coetzee added the footnote, ‘quite often’ (EC 1: 11).

Participants seemed to be clear about their personal ethical framework in their private lives, but within the context of the institutional framework, conflict appeared to take place. The personal ethical framework seemed to be defined and underpinned by various factors, such as responsibility, choice and consequences, family and faith and patriotism and duty.

5.3.1 Personal responsibility

One of the participants’ comments may point to her appreciation of being personally responsible in the task of conducting intelligence collection. The personal ethical code is seen as being distinct from the institutional framework (discussed in section 5.4 below).

> I have a very specific individual opinion and am guided by this, as I do not believe that the employer has a strong ethical / moral compass. This however does not excuse me as my opinion and actions are my personal responsibility (E2: 5-7).

Coetzee’s comment seems to suggest that she is clear that all her decisions must be informed within her personal ethical code.

> If you in any circumstances doubt that what you are doing or about to do does not correspond with your ethics or if you are unclear about the motives of the activities, refrain from continuing until you have had the questions sufficiently answered against your moral compass as well as a well-defined legitimate goal (E3: 3-10).

In her case, she appears to not rely on the institutional framework or any other objective framework other than her own, which is the only one she trusts. Responsibility cannot be abrogated to the organisation, it is hers alone.

5.3.2 Personal choice

Another factor that appears to influence three of the participants' ethical framework is choice. In some cases, the moral compass seems to be a core component of a person's make-up and forms the foundation upon which decisions are made. Willem Jordaan asserts

> You get older and wiser your opinion is formed the whole time. There are external influences. …the basic principles of ethics remain. That what you have learnt from a young age and what your gut tells you remains. Your ethics is part of your core make-up. The pillars from which you operate must be sound (W3: 19-30).

Steven De Jager sees his personal ethical framework and the objective institutional framework as mutually necessary to intelligence collection.

> My morals will dictate that I be fair and just and will follow my jurisdiction and task as described by the constitution (S2: 3-6).

Nazim Hoosein acknowledged that questionable decisions have to be informed by a personal ethical framework:

> I have to be guided by my individual values and principles in making decisions that (would) otherwise be questionable (N2: 13-16).

Hoosein asserted that these decisions on ethics cannot be influenced by peers or team mates.

> If that were the case then ones individual opinion would be non-existent (N2: 27).

A personal ethical code is the default position Hoosein appears to use when there is doubt about the ethical soundness of an action.

> This will be determined by your individual moral compass and principles. The SSA's Code of Ethics exists but when you are faced with a situation where you need to make a call, it will be your own moral code that guides your decision (N3: 1-7).

A personal moral/ethical compass makes the choices on the extent of deception and covert activities required to perform, clearer.

> The focus/objective and reason for the intelligence activities must remain clear and specific and all activities must be measured against a specific outcome. While operational activities are ongoing, the intelligence operator has the personal duty to continuously make decisions that speaks to his/her moral compass. As is in everything we do, actions are however guided by personal choices and not necessarily by a corporate culture. It remains therefore a choice and a decision to conduct moral or immorally corrupt intelligence activities (E1: 1-26).

Nicky Isaacs appears to have a personal ethical framework which incorporates accountability and which, arguably, appears firm.

> I have my own belief system. I was conditioned from a very young age, and am firm in my beliefs (I2: 25-27).

Isaacs mentions how she made the choice of behaviour using her son as a sounding board and makes the point that lying is always wrong.

> I know an action is unethical, if the action required is in contravention of my values. I use the measure of – would I be able to face my son and tell him that I was proud of my work that was conducted? (I3: 1-6).
>
> In my opinion, lying is lying and no end result can justify it (I1: 1-2).

5.3.3 Consequences

The consequences of an action may also inform the personal ethical framework. Nombeka Khoza acknowledges there are costs to ethical decision-making which are personal and work-related. These, she separated.

> It hasn't caused any personal conflict because the consequences in my personal life are different from the consequences at work. However I must add, I have become more reserved with what I say and share with the general public about myself and personal life (K7: 19-23).

The separation, in her words, appears to have resolved a possible conflict between two ethical frameworks, the personal one and the institutional one (further discussed in 5.4 below). In the researcher's view, the consequences of breaching the personal ethical code were more serious.

The end result (goal) appears to be an important consideration for action in two other participants. Khoza referred

to a hypothetical scenario posed in the questionnaire where a subject was deceived into providing information to prevent a possible crime.

> Yes it would be easier if she was already guilty because in that way you know that your actions are definitely for the good result (K5: 26-28).

Coetzee concurs:

> Stay focussed on the specific goal and measure the activities whether it is focussed on achieving the goal. Always keep the law in mind should the activities be uncovered, whether you will be able to justify (even within a societal context) that your actions were fair and just relating to the goal and everyone involved in any way (E2: 16 – E3: 3).

5.3.4 Family values and faith

Family values may play a role in the formation of the personal ethical framework in two of the participants. Khoza notes that her

> …opinion is more influenced by my parents rather than my peers and team mates. But also the older one gets the more you gain a personal perspective in terms of what is ethical and what is not. Therefore at this stage I do have an individual thinking, nonetheless more likely to go to my parents for influence than my peers or team mates (K2: 50-52).

Her comment does suggest, however, a shift towards a subjective understanding of what is ethical and what is not, over the passage of time. There is also the suggestion of a separate ethical code, the “work code.”

> I don’t see the need to adjust my ethic baseline because again I have my family and religion to

> constantly remind me of my ethics. So when I work, I see it as work (K7: 24-28).

Here Khoza implies that she is clear about her ethical code, into which family and religion have input, which frames her existence - outside of work. The personal ethical code is described as something distinct from her work. Isaacs concurs that family is an important influencing factor in the personal ethical framework where she uses her son as a type of role model (I3: 1-6).

The personal ethical framework of two participants is reinforced by faith. Coetzee gives the impression that she places much influence on her faith and uses it as the final arbiter in ethical decision-making.

> By my personal belief/faith; thus, the Word of God. Therefore I will only allow peers who have the same belief system as I to have an input into my ethical opinion but also after testing it against the Word (E2: 13-15).

When participants were asked what measure they used to judge whether an action is unethical or not, Jordaan notes

> I also go back to my gut feel and religion. If there is uneasiness, I would mention it to my superiors and find possible solutions (W4: 16-19).

Coetzee has a stronger response:

> As a believer, which determines the core of my faith and guidance, I am obliged to act as a moral agent according to my faith in whichever position I am employed and by whomever (E1: 41-46).

Interestingly, this emphatic view needs to be seen in context with the other participants who are perhaps not as anchored in faith as Coetzee is. She mentions a conscious decision she

made to always base her moral decisions on what her faith would expect of her.

> Previously I would have engaged in covert operational activity unrestrictedly. However 10 years ago, I made a conscious decision to conduct any operational activity according to what I believe is right and ethical and to treat all people I engage with in an ethical manner, whether they are targets, agents, contacts or colleagues. I chose to follow an unmoving compass which is my faith, rather than an ever changing worldly compass (E8: 15-26).

In the case of Coetzee, her trend appears to be from an "unrestricted" work methodology, which may have included every means of clandestine collection, to a very ethical execution of intelligence work. Eight of the other participants appear to have the reverse trend line over a period of time, from more ethical, to less ethical means of collection in a type of 'slippery slope'.

5.3.5 Patriotism and duty

The personal ethical framework may also be informed and guided by patriotism and duty. Three participants suggest that there is an expectation that there is a buy-in from the general public for the use of intrusive methods of collection which reinforced the personal ethical code. Prince Kekana notes "…my ethics are informed by patriotism, morals and loyalty to the government of the day" (P2: 30).

Khoza adds

> I believe that South Africans are generally patriotic. We love our country and want to protect it as much as we know how to (K2: 1-3).

Coetzee sees a threat to national security as sufficient justification to use deception as an intelligence gathering technique. In the questionnaire, a hypothetical scenario was provided of an intelligence practitioner having to elicit information about a possible crime from a subject using a cover, which involves lying and deception. The question was asked whether deception was justified against the subject:

> The deception is further justified due to the level of the threat experienced, the hidden nature of the possible crime, and the mandate to maintain security and even uncover activities that could lead to harm to other societies (E6: 6-12).

So the protection of society (all citizens) appears to be a strong motivator for the personal ethical framework.

Four of the participants seem to suggest that a sense of duty is invoked to protect the country and its citizens. These participants appear to indicate that deceit in intelligence collection is a duty fulfilled in protection of the State and this was justified in a personal ethical framework.

> I believe the deceit (lying and manipulating) is in the best interests of the country, therefore it is well justified (A3: 12-15).

> We have a right to protect the national interests of this country and all legal means should be explored to protect those interests (W1: 3-7).

> I would also argue the fact that as long as our intrusive collection methods are aimed at maintenance of national security, it should not be challenged (P1: 8-12).

> I act as a moral agent for SA citizens. The SSA efforts contribute to the security of the citizens. So, even though it might be perceived as intelligence

> officers acting as moral agents to the employer, the end goal – is to protect the interests of the citizens (I2: 8-14).

5.3.6 Perception of target

The researcher considered it necessary to explore the sample of participants' views of the targets they would be required to act against in their course of legally sanctioned work. It was considered important to determine whether the intelligence practitioners' perception of the target had any bearing on their use of clandestine tradecraft. Would a clearly 'evil' target be easier to conduct intelligence against, resulting in less ethical conflict? Would conducting intelligence against a dangerous or immoral target negate feelings of guilt more easily than a seemingly harmless target? Ashley Govender appeared to think it would. "Definitely yes, it makes it much easier if the person has a deviant past" (A3: 22-23). A scenario was painted which suggested a person with access to a target could be blackmailed into co-operation because he had lied about his academic qualifications. Kekana conveyed the impression that a 'weak' target was an easy target.

> If your conduct is weak (lying about your credentials), you will be blackmail-able. Blackmail is justified in this case. Use the weakest link to solve the security weakness (P5: 6-11).

Jordaan believes that the intelligence practitioner's view of the target should not have any effect on his targeting, yet he conceded it does.

> Should ethical justifications be influenced by your view of a target – NO. Are ethical justifications influenced by your view of the target – YES. A target is

> a target and should be worked without any external influences (W6: 2-9).

Hoosein believes that under certain circumstances, blackmail is an acceptable means of recruiting the subject.

> The recruitment of this individual is work well done and to acquire the information necessary regarding Jamal and the truth is necessary. No sacrifice is made here as the individual lied about their qualifications (N5: 4-15).

Hoosein seems comfortable with the fact that because the subject lied about his qualifications, this was sufficient justification for blackmail.

Khoza suggests her attitude toward the target is influenced by her view of the target, "… however collection methods and investigations are conducted fairly, and decisions are based on facts" (K4: 32-33). Data seems to support the assertion that guilt and conflict is diminished where a person is more deserving of targeting by virtue of his or her level of involvement in malevolent activity.

5.3.7 Personal justifications and harm

A question was asked as to whether participants believed people may be harmed when they use clandestine methods of intelligence collection.

With the exception of Kekana, the other participants agreed that harm was caused to people in the collection of intelligence. To test how participants felt about ethical dilemmas generally, they were asked if they could personally save five people by allowing one to die, would they?

Kekana, Jordaan, Khoza, Isaacs, Ranjeeth and Hoosein said they would, whereas Coetzee and Govender said they would not.

Participants were given scenarios of ethical dilemmas where the researcher hoped to test their responses regarding exposing targets or subjects to harm. Harm relates to the consequences of an action and may not refer to physical harm, but indeed to the harming of dignity, the invasion of privacy and treating human beings as a means to an end. The data from this sample appeared to suggest that these participants seemed to downplay the harmful effects of conducting intrusive methods on individuals. The participants' impressions on using deception on a possibly innocent victim as a means to elicit intelligence, was tested in a hypothetical scenario. Without exception, the participants did not believe the victim (Jamal) was harmed through deception.

> The deception is most definitely justified and is a simple way to obtain information in the beginning without resorting to intrusive measures. She would not suffer any harm and I would be fine with the deception and in the situation would not even see it as deception but a routine exercise to solicit information (A4: 12-19).
>
> To tell a lie to get a photo without compromising your task? Is that justified? I would say yes. Nobody was hurt, the operation was not compromised and nobody has lost anything (W5: 4-10).
>
> The deception is necessary in order to acquire further information about Jamal. Jamal would not suffer any harm from the deception as they will be unaware of the true reason for the deception. If I were involved in malicious activities I must accept that there are those that will try to acquire further information about me and will use any means possible (N4: 14-27).

Isaacs asserts the subject could not be harmed if she was not aware of the intrusion. "She will not be dehumanized as she wouldn't know that she is being monitored" (I4: 8-10). To Khoza,

it seemed as if the motive was important to determine whether harm was caused or not:

> Yes it is justified because again you are not lying to collect this information to harm her, also the act will not cause any damage if she is indeed innocent (K5: 20-23).

Jordaan sees deception as a tool of tradecraft (W7: 24). Would the subject have suffered harm? “No, what harm is involved?” [How would deception make you feel?] “Neutral – no feeling of deception at all. I would just be doing my job” (W7: 24-27). Coetzee suggests that the legal and institutional framework would justify the action which may only ‘hurt her trust:’

> It is not expected that this deception will cause permanent mental or physical harm to Jamal other than hurting her trust. The legality of the operational activities due to the seriousness of the suspected crime and the mandate given to the intelligence agency will allow the intelligence officer to conduct the deception without feeling guilty (E6: 13-23).

The data seem to suggest that intelligence practitioners in this sample used a very narrow definition of harm – that which related to mental or physical harm. The harm to a person’s dignity caused by deception was not considered. In most cases, the individual against whom deception is used in order to gather information on the target may be seen as collateral damage.

The sample of intelligence practitioners tested appear to use justifications within the personal ethical framework to answer the question ‘when are clandestine methods of collection against a target justified?’ One of the identified justifications appeared to be the outcome of an action. Coetzee explained:

> In any action, test the level of activities against the required outcome. Stay focussed on the specific goal and measure the activities, whether it is focussed on achieving the goal (E2: 16-17).

Coetzee appears to stress the point that the outcome was essential to consider before engaging in operational work:

> It is critical for an intelligence officer to have a clear understanding of the target, the threat posed by the target and the expected outcome before he/she engages in operational activities (E4: 25-37).

Khoza agrees:

> I'm an intelligence professional working for all SA citizens. The reason being I am not here to serve the interests of an individual or individuals, but rather the interest of my country. The way I approach my work is not to please my employer but rather to do what I can to improve the lives of all South Africans. (K2: 21-28)

Jordaan sees working toward a singular objective may have negative implications.

> Unfortunately it does happen that if you are working on i.e. [a target area] and you want to be "part of the solution", you would justify certain actions more easily. The question then arises whether you are still objective. This can have a serious impact on your performance (W6: 10-18).

Khoza suggests the subject in the given scenario would understand the ruse of deception and see it in context of a greater good:

> No I don't (think) she would suffer any harm unless she personally feels invaded or used; which again is not harmful if you were to explain what type of person she was working with and the good that has come out of this investigation (K5: 28-30).

5.3.8 The end goal is good

The researcher proposes that if the end result (the outcome) is sufficiently noble, such as 'improve the lives of all', then at least three of the intelligence practitioners in this sample can arguably justify any means to reach that positive outcome.

The researcher suggests that the intelligence practitioner's personal ethical framework may justify working towards the goal of achieving security and stability in the country.

> In the interest of security it is sometimes necessary to conduct activities under the radar and do "acting" in order to obtain specific intelligence related results (E1: 1-5).

A portion of the sample of participants justify the use of tradecraft in the maintenance of security. Govender asserts that the "purpose of intelligence collection is to prevent instability" (A2: 1-2). Coetzee seems to use a mental algorithm to justify an action, and uses the criterion of a safer national environment for all citizens as a final arbiter.

> Members therefore have to make specific choices before entering into intelligence activities whether they will be able to bear the consequences once activities are uncovered or not; whether ethically they have peace with their actions; and whether they truly believe that the actions that they are about to become involved in are bona fide security related actions; and finally that the actions will contribute to a better and safer national environment for all the citizens of the country (E3: 33-49).

The researcher contends that a threat to national security should elicit a measured response from the intelligence community. Referring to the monitoring of a subject (Jamal) who has direct access to a target in the hypothetical scenario, Hoosein asserts

> …monitoring is determined by [her] activities and [her] involvement in a matter which directly affects national security (N4: 14-17).

De Jager appears to be clear about what motivates him to practice intelligence tradecraft:

> My goal is to protect my country. If she is my target or has access to my target it's my duty and part of my tradecraft to do all I can to achieve success. I am not a priest you know (S4: 12-16).

Khoza suggests her intelligence skills should be used to protect the country she loves. "We love our country and want to protect it as much as we know how to" (K2: 1-3). And " … these methods are used for the benefit of the security and stability of South Africa" (K1: 22-24). Isaacs asserts that she acts as a moral agent for all SA citizens.

> The SSA efforts contribute to the security of the citizens. So, even though it might be perceived as intelligence officers acting as moral agents to the employer, the end goal – is to protect the interests of the citizens (I2: 8-14).

For reasons of security, the sample tested suggests that intrusive means of collection were justified:

> For national security it will be 100% justified as it will save innocent lives. No, no harm from deception as it will stop her from doing a wrong thing. I will feel proud as an Intelligence officer for saving innocent lives (P4: 8-16).

Hoosein is clear about what the role of intelligence is:

> Intelligence practices should be squarely focused on matters of national security and the improvement of a nation. Allowing political influences and unjustified intrusive methods are what the public will take a greater interest in as these actions are not guided by legislation. Ultimately the public wants to feel safe and

> trust that their Government is genuinely interested in the public's wellbeing and not any other matters such as individual gain or self-enrichment at the expense of the nation. If intelligence practices are aimed squarely at ensuring national security and improvement then the public will likely support any ventures undertaken to ensure this (N1: 1-22).

Safeguarding the national interest and providing security and stability may serve as strong drivers for intelligence practitioners' personal ethical frameworks. When the goal is preserving the nation, practitioners may be able to nullify any feelings of guilt quite effectively.

5.3.8 Cost versus benefit

The sample of participants consulted in this exploratory study seemed to suggest that intelligence practitioners may consider their tradecraft as a necessary means to a positive end. The scenarios which were offered to the participants tested how their personal ethical framework may justify an ethically questionable action to accommodate a vital end goal, such as the neutralization of a Weapons of Mass Destruction (WMD) threat. The goal was to evaluate where the intelligence practitioner would stand in a cost-benefit argument. The data seemed to suggest that the sample of participants consulted may adopt an 'end justifying the means' line of reasoning. Kekana observes that "…when there is enough evidence that the target poses a security threat, I will do whatever it takes to collect against them" (P3: 13-18). Khoza appears to share this view: "Benefit does outweigh the cost because the reasons are justifiable" (K7: 1-4). She adds: "You have to do what is necessary to deal with those problems" (K1: 14-16). Hoosein comments on the hypothetical scenario where a briefcase had to

be appropriated from an individual (Jamal) to confirm or refute information regarding a target (the diplomat).

> Stealing is justified as the information acquired will be critical in determining the activities of Jamal and the diplomat. Efforts must be made to act without Jamal or the diplomats' knowledge (N5: 16-23).

Isaacs takes the idea of end justifying means outside of the given scenario.

> Because the activities of an intelligence officer are mandated by legislation, it is regarded as acceptable because the end product contributes to national security (I1: 3-7).

To her, it appears as though the result trumps the methods used.

> It really doesn't matter to me. I can spy on anyone who is of interest to me. Collecting information on a target is not personal to me at all. If the end justifies the means, I go for it (I3: 32-37).

Intelligence practitioners are required to be truth-driven and truth should be one of the key elements of their personal ethical framework. It is ironic that intelligence practitioners have to be prepared to lie and deceive in their quest for truth. Determining the truth appeared to emerge as a theme among the participants surveyed. Hoosein:

> I will do what is required in order to determine the truth and not go into the investigation with a preconceived idea on whether Jamal is guilty or not (N5: 1-3).

Khoza concurs that intelligence decisions cannot be based on emotions, but must be grounded in fact: "…However collection methods and investigations are conducted fairly, and

decisions are based on facts" (K4: 32-33). Hoosein sums up this important point:

> The actions taken to acquire the truth are necessary to determine the nature of the relationship between the two individuals. I would feel no guilt either way of the outcome as the work of an intelligence officer is to determine the truth and to remain objective throughout (N5: 26-33).

A follow up question to the participants was "Do you ever feel like a 'bad person' or feel uncomfortable because of some of the (legally) unethical functions you have to perform?" Three of the participants answered no (Kekana, Coetzee and Govender) and five answered yes (Hoosein, Jordaan, Isaacs, Ranjeeth and Khoza). Coetzee's answer reflected her strong faith-based ethical framework:

> No, I try to do everything according to what I believe and if I make mistakes or do not have control over circumstances, I trust the Lord with it. I have made peace with the responsibility put on me and believe I have much control over the ethical way in which it is done. The rest I do not have control over or when I make mistakes, I am honest about it and either pray about it or refrain from continuing with it altogether (EC 1: 21)

Kekana provides a justification for performing 'unethical' functions for which he also 'felt bad':

> Somebody has to do the right thing (PK 1: 16)

Jordaan notes he felt bad, but also highlights the importance of the end result:

> It is for the cause. We work for the State Security Agency, and we are not here to win a popularity contest. If the work demands that it be done, it must be

> done. You also tell yourself that it is a win-win situation. The Agency wins and the person did a good deed for his country- so he also wins (WJ 1: 22)

Govender uses the end justifies the means justification for explaining why she did not feel 'bad' engaging in questionable activity:

> The ends must justify the means and if it means that certain rights are infringed in the interests of national security then I feel justified in executing certain actions (AG 1: 17).

Isaacs provides a similar justification:

> I think of the bigger picture. My unethical functions can contribute to the well-being of the country and its citizens (NI1: 16).

Ranjeeth holds the same view:

> The impact of my actions are for the greater good of the country and its people (LR1: 16).

5.3.9 Conclusion

In the view of the researcher, the personal ethical framework of an intelligence practitioner is, at face value, no different to the average citizen. The personal ethical framework is possibly informed by responsibility, family, faith, choice, patriotism, duty and consequences. The data pointed to the possibility that the personal ethics of the intelligence practitioners sample may have been guided by certain justifications such as no harm is done to the victims, the outcome is for a greater good, the importance of a stable nation,

the argument for the end justifies the means and the quest to determine truth.

The personal ethical framework may not be the only framework which is consulted when decisions are made relating to covert intelligence collection. These decisions must also be informed by an institutional framework.

5.4 Institutional Framework

"Know that the constitution and laws of the country still guides our actions, thus be well aware of these and align your activities likewise." Esme Coetzee

5.4.1 Introduction

The institutional framework, beginning with the Constitution and including laws, organisational prescripts, codes of practice and operating procedures appeared to be an important consideration amongst all the participants when they made their ethical choices. The participants appeared to see their specific organisation, the SSA, as the guardian of all citizens' security, which has strict guidelines which direct intelligence work. The institutional framework is objective but may play an important role in evoking subjective ethical responses. The institutional framework, the participants' data suggested, directs intelligence practitioners on what to collect (informed by national security needs and targeting and mandated by law) and it determines how these practitioners should collect the information (directed by law, policies, standard operating procedures and the

intelligence culture). If the action is legal and legitimate, the effect of a conflicting personal ethical code could be diminished.

5.4.2 Institutional Framework Determines What to Collect

Intelligence practitioners cannot choose what they want to collect intelligence on. Targeting is institutionally driven and the institutional ethic is not perceived to be determined within a particular political framework.

> Ethics are not determined within a particular political framework; again policies and law are the same when approaching any situation (K4: 12-20).

There appears to be an acceptance amongst the majority of the participants sampled that intelligence work is conducted within the ambit of the law.

> We have a right to protect the national interests of this country and all legal means should be explored to protect those interests (W1: 3-7).
>
> [Laws] are to protect the interests and rights of the citizens of this country (W1: 8-10).

Govender appears to see a synergy between the law and defensible circumstances:

> …action needs to be justified by the circumstances as well as the legislation prescribed to protect us (A3: 2-4).

Govender notes that the laws protect the intelligence practitioner while Jordaan suggests

> [laws] are to protect the interests and rights of the citizens of this country (W1: 8-10).

Khoza gives the impression that the institutional framework is represented right down to supervisor level, where authorization must be sought.

> When working in an environment that involves the interests and wellbeing of the general public, you need to make sure that by Law how is your act perceived. The intelligence environment is lawfully protected by its policies to conduct its work, hence you always need to make sure that whatever you do (surveillance, intrusion etc), your line manager is aware so that you are not held responsible if there are any queries. So intelligence ethics are not led by religion or culture or personal preference, but by our policies and our law therefore you need to read and gather as much information on tradecraft and work methods (K3: 9-26).

A target's involvement in illegal activity appears to be seen as sufficient grounds for targeting by a participant. In the given hypothetical scenario concerning a WMD case where deception is required to determine the activities of a North Korean official suspected of being involved in the smuggling of WMD, Coetzee noted that

> …being involved in illegal activities, the purpose of the actions must also be exposure of these activities in order to bring her (the target) to justice according to the laws of the country as well as to expose the Korean officer's actions and neutralise it. Again activities must be guided by rights according to the law and mandate (E5: 22-34).

Regarding the same hypothetical example, she contends that

> [t]he nature of the threat will determine whether the action is justified or not. In this case it is

> justified to steal the briefcase as it will either lead to conclusive evidence allowing neutralisation actions to be implemented, or it will assist in possibly exonerating Jamal from any wrongdoing (E7: 28-34).

Hoosein appears to imply that subjectivity (guided by a personal ethic) should be excluded when making a decision.

> The reasons for the spying on a particular target have to be correctly justified. One has to be objective or else you may be too influenced by your biases (N3: 23-27).

The researcher proposes that intelligence practitioners work decisions are directed by laws and policies and these are interpreted within their personal ethical frameworks as to how to action them.

5.4.3 Institutional Framework Determines How to Collect it

The researcher contends that the participants function within a regulatory framework which not only prescribes what information can be collected, but also how this collection of information can take place. The participants seem to confirm that clandestine intelligence is legally collected through the universally accepted methods of tradecraft (described earlier). The data suggested that the methods of collection can only be applied once the legal obligations have been met and there is sufficient justification. Govender proposes “[The]…action needs to be justified by the circumstances as well as the legislation prescribed to protect us” (A3: 2-4). Part of the culture of intelligence is the generally accepted use of tradecraft, which are the tools practitioners have at their disposal to accomplish their tasks. The participants see these as the tools of clandestine collection.

> Intelligence officers work vicariously through the agency, BUT do so for the protection of all SA citizens. The Agency provides the tools and structural framework for the execution of the duties (A2: 22-27).

The participants suggest that obtaining intelligence through clandestine collection methods is a carefully regulated activity.

> Intelligence activities lend itself to deception and the utilisation of human sources in obtaining (again) specific goals/objectives. This objective is (again) guided by a legal mandate of the agency (E6: 30-35).

Ranjeeth (R2: 24-25) asserts that you know when an action is unethical when you operate outside the framework of the law. The legal framework is a valuable reminder that although some actions may be unethical and morally repulsive, they are still legal. Coetzee explains:

> The legality of the operational activities due to the seriousness of the suspected crime and the mandate given to the intelligence agency will allow the intelligence officer to conduct the deception without feeling guilty (E6: 13-23).

De Jager maintains “the public should see us as the naughty guys with the naughty toys and methods, but all for a good cause” (S1: 15-18). The reference to ‘naughty toys and methods’ refers to the tools and methods of tradecraft.

There appeared to be a clear understanding amongst intelligence practitioners of the scope and limits of the legislative framework which governed intelligence collection. Regarding the scope of investigating a target in the hypothetical scenario, Jordaan concedes

> [y]ou would need to register this investigation at a central point and use all available means to prove or refute allegations made against this person (W1: 35-37).

The ‘available means’ Jordaan refers to, in the given scenario, would probably refer to the tradecraft which Jordaan would use to prove or refute allegations, after the registration of the investigation at a central point (fulfilling the legal requirements). Govender seems to concur that an intelligence practitioner cannot “be involved [in intrusive measures] until legislative requirements [are] fulfilled” (A3: 7-9). Jordaan highlights the point that collection activity must stop when the objective is reached. It should be “…limited to reaching your goal and should not continue ad infinitum” (W1: 45). Coetzee reminds the intelligence practitioner of the institutional framework to which tradecraft must be aligned:

> Know that the constitution and laws of the country still guides our actions, thus be well aware of these and align your activities likewise (E3: 19-20).

De Jager notes that at organisational level

> …there is a specific Ops Directive and Standard Operating Procedure as well as an Intelligence Manual that dictates my actions (S2: 10-12).

5.4.4 Intelligence and the public perception

The sample tested appears to acknowledge that intelligence activity is conducted in a regulated institutional framework. The data suggest that intelligence practitioners represented in the sample agree that tradecraft activity conducted in pursuit of operational objectives must be lawful and mandated and even then, tradecraft activity (intrusive means of collection), is still limited by law. Of the sample of participants consulted, seven of them believe the public had a negative perception of the

intelligence institution and intelligence methodologies. Public perception may be important. How the public view the work of intelligence practitioners may have an effect on their morale and may affect how efficiently they employ clandestine collection methods. The participants appeared to mostly feel that the general public are not in a position to judge intelligence practitioners' working methods or question their ethics. Jordaan concedes there may be outside influences which form the opinion of intelligence practitioners over time: "There are external influences…" (W3: 19). Khoza offers her opinion on the matter:

> The public are not in a position to judge intelligence collection methods because of their unfamiliarity with the intelligence environment. They are not part of the intelligence environment nor do they have any practical experience therefore it is difficult to speak on something that you are oblivious to (K1: 1-9).

Khoza's view may be reinforced by De Jager who appears to concede that public ignorance of intelligence tradecraft may be a universal phenomenon:

> Intelligence methods will seldom be understood by outsiders. It involves by nature deceit, manipulation, role-playing, lying etc. (S1: 1-6).

Jordaan advances the position that the public expects the intelligence community to perform its duty to protect the nation and achieve success:

> [The] public want to see perpetrators caught and brought to justice. The intelligence services have however in the past few years been plagued by mostly negative news and the general public is very pessimistic in terms of its capabilities and methods. In South Africa, we need a few 'positive cases' to be highlighted and made public, to increase the positive role that intelligence is playing. This will also positively influence the general public to accept intrusive

> intelligence collection methods more readily (W2: 7-20).

Kekana seemingly concedes that the public are only shown the negative side of intelligence and therefore will not condone intrusive collection methods.

> The general public is too quick to judge intelligence communities when something goes wrong. On talk radio such as 702, SAFM, Power FM and Radio 2000 I always listen to callers who blame the intelligence communities, that we are always caught 'napping' (P2: 4-10).

Isaacs asserts that the public's lack of understanding of the intelligence community may even lead to paranoia.

> In the absence of an explanation of how and why intrusive intelligence collection is done, the public will be paranoid (I2: 1-4).

Ranjeeth appears to hold a similar view:

> The public is not in a position to judge intelligence collection methods as they don't understand the importance of intelligence in maintaining security and stability in the country (R1: 3-8).

Kekana gives the impression that the general public does not value security and stability over the protection of human rights.

> Those who understand the role of intelligence, they would but there are those who do not understand our role and they believe (misconception) that we only protect the government or ruling party (P2: 11-12).

Khoza appears to be the only participant who holds a more positive view of public perception. She believes that the

> …general public would support intelligence practitioners working methods, irrespective if they seem morally questionable. The public would consider the end result a good justification (K1: 35-38).

She also insists that the public would accept the use of intrusive means of intelligence collection.

> Absolutely! I believe that South Africans are generally patriotic. We love our country and want to protect it as much as we know how to (K2: 1-3).

She defends her position further by maintaining that

> …South Africans, as the general public, would value security and stability over the protection of human rights, especially those who are the innocent patriotic general public. Also knowing that these security and stability methods are in place to protect the very same human rights (K2: 15-18).

Jordaan seems to recognise that the negative view the public has of the organisation may have an effect on the morale and may contribute towards negativity. He distinguishes between the corporate culture of the organisation and the corporate image.

> Corporate image is the view the general public have. So you can have the latest rebranding of your organisation (changing the corporate identity), but if the general public is bombarded with negative stories about you all the time, it is not going to help you at all in rebranding yourself (W2: 39-42).

In his view, it is the institution which has to counter the risk of having a negative identity:

> Let the general public buy into the idea of the intelligence people are the ‘good guys’ – win their trust

> – and then it would be easier for the general public to value security and stability over the protection of human rights (W3: 1-6).

Coetzee asserts that the institution's ethic may be viewed in a broader context by the public.

> Political frameworks will in most cases publicly propagate their own ethics which might sadly be accepted and adhered to eventually by a society bankrupt of a strong grounded ethical foundation (E3: 50-58).

Khoza was the only participant who appeared to be positive about the public perception of the intelligence profession. Other participants surveyed seemed to generally believe the public are unaware of the work intelligence practitioners do and therefore cannot be judgemental about the methods used to collect intelligence. The general negative perception the intelligence practitioners feel the public has toward them, is a negative factor which possibly contributes to the difficulty of making ethical decisions in the work environment. The institutional framework would be expected to ensure intelligence practitioners function in an environment which is not perceived as being negative or harmful. The question of whether there is institutional support for intelligence practitioners, who may experience ethical dilemmas within a perceived negative environment, was considered relevant.

5.4.5 Institutional ethics sensitivity

It is logical to assume that any intelligence organisation would recognize that intelligence practitioners who engage in tradecraft are ordinary human beings who have to navigate a

minefield of ethical dilemmas in order to operate efficiently. When faced with ethical conflict and conscience issues, and the personal ethical framework cannot accommodate them, intelligence practitioners may turn to their institution for support and motivation. Govender observes “the SSA does provide support in the form of supervisors and managers” (A3: 10-11). The researcher is of the opinion that supervisors and managers are not equipped to deal with moral and ethical issues. This may explain why conflicted intelligence practitioners may not turn to the institution itself for support.

> I do believe help is available for those who seek it, whether it is internally or externally. I have not heard of anyone who has requested such support (W4: 25-28).

Hoosein concedes that direction is given as to what is required, but the “how” is left up to the individual practitioner:

> Guidance is provided up to a point. Generally your superiors are responding to requests made by their superiors and so forth. Therefore, the net result of acquiring the information is generally what is considered the most important. How you acquire the information is your business (N3: 8-16).

Kekana feels there is “no institutional guidance” (P3: 4). Coetzee pronounces that

> …currently the SSA does not engage in these issues enough. There is no clear consensus on basic ideas re relevant or ideal operational means, and members sometimes use their own sense of ‘ethics’ to guide their actions. Support is mostly only implemented once a member experiences a physical or mental issue relating to activities and even then the support is limited and often insufficient (E3: 21-33).

Coetzee feels the support is often too little too late. Khoza appears to agree:

> The SSA does not necessarily provide guidance for day to day activities that need you to lie, deceive etc. When on the ground, you are on your own. You need to know how to get out of a sticky situation and not put yourself in too much of a risk that you cannot get assisted out of by your employer (K4: 4-10).

5.4.6Conclusion

The researcher contends that the intelligence practitioners represented by the sample of participants carry out their functions within a regulatory framework which not only directs the 'what' of their activity, directed by the Constitution, laws and Acts, but also the 'how,' informed by policies and procedures which direct tradecraft. The participants appeared to align their activity to the regulatory framework where this conformed to their personal ethical framework. It became evident that one of the factors which may affect ethical decision making in the work environment, is a negative public perception. This appeared to have a negative effect on many of the participants who felt their work activity did not receive public approval. There was no consensus amongst the sample of participants as to whether there is institutional support to assist intelligence practitioners in making ethical decisions. The views of the participants appeared to indicate conflict between the personal ethical framework and the expectation of the employer for them to engage in functional activity which went against their personal norms. This will be explained in the next section.

5.5 Towards a New Ethical Framework

"Are we so engulfed in deception and lies after all these years that it has become the norm and that the goalposts of normal have shifted?" Willem Jordaan

"There is a moral unwritten spy bible that grows with you, dictated by the rules, your environment, your upbringing, your own moral compass and an intelligence tradition and culture with its own written and unwritten rules". Steven De Jager

5.5.1 Introduction

The researcher would like to suggest that in the sample of participants surveyed, a case may be made that intelligence practitioners may suspend their personal ethical framework when conducting clandestine intelligence collection and operate within a new ethical framework. The possibility exists that conflict in the personal ethical framework is caused as a result of trying to fulfil the requirements of the institutional framework, which may be at variance with an individual's morals. To clarify whether this conflict was latent or manifest, the participants were asked in a follow-up question whether it is possible they have two separate moral codes: a personal one and one which they use for work purposes. Six out of seven of the participants who were re-questioned, acknowledged they had two separate moral codes. Coetzee was the exception, stating she had one moral code. Govender indicated she 'definitely' has two moral codes. Interestingly, Jordaan's answer was ambiguous:

> Yes. But it cannot just be answered with a simple "yes" or "no". That is why you need to have a separation in terms of your "work life" and your "private

> life". Separate the two. It does sometimes get mixed up, but you can manage it (WJ2: 5-7).

Participants were then asked if there is a separate 'work moral code', whether this code accommodates all the morally difficult functions they have to perform – lie, steal, cheat?

Some of the participants who answered in the affirmative provided justifications, even though these were deliberately not asked for.

Govender provided a justification in her short answer:

> I would think that it does, although not so much as a lie but a manipulation of the truth (AG 1: 20).

Kekana agreed it does and provided a justification:

> Yes. As long as it will save innocent lives and protect my country from any form of harm, I shall always spy (PK 1: 21)

Jordaan indicated that the work ethical code would not give carte blanche to his actions:

> There are certain things I will just not do (WJ 2: 10).

Hoosein's answer also indicated that although he acknowledged he functioned in a separate 'work code' when necessary, this framework itself had ethical boundaries:

> It does not accommodate all those actions that are unethical but more often than not one has to seriously

> think on how to avoid unethical actions and try and live with what you have done (NH1: 24)

The separate ethical framework used while working did not exempt him from accountability.

Seven out of eight of the participants who responded to the second questionnaire, admitted they use two sets of ethical codes, the personal ethical framework, and another distinct code which is called upon when work requirements and the personal ethical framework are at odds. This possible disjuncture between the personal ethical framework and the institutional framework in which the intelligence practitioner is required to work is highlighted by many of the participants in this exploratory study. Govender explains

> [a]s an individual, I have my own moral compass and beliefs which might not be shared by the agency or reflect the values of the agency at times. Work is executed in line with the employer's viewpoint (A2: 30-37).

Govender implies that her moral compass and the employer's viewpoint are not always aligned but that she uses the employer's values when she is at work. Khoza referred to the elimination of personal thinking in the intelligence environment and the adoption of 'groupthink':

> In the intelligence environment we are governed by policies and laws in order to eliminate any personal thinking or agendas, in that light I see how 'groupthink' may exist in the intelligence agency when it comes to ethics (K2: 44-46).

The researcher noted various indicators emerge from the data which suggest participants may encounter risk to their efficiency and utility as intelligence practitioners if they did not

adapt to their conflicted state. The indicators, point to an altered personal ethical framework, or a new and separate one. The indicators may be seen as

- adaptation of moral compass
- conflict and
- denial of conscience.

5.5.2Indicators

The indicators were identified by the participant's use of words which suggested a change in the personal ethical framework. Meaning was extracted from words and phrases which pointed to redefinitions, contradictions and emotional language. Statements or questions which pointed to a disturbance of the personal ethical framework were used as cues to identify these ideas.

5.5.2.1 Adaptation of Moral Compass

The data may indicate that time played a role in the intelligence practitioners' adaptation to intelligence work. De Jager spoke of the moral unwritten spy bible *that grows with you* (S2: 18-19) (emphasis added). De Jager is an intelligence veteran with more than 20 years' experience and he appeared to concede that experience over time leads to a new conceptualization of intelligence collection. The researcher notes that De Jager asserted that this 'spy bible' is unwritten. It does not appear to be a formal code or set of rules, but rather one which may be called into use when required. Another veteran,

Jordaan, seems to imply that only the basic ethical principles which form a practitioner's core-make up are not adapted over time.

> You get older and wiser… your opinion is formed the whole time. There are external influences …the basic principles of ethics remains. That what you have learnt from a young age and what your gut tells you remains. Your ethics is part of your core make-up. The pillars from which you operate must be sound (W3: 19-30).

Jordaan later concedes:

> Are we so engulfed in deception and lies after all these years that it has become the norm and that the goalposts of normal have shifted? Or is it just the case that we justify the smaller lies and deception as being part of the work (W4: 29-37)?

Khoza's moral compass appears to have shifted over time.

> *At first* I used to justify each action but *with time* you don't even see some things as unethical (K7: 5-14) (emphasis added).

Govender gives the impression of having had a similar experience:

> I have seen a change and over the years have shifted the moral compass where I need to (A6: 5-7).

When asked if she questioned the adjustment, she replied "*In the past,* I used to" (A6: 10) (emphasis added). Govender has ten years' experience so this adjustment does not appear to necessarily take place over decades. Coetzee made a conscious decision ten years ago not to conform to the 'unwritten spy bible' of some of the other intelligence practitioners.

> Previously I would have engaged in covert operational activity unrestrictedly. However 10 years ago I made a conscious decision to conduct any operational activity according to what I believe is right and ethical and to treat all people I engage with in an ethical manner, whether they are targets, agents, contacts or colleagues. I chose to follow an unmoving compass which is my faith, rather than an ever changing worldly compass (E8: 15-26).

In her case, it is possible that a strong personal ethical framework directs her action. Her moral compass, conceivably, is unshakable. In one of the scenarios presented to her where moral dilemmas were explored, she intimated that deception could still be used and she would not feel guilty if certain conditions were met.

> Moral justification combined with legality of actions and a legal mandate will definitely lessen any possible moral burden resulting from deception. However it must always be taken into consideration that people get attached to each other in some way or another during contact of any kind and even though there is moral justification for deception, this attachment (or not) could eventually contribute to a sense of guilt. The action of deception in the case of determining and achieving this specific goal is however unlikely to cause guilt and can be morally and ethically justified (E6: 23-29).

In a follow up question, Coetzee was asked whether her single ethical code allowed for the use of unethical methods of collection.

> Although my personal ethical code does not allow me to lie, steal, deceive for my personal or unethical benefit, these activities are sometimes conducted in professional work related circumstances where the end goal is clearly defined and in line with my ethical code. Biblically there is a clear mandate to protect what is right and true and has been assigned to your responsibility, including the protection of human life. As we live in an impure world, unfortunately believers are not exempt from the unethical acts and

> threats posed by this world. We therefore cannot excuse ourselves from also taking responsibility for protection and regulation in all spheres of our society and leave it for other people to do (EC 2: 5-12).

The researcher contends that deception may therefore be applied ethically if there is sufficient justification, even using Coetzee's strict criterion. It appears as though Coetzee has redefined her ethical code to accommodate her faith and values, so that it still allows her to be an effective intelligence practitioner.

The competing forces of personal ethics and duty to protect may ultimately lead to conflict and sustaining a strong set of personal ethics may not be possible.

5.5.2.2 Conflict

Participants appear to concede that internal conflict materialised when their personal ethical framework and the institutional imperatives of duty and results were in conflict. When Govender was asked if she had to adjust her personal morals to accommodate work, she indicated "I have at times and it can cause personal conflict" (A6: 8-9). Khoza is more emphatic:

> The deception would make me feel like I'm such a liar! But the reasons why, would quickly eliminate those feelings. I still would feel the same way because it's not about the other person but it's about me feeling and hearing me being liar (K6: 8-16).

While Govender and Khoza appear to concede to being conflicted, other participants appear to deal with the conflict in

other ways. Coetzee, whom it appears has a strong, faith-based ethical framework, seems to be willing to give up some of these principles for the sake of expediency and duty.

> As long as the goal remains specific according to the mandate and my personal belief of role and purpose which is not to harm others but to neutralise an existential / potential threat, I will not consider it a suspension to my moral or ethical values (E8: 7-11).

In a follow up question for clarity, Coetzee was asked whether she ever felt like a 'bad person' or felt uncomfortable because of some of the (legally) unethical functions she had to perform. She answered:

> No, I try to do everything according to what I believe and if I make mistakes or do not have control over circumstances, I trust the Lord with it. I have made peace with the responsibility put on me and believe I have much control over the ethical way in which it is done. The rest I do not have control over or when I make mistakes, I am honest about it and either pray about it or refrain from continuing with it altogether (EC 1: 18).

Not all the participants admitted to personal conflict because it is the researcher's argument that this conflict may have been resolved in a new ethical framework apart from the personal ethical framework (refer to section below).

5.5.2.3 Denial of conscience

Actions which are morally difficult to execute may still be legal, however the law alone may not be sufficient to negate personal feelings of guilt the practitioner may experience. The

human conscience may not be tricked into believing that legality is equal to moral correctness. Khoza appears to highlight the importance of denying her conscience.

> Some do prefer to look at situations as black and white meaning they don't involve their emotions and ethical feelings, that way they are more productive in their work; and some are guided by their ethics and morals. However I do think it is better to park your conscience because that way you don't become biased or practice favouritism (K4: 22-29).

The normalisation of actions which are arguably unethical, may point to the denial of conscience. In the case of Jordaan:

> Are we so engulfed in deception and lies after all these years that it has become the norm and that the goalposts of normal have shifted? Or is it just the case that we justify the smaller lies and deception as being part of the work? (W4: 29-37).

Khoza admits she can suspend her conscience at will, when necessary:

> In some cases I do suspend moral and ethical beliefs because I understand that I'm an intelligence officer and my line of work means collecting information using certain methods, and my work policies to some extend justify my actions. At first I used to justify each action but with time you don't even see some things as unethical (K7: 5-14).

Govender also sees the suspension of conscience as being necessary in order for the intelligence practitioner to be effective.

> I think that the conscience is always there, but in certain instances it is better to make peace with it and suspend that conscience to yield the best results (A3: 21-25).

The term 'make peace' may infer that there is conflict within the conscience if it is not suspended. Kekana also appeared to

recognise his conscience as getting in the way of his work. When asked if he suspended his conscience, he replied “Yes I do, based on the fact that if I consider ethics, I will compromise myself” (P6: 1-3). Ranjeeth suggested the conscience of an intelligence practitioner is an obstacle to work efficiency. “It is better to suspend [your] conscience because it interferes with judgement” (R3: 16-18). Judgement, in his opinion, may be clouded by a personal ethical framework which may not be able to accommodate ethically questionable actions. Coetzee conceded that suspension of conscience is not necessary to undertake a legally mandated and justified task. In the scenario of the stealing of a briefcase to evaluate information contained inside which may point to a target’s involvement in serious crime:

> The theft of a briefcase in this critical and possible existential threatening circumstance is not considered suspension of ethical beliefs (E7: 44-47).

In the researcher’s view, this appears to indicate that Coetzee can steal the briefcase without compromising her strong personal ethics. Kekana hinted at having the ability to dismiss his conscience when the end result justifies it.

> In dire situations one does not need conscience. For example when the lives of innocent people are in danger and information needs to be collected urgently to neutralise the threat (P3: 7-13).

Kekana suggests that urgency or necessity may be sufficient justification for him not to consider the ethical consequences of an action. He argues that necessary actions may be carried out spontaneously and instinctively, without recourse to a conscience, almost in ‘self-defence.’ Govender possibly suspends her conscience and negates the feelings of moral

unease in the interests of reaching the objective of the investigation:

> Your personal and ethical beliefs need to be suspended at times and this is one of those instances. I would morally be perturbed about the physical acquisition of the briefcase, but I would justify it in my head as working within the boundaries of the investigation (A5: 12-19).

The justifications which undermine an action may neutralize any feelings of guilt. "Deception is needed in order to execute the task. This is part of the job and is not wrong" (I4: 11-15). Here Isaacs accepts that deception is not wrong if it is the context of work. The 'work' therefore gives ethically unpleasant task legitimacy. There is the suggestion that there may be careful deliberation before morally challenging actions are undertaken. Hoosein hinted that he does

> …not suspend moral beliefs but I look at what is required and what is expected in order to acquire the necessary information before the operation commences. If there is a matter that I do not agree with beforehand, I will not engage in it. If I am forced to make a rash decision while in the field, I will go with my gut (N6: 1-9).

Coetzee stated emphatically that she personally does not suspend her ethical beliefs but conceded some intelligence practitioners do.

> All intelligence officers have a conscience. However many intelligence officers often suspend their conscience while working as the nature of the work tends to give an idea of being "untouchable", superior and even being above the law (E4: 9-13).

Does she suspend hers? "No I do not suspend my moral or ethical beliefs when I engage in a covert operational activity" (E8: 12). Isaacs admitted she does not suspend her conscience

either, but goes on to explain how she can still be effective by 'altering her values'.

> However, I am able to alter my values in order to meet my objectives, but only to a certain point (I3: 22).

She regards her 'values' as a fluid entity which can be changed at will. Emotion may be suppressed, and this possibly negates feelings of guilt.

> Performing a function that requires deception will not make me feel guilty. When it comes to handling a source of information or investigating a target, emotions cannot come into play (I4: 17-18).

To De Jager, tradecraft (with all its morally questionable methods), may be part of his belief system. In this case, suspension of conscience may not be necessary because a new definition of right and wrong may have been formulated. When asked if he suspends moral and ethical beliefs when engaging in covert operational activity, he replied "No its part of my belief and morals to use tradecraft" (S5: 4-6). Hoosein, a relatively new intelligence practitioner with under ten years' experience, gave the impression he has not adjusted his moral beliefs. "I have not adjusted my moral beliefs and there is no conflict" (N6: 12-13). He has "one set that I live by in all aspects of life" (N6: 14-15). His motivation to comply with his strict personal moral code appeared to be underpinned by the belief that the institution will offer him no protection 'if he is caught'.

> I have not been granted such licence as if I am caught, I understand that it is likely that the SSA will not assist me and indicate that they had prior knowledge of such events. Therefore, I have to maintain my moral beliefs (N6: 16-21).

Hoosein is under the impression that his personal ethical framework is not tarnished when he engages in operational

activity. He believes he has one set of moral beliefs and must justify ethically questionable actions within his personal ethical framework.

5.5.3Working Ethical Framework

The sample is small and this is just an exploratory study, however, a case may be made for the existence of an ethical framework which is distinct from the personal ethical code and which is able to give utility and expression to the institutional framework. The new ethical framework does not appear to be a formal set of rules as in a code of ethics. It may best be described and explained by what De Jager called an “unwritten spy bible.”

5.5.3.1 Neutralisation methods

In the literature study, the neutralization model highlighted certain rationalizations which individuals use to justify deviant behaviour. In the intelligence ethics context, these could be adapted to apply to the intelligence practitioner, as described below:

Intelligence training may help the members of the ‘intelligence’ society to socialize into the intelligence culture and accept the rules and beliefs of the ‘spy world.’

I didn’t mean it.

The intelligence practitioner may argue he or she accepts no responsibility for the unethical or immoral act done as it becomes the product of a series of acts which begins as a lawful instruction and is directed and controlled through policies and processes. The participants appear to not take personal responsibility for their institutional actions.

I didn't really hurt anybody.

The researcher suggests that the target may be seen as being impersonal and may even be objectified, given a number or a code name. It is easy to see how an intelligence practitioner may be able to deceive, pry and spy on a target without feeling he or she is harming a real human being. In a sense, it may be easy to justify hurting an object or a number rather than a real person. The participants' interpretation of the concept 'harm' points to their denial of any harm being visited on their targets.

Everyone's picking on me.

When questions were asked about the intelligence community and how it behaves, the researcher proposes intelligence practitioners may feel they are being unfairly treated or judged. Non-Governmental Organisations (NGO's), the media and lobby groups are critical of intelligence agencies and their perceived intrusive methods of information collection which impede the privacy of citizens. The participants' answers show that intelligence practitioners are quick to defend themselves and also feel the motives of the accusers (as outsiders) are suspicious. It may be natural for intelligence practitioners to see ordinary citizens as hostile to the cause of intelligence as they do not understand how the intelligence community functions.

I didn't do it for myself.

Another justification of intelligence practitioners may be an appeal to a higher loyalty. Covert intelligence gathering requires

that some rules of society are abrogated for the good of other individuals or groups and there is no personal gain or satisfaction in deceiving others or invading the privacy of others. The intelligence practitioner is a functionary in a bigger machine with a higher goal that transcends any personal agenda. The researcher submits this rationalization may free the intelligence practitioner of any personal guilt. The data show that participants' were clear about the call of duty and the maintenance of national security.

5.5.3.2 Intelligence practitioners work in a separate mode

The researcher suggests that a new framework develops, one which includes both the institutional framework (incorporating the Constitution, laws and Acts which informs the action) and the personal ethical framework which may give the action context and meaning. This is learned behaviour. The researcher argues it may also be understood as the "mode" which intelligence practitioners switch over to when they are faced with an ethical dilemma and their personal ethical framework fails and the institutional framework has no answer. Ranjeeth submits "people are not what they seem to be in the world of spying" (R5: 23-24). He suggests it is a world separate from the 'normal' one. This 'intelligence world', with its unwritten spy bible, may have its own ethical code. The new framework is adapted to the needs of the institutional goals and its key objective of providing national security. The participants never specifically mentioned a separate ethical code, in fact most appear to be clear about having a single ethical framework. The data suggest, however, that a separate ethical code emerges when called upon, so that even those participants with almost

unshakable ethical frameworks (Coetzee and Hoosein), still appear be able to operate by switching to a new ethical framework, the working ethical code. Coetzee insists she has only one ethical code: “I have remained true to what I know is right and consider my work ethics part and parcel of my personal ethics” (E9: 1-4). Her single ethical framework was confirmed in a follow up question where the question was “Is it possible that you have two separate moral codes – a personal one and one which you use for work?” to which she answered “No, just one” (EC 1: 28). Ranjeeth admitted to having two ethical codes, a personal one and a work one and replied yes to a direct question on this matter. When asked if the separate working ethical code accommodates the lies, deception and other moral issues encountered while at work, he replied:

> No, not really because your personal beliefs and your personal moral code always guide the actions you perform at work. It is the sane voice that speaks to you (LR1: 21)

This implies that Ranjeeth believes that his personal ethical framework is sufficiently strong to guide his work activities in ways which are acceptable, even though there is a separate working ethical code.

Adaptation and justifications appeared to be common threads in responses. It also appears that contradiction is a recurring issue as the participants sometimes deny having more than one ethical code but proceed to describe one which is completely separate to their personal code. Jordaan was a good example of this denial-concession:

> It sounds like talking a child: “Do what I say” and not “Do what I do”. I would not say two sets of morals, but I separate my work and my private life. It doesn’t mean that I have two sets of morals and ethics. It just means that I do not think about certain things when I

> do it. I have done it for so long, that it is in my DNA (W10: 5-13).

It is important to note that he considers the ethical framework he operates in as being part of his DNA, which may indicate a very deep seated, almost physiological response, consistent with Kekana's response earlier which implied his actions can be instinctive. Jordaan also concedes that it is a process that has developed over time. In the follow up question which asked whether he has two separate ethical codes, he replied 'yes' but then explained there is a "separation between work and private life" (WJ 2: 5). Ranjeeth submitted he has a set of work morals and a separate set of personal ethics.

> Important to differentiate between personal life and work. At home, you are a family man trying to instil moral values in your kids and the rest of the family. Personally, I hate lying and I reward honesty at home (R6: 3-8).

Ranjeeth conceded he hates dishonesty in his personal ethical framework but may justify and tolerate lying in the working ethical framework.

Govender too admitted she has two sets of morals and ethics – a work set, and a home set.

> Most definitely yes. If not working as an intelligence officer, then my personal set of moral obligations apply (A6: 11-14).

Her understanding of the new ethical code is that a set of ethics may automatically be ascribed to her when she works as an intelligence practitioner, and then is discarded when at home. Isaacs provided an indication of what contributed to the redefinition:

> My opinion will always be expressed as my own and I cannot be influenced by group thinking. However, this institutional mind-set exists in the intelligence

> agency as individuals easily conform to groups. I've experienced that in this environment, it can be somewhat easier to alter ones viewpoint to fit the opinion of the employer (I2: 15-24).

Isaacs suggests that conforming to the work-ethic is hard to resist, even if it goes against the grain of the personal ethical framework. There appears to be an acknowledgement that the work persona is not expected to be a moral one. De Jager opined

> [m]y goal is to protect my country. If she is my target or has access to my target it's my duty and part of my tradecraft to do all I can to achieve success. *I am not a priest you know* (S4: 12-16) (emphasis added).

This natural intelligence tradition may inform the intelligence practitioners' work ethic. Jordaan referred to two hats, implying the intelligence practitioner may have to constantly juggle various issues in order to reach the goal.

> One must always be wearing your two hats. You must ask yourself if this is lawful, is it the right thing to do, are there easier ways to reach your goal, is it necessary to use intrusive measures (W3: 7-13)?

Generally speaking, data showed that there may be a certain acceptance of intelligence methods within the ethical framework, provided there is institutional authorisation and according to the rules and conventions of intelligence.

> I'm an intelligence officer and my line of work means collecting information using certain methods, and my work policies to some extend justify my actions. At first I used to justify each action, but with

> time you don't even see some things as unethical (K7: 5 -14).

Khoza referred to the assimilation of the new ethical code into her life over time. Isaacs suggested the same where ethically questionable activity may have become 'second nature':

> Profiling people in my personal life has become a second nature and if I need to solicit information to confirm a suspicion in my mind, I will do it (I6: 23-27).

5.5.3.3 Defining a new framework

At this point, it seems necessary to offer a definition of a possible working ethical framework.

It is proposed that the Working Ethical Framework may be defined as

> An alternative ethical framework adapted for use by intelligence practitioners which may mitigate conflict between their personal ethical framework and the desire to reach the objective of securing the nation in relation to the goal of the institutional framework.

The researcher's view is that the small sample of participants' data point to the possibility of the working ethical framework, but further studies on a larger scale would have to confirm its existence. The preliminary definition is based on the exploratory sample and may have to be revised after further studies. The operationalization of the concept at this stage is just for clarification and understanding.

After the intelligence practitioner has redefined his or her ethical framework and functions within a new mode, the Working Ethical Framework (WEF), certain actions may need redefining. Jordaan proposes,

> …to be a good operator, you have to decide what is 'allowed' – sometimes it may be cunning, but not unethical (W5: 39-47).

In this case, Jordaan perhaps infers that some collection methods may assume a new label, 'cunning', which may make the actions appear less devious. When intelligence practitioners switch their ethical framework to a working one, they may assume an 'Agency persona' as a type of 'working mode' where 'acting out' the role of an intelligence practitioner is played and the redefinition of ethically uncomfortable words such as lying, stealing and deception is possible. When asked if deception is justified, all nine participants agreed it was. "Yes. It forms part of tradecraft" (W7: 24). Jordaan says using deception as part of tradecraft would make him feel "Neutral – no feeling of deception at all. I would just be doing my job" (W7: 24-27). Kekana says plainly that the work subsumes the intelligence practitioner. "Sometimes you become the nature of work, you lie to manipulate people" (P6: 15-17). Earlier it was noted that Coetzee used the word 'acting' when describing intelligence methods.

> In the interest of security it is sometimes necessary to conduct activities under the radar and do "acting" in order to obtain specific intelligence related results (E1: 1-5).

Isaacs also describes how she uses the tactic of charm to elicit information from a male.

> Extracting information from a male may require some level of charm. This is a dangerous tactic but I am weary where to pull on the brakes (I3: 22-31).

Isaacs describes herself engaging into work mode, putting on a persona, and using this persona to extract information as a tradecraft ‘tactic’. This is probably not something she would do outside of work, when in ‘private’ mode.

> Personal life is kept separate from work. When I go home, I am my true self whereas when I am at work, I am an actor (I6: 15-18).

It may also be pertinent to note that she depersonifies her target, calling him ‘a male’, a distinctly impersonal term where an individual is reduced to species level. In the same vein, definitions may also change in this new framework and euphemisms may be present. The WEF may accommodate lying and deception, where a personal ethical code would not.

> Lying is not an ethical fundamental but this is the basis of my work when sourcing information. I don’t feel the need to justify my action to a personal set of beliefs (I6: 1-5).

Isaacs goes on to explain how the personal (home) ethical code and the WEF are separate, and how the work persona is not the real her.

> My work doesn’t define me as a person. When I engage for purposes of work, I act as an employer of SSA and not in my personal capacity. I keep these two lives separately. It has become less difficult to lie in my personal life though, but it’s a personal choice not to choose this option just because it is easy (I6: 6-14).

In the researcher’s view, her use of words reveals a complete separation of two lives, and possibly by extension, two ethical frameworks. Isaacs holds herself to a high set of personal ethics, to the point of using her son for an accountability check. It can be interpreted that her work persona (separate to her real self) does not hold up such a high

standard. Deception appears to be justified if the intelligence practitioner adopts the Agency persona and can use the euphemistic language which is part of the intelligence culture.

The data suggest that the participants take on a role when at work which is different to that which they are at home, as mentioned above. There may be evidence to suggest that in a switching over to work mode and adopting the Agency persona, the intelligence practitioner may become like an actor who acts out a role as a certain character. The character portrayed and whatever she acts out, may be someone apart from the individual, it is not the individual defined by her personal ethical framework. The researcher argues that acting requires practice. Isaacs asserts “When I do my planning to engage - I do rehearse a certain profile I want people to see” (I6: 19-21). Coetzee would also use this strategy to obtain information deceitfully.

> In the interest of security it is sometimes necessary to conduct activities under the radar and do “acting” in order to obtain specific intelligence related results (E1: 1-5).

Even when the intelligence practitioners adopt an “Agency persona” and acts out a role in pursuit of the intelligence objectives, they may still be plagued by ethical dilemmas. Redefinition of concepts appears to be a technique used by intelligence practitioners to rationalize their behaviour.

5.5.3.4 Acceptable and unacceptable behaviour

The contention is that the WEF may have its own rules, most of which might not be tolerated in a personal ethical code, or in the institutional framework. “The 11th Commandment for intelligence officers is: ‘Thou shall not be caught’” (W9: 5). ‘Not

be caught' implies engaging in activity which would be considered deviant in normal society where punishment would be a reasonable expectation. Lying is possibly acceptable in the WEF even if it considered unacceptable in the personal ethical framework. Interestingly, the data show the participants make a statement, and then try to justify it within the new framework. "Yes, I have to lie about who I work for. Lying is not in my nature" (P6: 4-5). When Kekana says he has to lie and then provides the explanation that lying is not in his nature, he may be saying it is the intelligence practitioner, operating in the WEF with a specific goal in mind, who is lying. The WEF is evident in Isaacs' statement where she has previously asserted that she would lie and deceive to elicit information, and yet: "In my opinion, lying is lying and no end result can justify it" (I1: 1-2). The researcher notes that this question was asked at the beginning of the questionnaire and at that stage Isaacs perhaps still believed in her personal (home) ethical code. It can possibly be deduced from her later answers that she has switched to another ethics code other than her personal one. In the following quote, she appears to say that in the beginning, lying is a learnt ability and then over time, it comes naturally.

> The need for sufficient cover has always been part of the training I've received, from the onset. Over years, lying to fit a certain profile comes naturally (I3: 7-11).

The researcher sees Isaacs as believing lying may be a guilt free intelligence tactic that can be developed over time to be incorporated into the WEF. Lying would not come naturally to Isaacs in her personal ethical code, only in the new framework. Kekana seems to suggest two ethical frameworks, one where lying is permissible, and the other where it is not. "In my line of work I have to lie whereas in my normal life I am against lies" (P6: 11-14). Kekana gives the impression that his work life

(ethical code) is distinct from his ‘normal’ one. It can also be interpreted as saying that his work life may be seen as an anomaly.

The sampled participants were presented with a scenario where a briefcase had to be stolen from a target to verify its contents. The questions in the questionnaire related to whether stealing was justified. The results showed that all of the sampled participants justified stealing in one way or another. “Stealing evidence is accepted as intelligence collection tradecraft” (P5: 16-18). Jordaan, in the given scenario, justifies the theft despite stating emphatically that stealing is wrong. “Stealing is always wrong - don’t get me wrong on that” (W9: 26-27). “It can never be justified” (W9: 31). In this example, Jordaan must have a mechanism for justifying stealing because if stealing is wrong, he would never be able to steal, even if it was a necessary action in an intelligence operation. De Jager appeared to offer a convenient answer to this dilemma: “If I steal as part of my job, it is collection. If I steal to enrich myself, it is theft” (S5: 1-3). This could be interpreted as seeing motive as a key determinant, but it is more likely he attributed the definition to the WEF where stealing is acceptable. In the personal ethical framework it would be theft. He seemed to confirm this where he mentions the act as being ‘part of his job.’ The WEF appears to satisfy the requirements of the intelligence practitioner to still operate and be effective without letting personal ethics get in the way. The participants’ data point out that there are still limits to what the WEF will permit. It does not appear to grant carte blanche approval of any intelligence action. In one scenario presented to the participants, the possibility of blackmailing a person into co-operation is suggested. This appeared to create a dilemma which even the WEF could not always accommodate or tolerate. Jordaan points out that it is a last resort, when all other

possibilities fail, but it appears evident from his response the action disturbs him.

> Blackmail should be your last resort. Isn't there any other way to recruit this source? The source can then never be trusted, because he hates you and you will never know if he is telling the truth. If you do not have any other source who can assist you and you have to get the results, you would then probably recruit this person. Is it justified – no (W8: 8-17).

Jordaan noted it would not be justified even if the recruitment led to a guaranteed success (W8: 20). In the same hypothetical scenario where blackmail is offered as a recruitment tactic, Khoza also appears to struggle to accommodate it within the WEF:

> I don't believe that blackmail if justifiable because the lie used could actually get the colleague fired or in trouble if caught. I do indeed see it as sacrifice to my moral principles because I'm using someone at the risk of their own work. Other methods would need to be exhausted; or rather the recruitment method would have to be different. I would still feel the same even if this sacrifice leads to a success. He deserves the respect as a human being! (K6: 17-29)

Kekana notes other unacceptable collection methods, such as the use of sex to elicit information: "An action is unethical when for example you apply "honey pot" measures"[3] (P3: 1-3). Isaacs seems to acknowledge there are limits to questionable tactics:

> I however, am able to alter my values in order to meet my objectives but *only to a certain point. I know where to draw the line* and what will not be acceptable to me as a human (I3: 22-31). (Emphasis added.)

[3] The honey pot was a tradecraft tactic used by the Russians where sex was used as a blackmail tool against Westerners. The practice involved the recruitment of women prostitutes (known as 'swallows') to trap foreigners into co-operating with the intelligence agency (Trahair 2004: 127).

Coetzee's WEF appears to be the least defined.

> Although tempted often in the beginning of my career to adjust my morals to my intelligence work and in addition struggling with aligning my personal ethics with the work; I became more stable and conscious of my own responsibility the longer I did covert operational work. Rather than adjusting my personal morals to the work, I have (as previously mentioned) adjusted my work to my personal morals which made decision making much easier and less complicated (E8: 30-40).

Coetzee was conflicted ('struggling') until she found the solution which resolved the conflict. The solution was possibly a realignment of her WEF to her personal ethical framework. She goes on:

> Yes, at a stage I questioned it continuously until I found an answer. I was re-established in my core and made a conscious decision to adjust the work activity to my ethical base (E8: 41-45).

Coetzee would possibly have to lean on a separate work ethic to perform some vital intelligence tasks that would be impossible under her personal code, to remain an effective practitioner. The tolerance of her WEF is possibly set at a higher level compared to the other participants. The tolerance of her WEF is influenced by her personal ethics code to a greater extent.

5.5.3.5 Agreed outcomes

The data seemed to suggest that the desired outcome of all the intelligence practitioners consulted appeared the same. They all agreed that the end objective had to be the countering of threats against the citizens of South Africa, stability and protection of the national interest. "Purpose of intelligence

collection is to prevent instability" (A2: 1-2). Although the interpretation of 'threat' or 'national interest' was not a focus of this study, the intelligence practitioners mostly agreed that the Constitution and human rights were guiding principles toward the desired outcome.

> I would also argue the fact that as long as our intrusive collection methods are aimed at *maintenance of national security*, it should not be challenged (P1: 8-12) (emphasis added).

Govender appears to concur: "Intelligence officers work vicariously through the agency, BUT do so for the *protection of all SA citizens"* (A2: 22-27) (emphasis added). "For *national security* it will be 100% justified as it will *save innocent lives*" (P4: 8-14) (emphasis added). Ranjeeth infers it would be easier to function ethically in a stable environment as opposed to a high-risk scenario.

> We all work from the premise all is well in the country and that there is no serious threat to national security. At that stage we all, including the Agency, want to function as ethically as possible. But when the *threat is on our doorstep*, it is difficult to think and function ethically (R2: 13-20) (emphasis added).

This rationale seems to suggest that intelligence practitioners have the option of applying the WEF when the threat against national security sufficiently justifies it. When the threat level is low and intrusive intelligence is not as necessary, perhaps the personal ethical framework will suffice. In both cases, the work must be conducted within the legal framework.

5.6 Summary

The researcher proposes that the data from this exploratory sample support the idea that intelligence practitioners who have to conduct clandestine intelligence collection methods have difficulty operating within a personal ethical framework. The researcher argues that the types of activities required of intelligence practitioners to perform and to be effective in the field, such as lying and deceiving, can conceivably not be accommodated in an individual's personal ethical framework which is characterized by integrity and honesty. Trying to operate effectively within the personal framework, even if the activity is legal and legitimate appears to create contradictions and personal conflict which perhaps even the individuals themselves do not recognize or acknowledge. The answer to this dilemma is the possible rationalisation of action through the creation of a Working Ethical Framework (WEF), which is utilized for work purposes and is functional for the purpose of collecting intelligence. The WEF could possibly accommodate 'tradecraft' action, where people can be targeted, deceived, lied to and used in any other manner. In reaching the end goal, an Agency persona seems to be assumed which allows the practitioner to perform optimally. In this framework, new definitions of ethically questionable misdeeds may make them more palatable and the personal ethical code may not be tarnished. If these actions were conducted for the wrong reasons, for example in private life, then the practitioner would be morally compromised or even criminally liable. The sample of participants in this exploratory study appeared to stress, however, that there are even limits of operation within this framework. The operation must be legally sanctioned and action must be conducted within the rules and conventions of the Agency. There are possibly still certain actions which even the working ethical code will mostly not tolerate. According to the participants of this study, blackmailing a person to co-operate will be condoned in exceptional circumstances only where the

outcome justifies it. The data seem to suggest that they balance the action (means) with a specific outcome (end), which is the protection of citizens, security of the state and stability.

5.6.1 Intelligence Practitioner's Ethical Triad

It is proposed that the analysed data may be interpreted as an intelligence practitioner's ethical triad (Figure 5.1). In the triad, it is argued that the personal ethical framework (PEF) forms one side of the triad and converges with the institutional framework (IF) and WEF. The IF forms another side of the triad and converges with the PEF and WEF at two points. The IF's goals may cause conflict in the PEF which leads to adaptation towards the WEF, the third side of the triad which converges with the PEF and IF. This new framework may be necessary for the IF to function efficiently towards its goal of security and stability. It is proposed, based on the findings of this exploratory sample, that intelligence practitioners with strong personal ethical frameworks (and they are recruited into the profession because of these) will not be able to function efficiently without operating within the WEF. In a sense, the three sides of the triad are equally important and mutually dependable. The efficiency of intelligence production is based on the robust relationship of the three sides of the triad. Having a strong institutional framework (Constitution, laws, policies) without practitioners having a good sense of personal ethics, will lead to failure. A weak institutional framework, no matter how strong the personal ethics of the practitioners are, will lead to failure. The lack of a working ethical framework to function, will lead to failure. If one side collapses, the triad will collapse and intelligence collection cannot be

practiced efficiently. The whole is reliant on the strength and interconnectivity of the sides.

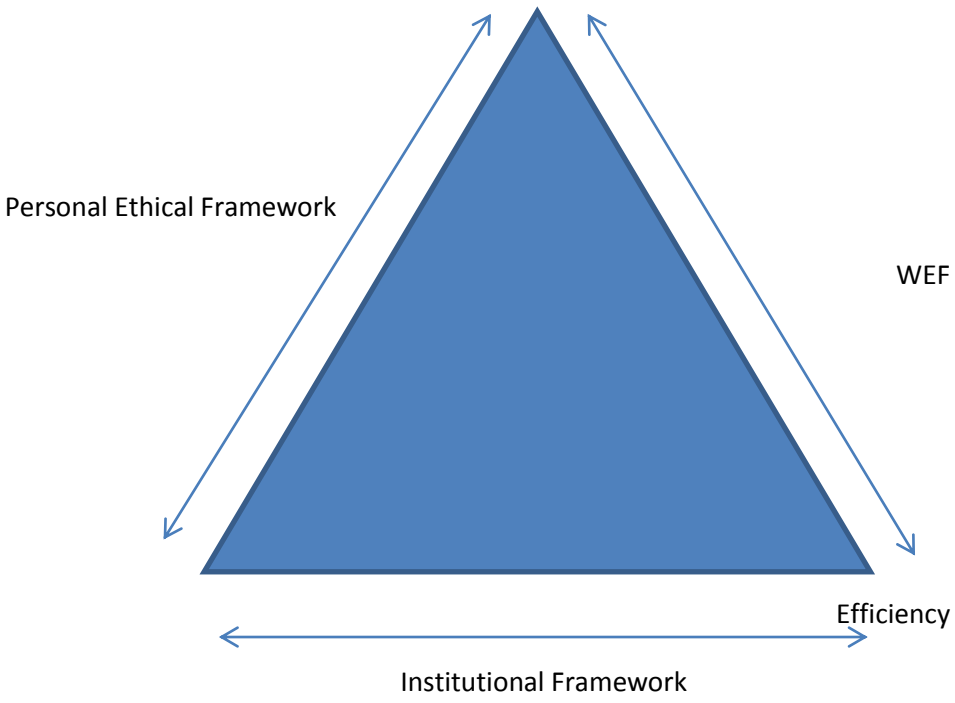

Figure 5.1: Intelligence Practitioners Ethical Triad

5.7 Conclusion

The aim of this exploratory study was to try to understand how the intelligence practitioner deals with ethical issues when using clandestine collection methods. When these themes appeared to emerge from the data, the researcher was concerned about 'framing' the concept of a WEF and confirming a self-derived finding. For this reason, the participants were asked the direct question as to whether they believed they operated in a separate working framework, to which eight of the nine participants responded in the affirmative. This appeared to confirm the notion that a separate working ethical framework exists. Further studies will need to be conducted to confirm and describe the findings of this exploratory study.

The participants answered frankly and honestly and engaged well with the hypothetical scenarios. The choice of using the qualitative approach was confirmed to be the best, as the data provided rich insight into the thinking of the subjects on this topic. It is acknowledged that a small sample may give a skewed result, but this research has opened up the possibility for further academic discourse around the issue of intelligence ethics, not from an outsider's perspective, but from those who are directly involved in ethical decision-making in the intelligence realm.

CHAPTER 6

FINDINGS/DISCUSSION OF RESULTS

6.1 Introduction

Building on and referring to the literature review, the researcher took and combined the research findings into a logical argument which addresses the research problem. The overriding theme which appeared to emerge from the data was participants' efforts to justify ethically questionable actions within a framework outside of their personal ethical code. One of the questions which the researcher hoped to answer was whether intelligence practitioners' views on ethics could be interpreted within a specific ethical, criminological or psychological model.

6.2 Theoretical Ethical Frameworks

There are definite responses to ethical dilemmas in the daily work of intelligence practitioners. The participants have a basic understanding of the various theories which were applied to their answers. The researcher considered it useful in locating the responses of the participants within specific theoretical frameworks by citing a sample of data, but the traditional ethical frameworks are not useful in describing how intelligence

practitioners' deal with the ethical dilemmas they face on a daily basis. The usual test used to locate responses within a utilitarianist or deontological framework is the trolley test (Foot 1967) and so this test was used on participants of this study. Kekana, Jordaan and Hoosein said they would flip a switch which would let the trolley kill one person and save five others, whereas Coetzee and Govender said they would not flip the switch and would allow the one person to live, but five would die. The former response suggests a utilitarian approach whereas the latter a deontological judgement (Conway & Gawronski 2013: 216).

Many of the participants appeared to measure the outcome of their actions in a cost-versus benefit calculation, to determine its utilitarian goal (the greatest good for the greatest number of people). In this exploratory study, the participants appeared to agree that the right course of action is the one which produces the most good (Erskine 2010: 127) and appeared to subscribe to Michael Herman's position (in Erskine 2010: 127) which highlights the integration of intelligence methods and knowledge into an 'ethical balance sheet' where the credits are the information (or knowledge) gained and the (less acceptable) methods used in collection are the debits. Several participants described outcome as a decisive factor in justifying clandestine activity, and this supports literature which describes a utilitarian and specifically a consequentialist approach. The extracts from one participant (Coetzee), indicated a more deontological view which supported studies which stress the importance of duty over consequence and focuses more on how people are treated. The deontological approach to ethics guides an individual in standing by his or her pre-determined categorical imperatives – such as, "I shall not lie." Coetzee's personal ethical framework can be seen as deontological. Several participants saw a positive outcome in the form of a stable, secure country where

the citizens are safe. They indicated that their obligation was to protect the citizens, and uphold the Constitution. Actions that contribute to the good of the political community are considered justified in a realist framework (Jones 2010: 24) and realists believe that acting in the national interest is a worthy moral principle. The participants' extracts appeared to support the notion that using clandestine intelligence methods to gather information to this end, is ethically acceptable and even ethically necessary (Jones 2010: 24).

The moral justification of the means of collection is balanced by the positive impact of the knowledge acquired. Data support Erskine's position where two of the participants justified deception if the goal was positive.

The participants consulted may adopt an 'end justifying the means' line of reasoning. Kekana and Khoza reasoned that they would do whatever it takes to neutralise a security threat.

Bolton's (2010: 194) survey of intelligence practitioners in the US Army showed 67 percent of participants indicated it is ethical to hurt one person to help many, although they acknowledged context was important – the situation has to dictate the severity of the action. Asked to perform a duty that upon hindsight, they would consider unethical – 8 percent said yes and 89 percent said no (Bolton 2010: 199). This is consistent with the views of the participants who viewed the 'harming' of people necessary where the end purpose was to the benefit of many (the nation's security).

Participants seemed to refer to a set of ethical imperatives separate from their personal ethical frameworks. Some participants (notably Coetzee, Isaacs and Ranjeeth) appeared to have clearly demarcated personal ethical frameworks where deontological imperatives applied yet were still willing to break these imperatives in the interest of fulfilling their legal mandate.

Their answers to questions relating to using tradecraft methods involving lying and deception, appeared to indicate that they hold strict deontological imperatives in their personal ethical framework, for example where Jordaan states: “Stealing is always wrong - don’t get me wrong on that” (W9: 26-27). “It can never be justified” (W9: 31). Yet, most of the participants also accept lying and stealing may be part of their working ethical framework and still need to accommodate it. These extracts highlight the conflict or dissonance which is aroused where there is a clash between how these individuals view themselves and the ‘immoral’ activity they have to perform which changes how they feel about themselves. Several participants described how the disjuncture between their personal morals and working role caused conflict.

In deontological thought, intentions are important, possibly more so than the act itself. If an intelligence practitioner follows a predetermined set of rules with a pure motive (not self-interest), then actions could be morally justified, even if the consequences are bad. This is why De Jager could claim that it is the intention behind the act of appropriating an object that makes it ‘collection’ not ‘stealing’. To Khoza, it seemed as if the motive was important to determine whether harm was caused or not. Kant argues that we can only treat humanity as an end and never as a means only, a view which some of the participants in the exploratory study held, particularly when it came to the issue of blackmail. Khoza indicated that a target ‘deserves respect as a human being.’ Kekana agreed there are limits to collection methods, such as the use of sex to elicit information. In a deontological sense, the coercion often employed to procure a human agent could never be justified, as coercion is morally unacceptable because it can never become universal law and the human agent has no value as an end to self (but is merely a tool who is quite often deceived into co-operation). Harm, when

factored in before an action is taken, can be justified. De Jager and Jordaan both concede that intelligence work presupposes harm will be done to a target and factor it in.

Kant's duty ethics believed that obligation was everything and a moral act could never be the consequence of selfishness. An intelligence practitioner would be acting immorally if he or she did not collect intelligence, because it is their sworn duty to do so.

6.3 Personal Ethical Framework

In the literature, a fundamental objective of intelligence ethics studies is the determination of the participants' personal moral codes (Bolton 2010; Rolfe 2015; Bailey 2015; Pekel 1998 et al). Contemplated actions are evaluated by intelligence practitioners against personal moral preferences (Charters 2006: 366). Practitioners would not always have a clear understanding of the ethical principles which would guide them into knowing what is right and wrong. The average person has little knowledge of ethical reasoning and the various ethical frameworks as outlined above. The literature on ethics describes how an ethical framework aims to identify the basic principles, criteria or standards which we should use to determine what is right or wrong and how we are to act morally in a given situation (Frankena 1973: 61). Some of the participants in this study also seemed to experience a change in their moral compass over time which may have led to conflict. These views appear to support what Welsh et al (2015: 3) calls the slippery slope of unethical behaviour, where deviant behaviour is likely to take place gradually, beginning small and escalating to the point

where they themselves would not have originally considered permissible. This is consistent with the data which point to some of the participants' behavioural change over time. The intelligence practitioner functions within an institutional framework which legalizes activity but does not necessarily legitimize it. The participants in the exploratory survey appeared to focus more on the legality of an action, than its legitimacy. The literature highlights a difference between legal and legitimate (Rolfe 2015: 2). A legal activity is legitimate if it is conducted ethically. An illegal activity cannot be legitimate or ethical. A legal activity can, however, also be conducted unethically. Rolfe observes that ethical behaviour leads to trust, which forms the basis of the relationship between a government and its citizens. Participants in this study appeared to respect the precepts and limitations of the law and functioned within its framework. Bailey (2012: 55) noted that an action may be legally permissible, but considered morally unacceptable by many. A practice may also be morally appropriate, but not legally acceptable. In the study, participants appear to acknowledge the importance of applying the law in an ethical manner. According to Rolfe (2015), the test for ethics and legitimacy is found in whether the action can be defended publicly. Accountability is the overall test of the ethics of human intelligence activities, according to former Director of CIA, Stansfield Turner (quoted by Rolfe 2015: 2). Coetzee's views were robust on accountability, but all the participants appeared to accept that operating within the legal framework made them accountable to the Constitution, laws and the institutional policies. One of the participants in this study believed that she needed to be accountable to her own child for the activities she was involved in. Bailey (2012: 56) suggests that intelligence practitioners are bound to face conflicting moral and legal duties which leads to challenging questions about shared values and appropriate ways of resolving conflicts between two 'right' actions. Jordaan

highlighted the dilemma of needing to justify an action which was unjustifiable in his comment on the recruitment of a source using blackmail.

Rolfe (2015: 4) asks whether collection activities are always for the public good, or if collection isn't just conducted because we can and not because we must. He notes that ethically, individual rights should always trump institutional convenience. Some of the participants in the exploratory study appeared to disagree and saw the need to be goal focused in order to maintain stability and security.

Phythian (2012: 13) refers to Kent Pekel's research based on structured interviews with fifty CIA professionals where the serving officers saw intelligence as being ethically neutral. The participants in this exploratory study appeared to share the view that the profession of intelligence, like journalism and the military, allows a person to act in ways which would be wrong, were it not for the role (Pekel 1998: 3). In this study, participants saw the deception as part of their work function and considered it morally neutral and as 'just doing their job.' Statutory intelligence services exist to collect information, convert it into intelligence products and provide it to clients (Bruneau & Boraz 2007: 7). Ideally, the client uses the intelligence products to make decisions in the national interest. The participants strongly asserted their views on protecting the national interest and maintaining state security.

6.4 Rationalizations

Rationalizations allow intelligence practitioners to stay in their chosen profession for decades without feeling the burden of ethical compromise. They have to adapt to the world of intelligence and embrace the 'unwritten spy bible'. Olson shares a CIA joke: "What do you call a case officer who cannot recruit? A former case officer" (Olson 2006: 236). Without being able to find a way around the ethical dilemmas of tradecraft, an intelligence practitioner cannot be effective and may have to leave the profession. The morally correct thing may be to not lie, but the intelligence practitioner would be unable to work efficiently if she didn't lie and therefore be conflicted and lead a miserable life. Bailey asserts that intelligence practitioners should resolve conflicts through asking themselves if there are less morally questionable actions available which are equally effective (Bailey 2012: 62). This rationalization is consistent with what participants appear to experience. The survey showed participants weighed up the intrusiveness of the operation against the need of the intelligence available.

6.5 Adapted framework

The data presented in this study suggest a drift in the moral compass where attitudes towards ethical issues change over time and adaptation to a new ethical code takes place. Based on this argument, intelligence practitioners may be influenced within their work environment (social group) to accept certain unethical activity as a norm and this may cause a drift in their moral compass. This phenomenon, which Welsh et al (2015: 3) calls the slippery slope of unethical behaviour, is likely to take place gradually, where the

> … temptation to commit small indiscretions (Mazar, Amir, & Ariely 2008) over time may gradually lead

> people to commit acts that are considerably less ethical than they may have originally considered permissible.

Dissonance is experienced when an individual views herself as immoral or unethical and which jeopardizes her positive self-concept (Harmon-Jones & Mills 1999: 14). This is why Khoza probably declared that the deceptions she was involved in made her feel like a liar. Cooper (2007: 92) draws on research conducted by Claude Steele to suggest that when an individual's self-system is threatened, they need to affirm its integrity. These threats may occur when individuals see themselves as being unworthy or dishonest. Participants in this research appeared to resolve the threat deviant activity may have posed to their self-system (personal ethical framework) by re-inventing a framework where self-worth is restored.

Individuals who do not receive affirmation from their identity group (peers) from whom they draw strength, can lose their sense of self-worth. The degradation felt by the individual is the end result. Cooper (2007: 11) proposes that consonance can be restored through a change of opinion about the element causing the dissonance. The discrepancy between a decision made and the consequence can be minimized by justifications. De Jager's quote is a fine example:

> If I steal as part of my job, it is collection. If I steal to enrich myself, it is theft (S5: 1-3).

By changing his opinion on the function he has to perform (stealing), he effectively reduces the dissonance it may cause. It may also be important to note that because intelligence practitioners are functionaries of the State, their activities are given legitimacy and, in their minds, justified. If a behaviour which leads to a negative consequence is forced by someone else, there is no dissonance. Participants in this study often

justified their actions as being ‘legal’, Constitutional and in line with the objectives of the institution. Although tradecraft is not ‘forced on’ the practitioners, they are in effect not responsible for the action. The participants were expected to function in a legal framework and conduct activity which allowed them to fulfil this obligation. Clandestine activity possibly resulted in conflict at two levels: firstly, the personal ethical framework suffered dissonance because some of the activity conflicted with what the participant considered good and normal behaviour, and secondly, the participants perceived the public as being non-supportive of clandestine intelligence work. Rolfe notes:

> It is always a temptation to assume that our collection activities are for the public good, to keep the country and its citizens secure. But is that always so? Are collection activities ever, for example, for institutional convenience or carried out because we can rather than because we must? Certainly, on ethical grounds, individual rights should always trump institutional convenience (Rolfe 2015: 4)

The participants’ extracts seem to be consistent with studies which highlight the phenomenon of ‘reframing’ as a type of moral hypocrisy. Research by Ayal et al describe how an individual can believe one thing, whilst acting contrary to it (Ayal and Gino 2011, Batson, Kobrynowicz, Dinnerstein, Kampf, & Wilson 1997; Monin & Merritt). Several participants cited their aversion to deception and lying, but freely admitted practicing these actions. Barkan and Ayal (2015: 7) describe *moral hypocrisy* as a “cynical post-violation justification [which] allows people to hold two distinct belief systems”. In so doing, individuals distort their understanding of their actions (Moore and Gino 2012: 23) and reframe immoral actions as defensible (Barkan and Ayal 2015: 9). Based on themes drawn from their questionnaires, participants may be perceived as functioning in two distinct ethical frameworks, a personal one, and one which they invoke

when they need to function as an intelligence practitioner. The studies by Gino and Moore (2013) are helpful in understanding how participants can ‘sanitize’ unethical practices by using euphemistic labels, and then freely participate in them. This renaming and reframing of unpleasant or uncomfortable concepts as highlighted in Gino and Moore’s (2013) study, appears to be a ‘dissonance reducing’ tactic used by intelligence practitioners. Participants’ extracts support this view. De Jager renames ‘stealing’ as ‘collection’ and Kekana says stealing is accepted intelligence tradecraft.

Language is an important facilitator of how a decision should be understood and allows an individual to choose appropriately. The intelligence profession has its own euphemistic language (‘dead drop’, ‘honeypot’, ‘false flag operation’, ‘plausible deniability’) and this language can socialize practitioners into the belief that these activities are morally acceptable and part of intelligence culture. The participants’ acceptance of unethical action as a norm is confirmed by a study conducted by Bersoff (1999: 30) with 120 participants who were overpaid to participate in a study, aimed to test the hypothesis that

> ... unethical behavior is promoted when people are able to develop and maintain a biased characterization of an unethical action as being morally acceptable was tested.

Several participants described how certain activities, such as lying and deception, when carried out for purposes of work, were morally acceptable. Research findings propose that dissonance can be reduced when individual’s thoughts or behaviour are adapted to avoid inconsistencies between cognitions (refer to Martinie et al 2013: 7). In the case of participants, they reconcile their ‘immoral’ behaviour with the understanding that they are serving a work function and this

reduces inconsistencies. They also invoke the thought that these unethical actions benefit the majority of people, and so the altruistic motivation is drawn upon.

When Isaacs says ‘emotions cannot come into play’, she may be neutralising the moral and cultural obstacles which would have caused her to feel guilt. This allows her to later state:

> I can spy on anyone who is of interest to me. Collecting information on a target is not personal to me at all. If the end justifies the means, I go for it (I3: 32-37).

Participants views support research that show neutralization techniques are employed to justify deviant action. Obedience to authority was identified as a key neutralization technique used by participants. The appeal to institutional legitimacy, the law, protection of citizens and national security were all cited as justifiers for their activity. A study by Milgram (1974) concludes that individuals who are in institutional positions of authority, cannot resist obedience to that authority. The extracts which appeal to the legal mandate of the SSA indicate that several participants are motivated by obedience to authority and this serves as a dissonance-reducing mechanism. The real or perceived legal obligation of the participants also support research relating to organizational behaviour as posited by Shu, Ferrel Gresham, & Fraedrich 1989; Treviño, 1986 where “job context, incentive structures, and organizational culture” play a role in negative ethical conduct. The role of an intelligence practitioner involved in clandestine collection methods would be sanctioned (and possibly encouraged) by the organization which would benefit from their conduct. There is no suggestion that intelligence practitioners overstep the mark of what is legally permitted in their course of work. It is also not implied that the

SSA is deliberately encouraging negative ethical conduct. Repugnant tasks are par for the course for intelligence practitioners and the intelligence organisation itself may be what Pekel (1998) describes as being ethically neutral.

With regard to how intelligence practitioners have to deal with the possible internal conflicts, the data suggest participants in the study may separate the clandestine activity (involving lies and deceit) from their personal ethical framework and create a working ethical framework where the actions become morally less questionable and where they can still function effectively. The extracts relating to separation of personal and work ethical frameworks and the 'switching' from one to the other when necessary, is pertinent here. Participants clearly separated their personal life from their work life. At work, their colleagues looked and acted just like them. This is consistent with studies by Swann, Pelham, & Krull (1989) which concluded that individuals associate with others who see them as they see themselves, as this confirms their self-concept. Participants self-verification of their own morality results in them viewing themselves as moral, regardless of the actual ethical content of their actions (Moore and Gino 2013: 27). They concede that this

> … tendency can lead individuals to create and maintain cultures that may perpetuate morally questionable behaviours, as individuals will seek to remain in the company of those who confirm their positive self-regard, regardless of their actions.

Bersoff (1999: 28) cites various studies which substantiate the idea that defensive processes must necessarily be brought to bear in order to rationalize unethical behaviour. Themes drawn from participants of this study suggest various neutralization techniques. In the next section, participant

responses are applied to Sykes and Matza's (1957) neutralization model.

6.6. Neutralization theory

Research into the neutralization theory, originally proposed by Sykes and Matza (1957), leads to the suggestion that several participants may indeed employ some of the techniques Sykes and Matza posit. Four of the techniques of neutralisation were studied (Williams & McShane: 1999: 193) and applied to data.

6.6.1 Denial of Responsibility

Acts are the product of forces beyond the control of the individual. The individual has no control over the situations he or she finds him or herself in. "I didn't mean it". The participants appeared to believe that the acts they committed in pursuit of their operational objectives were outside of their control and part of their legal mandate. Extracts consistently justified the work activity of participants as being 'in the line of duty' and in pursuit of their legal mandate. They did not appear to experience feelings of personal responsibility for their actions.

6.6.2 Denial of injury.

No harm is caused. "I didn't really hurt anybody." In the study, participants neutralized possible feelings of guilt by

denying any harm was caused to the victim (target). Multiple extracts confirmed that the participants did not consider harming a target or source as a deterrence to their operational work. Yet Gray & Schein (2012: 413) assert that harm should be an important measure of whether an action is moral or not. If harm is a consequence of an action, they suggest that it is then an immoral action. A follow up question to participants confirmed that most believed their actions caused harm, yet most also did not consider this harm to be immoral. Harm may be difficult to define and quantify from an intelligence collection point of view, and this possibly makes it easier to rationalize away.

6.6.3 Condemnation of the Condemners

Those who disapprove of the act have wrong motives or ulterior agendas. “Everyone’s picking on me.”

In Arrigo’s (2006) study, the proposal was made that intelligence practitioners differentiated between how ‘insiders’ and ‘outsiders’ viewed intelligence work. The participants’ extracts suggest that participants in the study also drew a distinction between ‘insiders’ and ‘outsiders’, those who were within the intelligence community, and private citizens. Citizens, and possibly the media, tended to condemn the practice of clandestine intelligence practices and saw it as an infringement of privacy and of human dignity. Participants shared the view that the public was not in a position to judge their intelligence activity. The participants’ proposed that somebody not in the intelligence community does not understand its workings, and, by implication, are scorned for their wrong motives.

6.6.4 Appeal to Higher Loyalties

Sykes and Matza's (Williams & McShane: 1999: 193) Neutralization Theory suggests some rules of society are abrogated for the good of other individuals or groups. "I didn't do it for myself."

The participants of the study may subscribe to this way of thinking. Intelligence practitioners are undertaking these functions, not for personal gain or satisfaction, but for a greater good, be it national security, the good of all citizens or the best interest of the country. This view came through strongly in the data. Chi-Mei (2008: 252) notes two other neutralization methods which may be employed by those seeking to commit a deviant act.

> Minor (1981) found some support for the use of neutralization in a sample of college students. He identified the two additional neutralization techniques: (a) "the defense of necessity" (if an act is perceived as necessary, then one needs not feel guilt about its commission) and (b) "the metaphor of the ledger" (one with a sufficient supply of good credit can indulge in some evil without feeling guilt (p. 298).

The participant responses suggest intelligence practitioners may use the defence of necessity as a neutralization technique. Intelligence practitioners see their profession as necessary to safeguard the nation and this came out strongly in participant responses.

Equally, the metaphor of the ledger may be applied to the intelligence profession. The researcher argues practitioners may believe the good that accrues from their successful operations allows them sufficient credit to 'indulge in some evil.' This is consistent with the cost-benefit calculation that many of the participants appeared to use to justify their activity.

6.7 Outliers

Outliers are participants whose views are not aligned with the other participants and whose contribution is not an easy fit into identified themes and patterns. Coetzee was clearly an outlier in that her responses were often inconsistent with the other participants. She appears to have a strong faith-based ethic that directs her daily activity. Miles and Huberman (1994: 269) indicate that outliers, which are seen as exceptions in a finding, should not be ignored. Outliers protect the researcher against "self-selecting biases" and may even strengthen the basic finding. Coetzee's data showed that intelligence practitioners with strong faith codes can overcome the temptation to operate in an alternative ethical framework. At least in this study, Coetzee's strong, uncompromising religious convictions served as an explanation as to why her working ethical framework was not well defined.

6.8 Own View on Intelligence Ethics

To reinforce the principle of external reliability, the researcher articulates his own view on the topic of intelligence ethics so that readers have insight into what drove the data collection. The researcher is of the view that above all else, intelligence practitioners are pragmatic and rational human beings who have chosen a career path which is unique, challenging and beset with contradictions. It cannot be that those who sign up as intelligence practitioners and are assigned to operational units are surprised at the type of activity which

they are expected to undertake. The researcher's view is that there is a plethora of literature (both fiction and non-fiction) which describes what intelligence work entails. No prospective intelligence practitioner can be oblivious to the fact that he or she will enter a world of deception and lies. In the same way, a person would not become a defence attorney and then be surprised when he or she has to tell untruths to defend his or her client. When a person voluntarily enters the world of intelligence, he must reasonably expect to participate in the accepted customs and traditions of the profession which are well documented, even at folk-lore level. Before embarking on the research, the researcher's expectation was that individuals would react in different ways to engage in morally questionable activity. The researcher predicted that the majority of participants would steel themselves against the more objectionable activities in the beginning and perhaps push back morally for a period, only to be conditioned by time and their peers into acceptance that this is the norm and it is necessary. The researcher believed a minority would have either deep conflict about the type of work expected of them, or wholeheartedly embrace the tradecraft. The expectation of the researcher was that the outliers would not make any less of a contribution to the production of intelligence than the normalized participants. Any person who is deeply conflicted by intelligence work will simply exit the profession. Contrary to what might be portrayed in the popular media, the intelligence service is not an institution from where there is no escape. Practitioners can exit the profession if there is discomfort at the moral or ethical aspects of the work, or they can request a transfer to non-operational sections such as research or administrative branches.

6.9 Conclusion

The researcher suggests intelligence practitioners may experience the same feelings of guilt as other perpetrators of deviance and may use the same neutralization techniques in order to function. The use of criminological theories to explain and describe clandestine intelligence collection is a field which will need more exploration and discussion. In the same way, the cognitive dissonance and ethical dissonance models are useful in understanding how intelligence practitioners rationalize their behaviour either within their own personal ethical framework, or within a separate working ethical framework. The institution provides a legal framework and guidelines to the practitioners and allows them to function within this framework in order to reach the objectives of the institution, in this case, security of the State.

Ultimately, each intelligence practitioner needs to make his or own decisions on which methods to use to be effective (Bailey 2012: 62). Most intelligence agencies (or companies) don't provide a strong ethical culture which offers practitioners guidance on what to do in ethically ambiguous situations (Trevino & Weaver 2006: 358). They are left on their own to try and navigate these murky waters relying on their upbringing, education and professional background for guidance. Literature shows that intelligence practice does not pretend to be ethical and some of the participants in the study concur:

> *I am not a priest you know* (S4: 12-16) (emphasis added).

This chapter sought to position the data within specific philosophical, criminological and psychological models. Further studies will be necessary to confirm and expand upon the findings of this exploratory study.

CHAPTER 7

SUMMARY AND CONCLUSIONS

7.1 Overview of interpretation and analysis

This research set out to answer the following question:

What ethical views do a sample of intelligence practitioners hold in the collection of clandestine intelligence?

This question was answered by participants who outlined that making informed ethical decisions in their intelligence work was by no means simple or exact. A combination of factors played into how they made ethical decisions and how they justified (or did not) these decisions. A combination of institutional frameworks (deontologically derived rules predetermined by the institution) and personal ethical frameworks (derived by each individual participant's family, religion etc) were key in creating a working ethical framework (intertwining the former and the latter) which allowed/justified them in making ethical decisions. The analogy of a cord may be used where each strand plays an essential role in the utility of the whole. The first strand is the personal ethical framework which gives the cord a moral strength and purpose. The second

strand which intertwines the personal ethical framework strand is the institutional framework strand which gives the cord legitimacy and provides statutory direction. These two strands on their own would not provide a link between the need of the State to provide security to its citizens and the end goal of a secure State. The third cord which intertwines the other two is the working ethical framework which provides the justifications for the work and allows the practitioners to function without their moral self-sense being blemished. Each strand of the cord is essential to the other in a type of synergetic relationship. This study argues that without the third strand (the working ethical framework), the personal ethical strand and the institutional strand will be weakened to the point where the cord would have no utility. The Intelligence Practitioners' Ethical Triad as displayed in Figure 5.1 above aptly describes the importance of the three sides of the triad, making it a structure which is dependent all sides being present to give it strength and utility.

7.1.1 Central Idea

The views of the participants may be distilled into one central idea which highlights the complexity of intelligence ethics. Intelligence practitioners are normal human beings who have chosen an extraordinary profession. The profession gives these individuals the ability to function as legal 'deviants', whilst maintaining their personal and professional integrity. They view their assignments as a necessary requirement in fulfilling the legal obligations of their profession, that is, the maintenance of the security of the nation–state. The findings support the notion that intelligence practitioners have personal ethical frameworks which can be considered consistent with those of any other reasonable human being. The institution of intelligence demands of these individuals' participation in activity which may be seen

as deviant from a criminological perspective, but are seen by the participants as merely part of the job requirements. Some participants experience conflict in that their sense of self is harmed through engaging in tradecraft activity, but all seem adept at rationalizing this behaviour through various learned techniques. These rationalizations were explained within the context of a Working Ethical Framework, underpinned by criminological theories which describe and explain the rationalization of deviance and a psychological model which explains dissonance reduction. The researcher proposes the Working Ethical Framework is a separate framework which practitioners may use to justify their clandestine collection methods as their personal ethical frameworks will not accommodate their 'deviant' activity. One participant, with a strong faith to draw on, justified her actions on the basis of her faith.

Coldea (2017:109) notes that intelligence codes of ethics are there to provide the intelligence practitioners with tools which are able to outline the moral norms of the profession so that behaviours can be defined which society expects from the practitioners. This study proposes that the intelligence institution is unable to design a code of ethics which will accommodate the working functions of operational intelligence practitioners. Instead, these practitioners rely on their own 'Spy Bible' which directs their behaviour within the institutional context. The Spy Bible draws on a combination of ethical models to find solutions on how to be efficient in the intelligence domain. Utilitarian precepts were invoked where actions by the state are evaluated according to the state's capacity to produce the best aggregate consequences for its particular circumstances. The act utilitarianism approach on its own appears to be unable to provide clear ethical guidance when it is applied to qualitative comparative assessments of harm. The Spy Bible may also

invoke Rule utilitarianism, which requires the analysis of the likely effect of compliance with existing rules and how these rules produce the best overall consequences in a particular circumstance (Cooper & Murphy 1997: 9). Participants in this study were clear in that they complied with general rules (the obligations of the Acts governing their work) and this gave their ethically challenging tasks legitimacy. From a deontological point of view, practitioners who were sampled believed they had a duty to serve and protect in the interests of national security, but the model could not account for actions which were blatantly wrong, such as coercion where harm is a certain consequence. The Spy Bible, unwritten as one participant describes it, encapsulates the dilemmas practitioners encounter and provides the solution. It is a unwritten code of ethics which optimizes the performance of intelligence practitioners to ensure the primacy of the beneficiaries interests. This informal rule-book is not institutionalized, but forms the basis of directing the ethical behaviour of practitioners in their creation of a working ethical environment and includes the types of rationalizing ideas found in utilitarianism and specific criminological models such as the rational choice theory. The ultimate goal of rationalizing uncomfortable behaviour is to legitimize it on a personal basis so that the practitioner's self-concept is not harmed, which would result in conflict and work paralysis.

7.2 Contribution of the study

It is hoped that this exploratory study prompts other researchers to seek novel and innovative ways of understanding intelligence ethics in the future. This study attempted to obtain a snapshot of how intelligence practitioners in South Africa cope with ethical dilemmas in performing clandestine intelligence

activities to fulfil their legal obligations to maintain a safe and secure State. The study hopefully contributes to the existing literature on the subject and offered a novel way of interpreting how intelligence practitioners rationalize their behaviour using criminological and psychological models. The researcher suggests that preconceived models of understanding intelligence ethics may need to be reconsidered and new approaches to understanding this complex subject sought. No previous studies have identified and described a new fit for purpose ethical framework in the intelligence community in South Africa.

7.3 Recommendation for Further Studies

The Awareness, Motivation and Pathway (AMP) typology was developed by Honig et al (2014) to create a theoretical framework to enable conditions for change. The model presents three elements necessary to bring about changed behaviour - Awareness, Motivation and Pathway (Honig 2014: 19). The variables used to describe these elements can be adapted to define other phenomena where behaviour change is key (Honig 2014). This exploratory study on intelligence ethics suggested practitioners lack awareness of how to deal with ethical issues in the course of their operational activity. The study also highlighted the lack of enablers which would promote better understanding of ethics. Adaptation and change were identified as key elements which determine the practitioner's effectiveness in the field. Training could be the pathway to creating awareness and thus a motivation to changed behaviour. The training will present possible courses of action that enable practitioners to shift their behaviour towards that which supports ethical

collection practices. The subjecting of the AMP assessment tool to the area of intelligence ethics is a possible theme for a Doctoral thesis.

REFERENCES

Publications, Papers, Seminars and Dissertations

Big brother exposed 2015. Available bigbrother.r2k.org.za

Braun, V and Clarke, V. 2006. *Using thematic analysis in psychology*. In Qualitative Research in Psychology 2006. Edward Arnold Publishers Ltd.

Cordy, C. 2007. *Counterterrorism and the Deterrence Doctrine:* Master's Thesis: University of Tennessee

Crane, A. 2003. *In the company of spies: the ethics of industrial espionage.* Research paper series. Nottingham: International Centre for Corporate Social Responsibility (ICCSR).

Duvenhage, P. 2010. *Open-Source environmental scanning and risk assessment in the statutory counterespionage milieu*. PhD thesis. Pretoria: University of Pretoria

Hudson, W.E. 2010. *The Ethical Spy: Towards Intelligence Community Rules of Professional Conduct.* The Georgetown Law Journal (Vol 98: 1415)

Lewis, C.W. 1991.*The ethics challenge in public services*. California: Jossey-Bass

Van Rees, M.A. 2009. *Dissociation in Argumentative discussions.* New York: Springer

Wassenaar, D.R & Mamotte, N. 2012. *Ethical issues and ethics reviews in social* science research in Ferrero, A., Korkut, Y., Leach, M., Lindsay, G. & Stevens, M.J. (eds.) in *The Oxford Handbook of International Psychological Ethics* DOI: 10.1093/oxfordhb/9780199739165.001.0001

Journals

Akers, RL 1990. Rational choice, deterrence, and social learning theory in criminology: The path not taken. Criminology Hein Online Journal Article

Akers, R.L. 2013. Criminological theories: Introduction and evaluation Routledge :

Andregg, M. 2007. Why Bother with—Intelligence Ethics Anyway?: Intelligence Ethics: the definitive work of 2007. (Michael Murphy Andregg, ed.) Center for the Study of Intelligence and Wisdom, St. Paul, Minnesota, USA

Andregg, M. 2009. A Symposium on Intelligence Ethics Intelligence and National Security

Ariely, R. B & Shahar A D. 2015. Ethical dissonance, justifications, and moral behaviour: Journal of personality and social psychology. Vol 74 Is 1

Ayal, S & Gino, F. 2011. Honest rationales for dishonest behaviour. The social psychology of morality: Exploring the causes of good and evil. Washington, DC: American Psychological Association

Baack, D, Fogliasso, C & Harris, J. 2000. The personal impact of ethical decisions: A social penetration theory: Journal of Business Ethics: Springer

Bersoff, D. M. 1999. Why good people sometimes do bad things: Motivated reasoning and unethical behavior. Personality and Social Psychology Bulletin*, 25*, 28-39.

Bersoff, D M 2001. Why good people sometimes do bad things: Motivated reasoning and unethical behavior: The next phase of business ethics: Integrating psychology and ethics. Emerald Group Publishing Limited.

Bersoff, D.N, Koeppl, P M. 1993. The relation between ethical codes and moral principles.

Bruhn, J.G. 2009. The functionality of gray area ethics in organizations . Journal of Business Ethics (DOI 10.1007/s10551-008-9994-7)

Chi-mei , J: 2008. Neutralization Techniques, Crime Decision-making and Juvenile Thieves, International Journal of

Adolescence and Youth, 14:3, 251-265, DOI: 10.1080/02673843.2008.9748006

Christensen, T. 2010. Presumed guilty: Constructing deviance and deviants through techniques of neutralization: Taylor & Francis Group, LLC

Clark, J W & Dawson, L. 1996. Personal religiousness and ethical judgements: An empirical analysis Journal of Business Ethics

Coldea, F. 2017. An Axiological Perspective on the Intelligence Profession. Redefining Community in Intercultural Context: International Conference RCIC 17

Conway & Gawronski: 2013. Deontological and utilitarian inclinations in moral decision making: a process dissociation approach Journal of personality and social psychology American Psychological Association

Cooper, P & Murphy, J. 1997. Ethical Approaches for Police Officers when Working with Informants in the Development of Criminal Intelligence in the United Kingdom: Jnl Soc. Pol., 26, 1, 1–20 Cambridge University Press

Cromwell & Thurman, Q. 2003. The devil made me do it: Use of neutralizations by shoplifters. Taylor & Francis

Crossan, M, Mazutis, D & Seijts, G. 2013. In search of virtue: The role of virtues, values and character strengths in ethical decision-making Journal of Business Ethics vol 113 issue 4

Forcese, C. 2011. Spies Without Borders: International Law and Intelligence Collection

Fritzsche, D.J. 1995. Personal Values – Potential Keys to Ethical Decision-making. Journal of Business Ethics. Vol 14 Is1.

Gendron, A. 2005. Just war, just intelligence: an ethical framework for foreign espionage. Vol 18, No.3. Fall.

Gill, P. 2003. Democratic and parliamentary accountability of intelligence services after September 11th. Centre for the Democratic Control of Armed Forces Working Paper 103.

Gill, P. 2009. Security Intelligence and Human Rights: Illuminating the 'Heart of Darkness'? Intelligence and National Security Vol 24 Issue 1 Taylor & Francis

González-Prendes, A. Antonio. 2011. Dissonance between personal and professional values: Resolution of an ethical dilemma. Journal of Social Work Values and Ethics. Vol 8, Is 2

Gosling, Denizeau, M & Oberlé, D. 2006. Denial of responsibility: A new mode of dissonance reduction: Journal of personality and social psychology Vol 90, Issue 5 American Psychological Association.

Gray, K & Schein, C. 2012. Two minds vs. two philosophies: Mind perception defines morality and dissolves the debate between deontology and utilitarianism: Review of Philosophy and Psychology Vol 3 Issue 3.

Gül, S.K. 2009. An evaluation of the rational choice theory in criminology: Girne American University Journal of Social and Applied Science: Vol 4, Is 8

Harmon-Jones, E, Brehm, J W., Greenberg, Simon, L & Nelson, D. 1996. Evidence that the production of aversive consequences is not necessary to create cognitive dissonance. Journal of personality and social psychology Vol 70 Is 1 American Psychological Association.

Harris R.& Sutton, C D. 1995. Unravelling the ethical decision-making process: Clues from an empirical study comparing Fortune 1 000 executives and MBA students. Journal of Business Ethics Vol 14 Is 10

Henle, C A., Giacalone, R & Jurkiewicz, C L. 2005. The role of ethical ideology in workplace deviance. Journal of Business Ethics Vol 56

Herman, M. 1999. Intelligence services and ethics in the new millennium. Irish Studies in International Affairs

Hladik, C. Rusbridger's "The Snowden Leaks and the Public" and Mill's Utilitarianism: An Analysis of the Utilitarian Concern of "Going Dark." Stance: An international undergraduate philosophy journal: Volume 7, April 2014

Honig, M, Peterson, S; Herbstein, T; Roux, S, Nel, D; Shearing, C. A 2014. Conceptual Framework to Enable the Changes Required for a One-Planet Future. Environmental Values. The White Horse Press

Hoshino-Browne, E, Zanna, A.S, Spencer SJ, Zanna, MP, Kitayama, S & Lackenbauer, S. 2005. On the Cultural Guises of Cognitive Dissonance: The Case of Easterners and Westerners. Journal of Personality and Social Psychology American Psychological Association. Vol. 89, No. 3.

Ladkin, D. 2006. When deontology and utilitarianism aren't enough: How Heidegger's notion of "dwelling" might help

organisational leaders resolve ethical issues: Journal of Business Ethics Vol 65 Is 1.

Loewenstein, G 1996. Behavioral decision theory and business ethics: Skewed tradeoffs between self and other: Codes of conduct: Behavioral research into business ethics New York: Russell Sage Foundation

Martinie, M, Milland, L & Olive, T. 2013. Some theoretical considerations on attitude, arousal and affect during cognitive dissonance. Social and Personality Psychology Compass Vol 7 Is 9.

Macdonald, J.E & Beck-Dudley, C.L. 1994 Are Deontology and Teleology Mutually Exclusive? Journal of Business Ethics 13: 615-623 1994.

Moore, C & Gino, F. 2013. Ethically adrift: How others pull our moral compass from true North, and how we can fix it. Research in organizational behaviour. Vol 33, sp 53.

Netshitenzhe, T. 2004. Centralisation of lawful interception in South Africa. In Intelligence Perspective 2/2004 Mmabatho: Intelligence Research Institute. John Wiley & Sons Ltd. Wiley-Blackwell Publishing Ltd: United Kingdom

Phythian, M. 2012. The Ethics-Intelligence Tension: Sources and Bypassing Strategies: International Journal of Intelligence Ethics Vol 3 Is 2.

Read, D. 2004. Utility theory from Jeremy Bentham to Daniel Kahneman. Department of Operational Research, London School of Economics.Working Paper No LSEOR 04-64

Rusch, H. 2015. Do bankers have deviant moral attitudes? Negative results from a tentative survey. Rationality, Markets and Morals Vl 6, Is 92. Frankfurt School of Finance & Management.

Shpiro, S 2007. Speak no Evil–Intelligence ethics in Israel Defense Intelligence Journal: Vol 16 Is 1.

Shu, L. L, Gino, F; Bazerman, M H. 2011. Ethical discrepancy: Changing our attitudes to resolve moral dissonance: Behavioral business ethics: Shaping an emerging field. Taylor & Francis London.

Sunstein, C.R. 2015. Fifty shades of manipulation.

Thompson, WE; Harred, J L. & Burks, B E. 2003. Managing the stigma of topless dancing: A decade later. Deviant Behavior Vol 24 Is 6.

Vaismoradi M; Turunen H; Bondas T. 2013. Content analysis and thematic analysis: Implications for conducting a qualitative descriptive study in Nursing and Health Sciences (2013), 15, 398–405

Welsh, D.T, Ordóñez, L., Snyder, D G.; Christian, M S. 2015. The Slippery Slope: A Self-Regulatory Examination of the Cumulative Effect of Minor Ethical Transgressions.

Welsh, D.T. Ordonez, L.D., Snyder, D.G & Christian, M.S. 2015. The slippery slope: How small ethical transgressions pave the way for larger future transgressions. Journal of Applied Psychology, 100 (1), 114. Doi: 10.1037/a0036950

White, M.D. 2009. In Defense of Deontology and Kant: A Reply to van Staveren. Review of Political Economy, 21:2, 299-307

Books

Allhof, F. 2006. *An ethical defense of torture in interrogation.* In Goldman, J (ed.) *Ethics of spying.* Oxford: Scarecrow press

Altheide, D.L and Johnson, J.M. 1994. *Criteria for Assessing Interpretive Validity in Qualitative Research* in Denzin, N.K; Lincoln Y.S. 1994. *Handbook of Qualitative Research.* London: Sage Publications

Andregg, M. 2007. *Intelligence ethics. Laying a foundation for the second oldest profession In* Johnson, LK (ed) Handbook *of Intelligence Studies* London: Routledge

Andregg, M. 2010. *Ethics and professional intelligence.* Johnson, L.K. (ed) *The Oxford Handbook of National Security Intelligence.* New York: Oxford University Press.

Arrigo, J.M 2006. *Military and civilian perspectives on the ethics of intelligence.* In Goldman, J (ed.) Ethics of spying. Oxford: Scarecrow press

Bailey, K.D. 1987. *Methods of Social Research.* New York: The Free Press

Barry, J.A. 2006. *Managing covert political action.* In Goldman, J (ed.) *Ethics of spying.* Oxford: Scarecrow press

Beitz, C.R. 2006. *Covert intervention as a moral problem.* In Goldman, J (ed.) *Ethics of spying.* Oxford: Scarecrow press

Bellaby, R. 2012. *What's the harm? The ethics of intelligence collection.* Intelligence and National Security Vol 27, No. 1. London: Routledge

Bellaby, R. 2014. *Ethics and intelligence collection : a new framework* [e-book] Milton Park, Abingdon, Oxon : Routledge

Bentham,J. 1907. *An introduction to the principles of morals and legislation. Oxford: Clarendon Press*

Berkowitz, B.D. & Goodman, A.E. 2000. *Best truth: intelligence in the information age.* New Haven: Yale University Press

Bloom, R. 2013. Foundations of psychological profiling. Terrorism, espionage and deception. London: CRC press

Bolton, R. 2010*. US Army Interrogator Survey on Ethics* In Goldman, J. (ed.) *Ethics of spying Vol 2*. Plymouth: The scarecrow press

Born, H. & Wills, A. 2010. *Beyond the oxymoron: exploring ethics though the intelligence cycle.* In Goldman, J. (ed.) *Ethics of spying Vol 2*. Plymouth: The scarecrow press

Bruneau, T.C & Boraz, S.C. (ed.) 2007. *Reforming intelligence*. Texas: University of Texas Press.

Bruneau, T.C & Matei, F.C. 2010. *Intelligence in the Developing Democracies: The Quest for Transparency and Effectiveness.* In Johnson, L.K. (ed) *The Oxford Handbook of National Security Intelligence.* New York: Oxford University Press.

Carl, L.D. 1996. *CIA insider's dictionary*. Washington D.C: NIBC Press.

Chadwick, B.A, Bahr, H.M & Albrecht, S.L. 1984. *Social Science Research Methods.* Engelwood Cliff, N.J: Prentice-Hall.

Charters, D. 2006. *Business: The challenge of completely ethical competitive intelligence.* In Goldman, J (ed.) *Ethics of spying.* Oxford: Scarecrow press

Chomeau, J.B. & Rudolph, A.C. 2006. *Intelligence collection and analysis.* In Goldman, J (ed.) *Ethics of spying.* Oxford: Scarecrow press

Cooper, J. 2007. *Cognitive Dissonance: Fifty Years of a Classic Theory.* London: Sage

Cornish, D.B. and Clarke, R.V. 2017. *The Rational Choice Perspective* in ed. Wortley, R & Townsley, R. *Environmental Criminology and Crime Analysis*. London: Routledge

Denzin, N.K; Lincoln Y.S. 1994. *Handbook of Qualitative Research.* London: Sage Publications

Drew, C.J., Hardman, M.L. & Hart, A. 1996. *Designing and Conducting Research.* Inquiry in Education and Social Science, London: Allyn and Bacon.

Drexel Godfrey, J.E. 2006. *Ethics and intelligence* In Goldman, J (ed.) *Ethics of spying.* Oxford: Scarecrow press

Dulles, A 2006. *The craft of intelligence.* Guilford: The Lyons Press.

Erskine, T. 2004. *Understanding intelligence in the twenty-first century*. In Goldman, J. (ed.) *Ethics of spying. Oxford: Scarecrow press* London: Routledge.

Erskine, T. 2010. *As rays of light to the human soul?* In Goldman, J. (ed.) *Ethics of spying. Vol 2.* Plymouth: The Scarecrow press.

Fattah, EA. 1991. *Understanding criminal victimization.* Scarborough, Ontario: Prentice-Hall

Fowler, H.W, Fowler, F.G, Murray, J.A.H. 1964. *The concise Oxford Dictionary of Current English.* Oxford: Clarendon Press

Frankena, W.K. 1973. *Ethics.* New Jersey: Prentice-Hall Inc

Gill, P. 2010. *Theories of Intelligence*. In Johnson, L.K. (ed) *The Oxford Handbook of National Security Intelligence.* New York: Oxford University Press.

Gill, P. & Phythian, M. 2006. *Intelligence in an Insecure World*. Cambridge: Polity Press.

Gill, P. 2009. *Theories of intelligence: Where are we, where should we go and how might we proceed?* In Gill,P, Marrin, S & Phythian, M (eds) *Intelligence theory: Key questions and debates.* London: Routledge.

Godson, R. 2001. *Dirty tricks or trump cards - U.S. covert action and counterintelligence.* New Brunswick: Transaction Publishers Reference List.

Harmon-Jones, E & Mills, J. 1999. *Cognitive Dissonance: Progress on a Pivotal theory in social psychology.* Washington: American Psychological Association (APA)

Herman, M. 2004. *Ethics and intelligence after September 2001* in *Understanding intelligence in the twenty-first century*. London: Routledge.

Hulnick, A.S & Mattausch, D.W. 2006. *Ethics and morality in U.S. secret intelligence.* In Goldman, J (ed.) *Ethics of spying. Oxford: Scarecrow press*

Hitz, F.P. 2010. *Human source intelligence.* In Johnson, L.K. (ed) *The Oxford Handbook of National Security Intelligence.* New York: Oxford University Press.

Hobbes, T [1651] *Leviathan.* Ed. C.B MacPherson: 1968. Harmondsworth: Penguin.

Johnson, L.K. (ed) 2010. *The Oxford Handbook of National Security Intelligence.* New York: Oxford University Press.

Johnson, L.K. 2006. Ethics of covert operations. In Goldman, J (ed.) Ethics of spying. Oxford: Scarecrow press

Jones, J.M. 2010. *Is ethical intelligence a contradiction in terms*? In Goldman, J. (ed) *Ethics of spying. Vol. 2.* Plymouth: The Scarecrow press

Joad, C.E.M. 1947. *Guide to the philosophy of morals and politics.* London: Victor Gollancz

Joubert, SJ. 2000. *Milieu-centred causation and explanation: structure and process theories* in Van der Hoven, AE, Joubert, SJ, Swart, DN & Maree, A (eds.) Personal, social & environmental crime perspectives, crime prevention & victimisation. Pretoria: University of South Africa

Kant, Immanuel. [1785] 1993. *Grounding for the Metaphysics of Morals,* trans. J.W Ellington. Indianapolis: Hacket Publishing Company

Kant, Immanuel. [1785] 2013. *Grounding for the Metaphysics of Morals* In Shafer-Landau, R. Ethical Theory: An Anthology. West Sussex: John Wiley and Sons

Kant, Immanuel. [1788] (1993) *Critique of Practical Reason,* trans. And Ed. L.W Beck. Upper Saddle River NJ: Prentice Hall.

Kant, Immanuel. [1797] (1996) *The Metaphysics of Morals,* trans. And Ed. M.J Gregor. Cambridge: Cambridge University Press.

Langan, J.P. 2006. *Moral damage and the justification of intelligence collection from human sources.* In Goldman, J (ed.) *Ethics of spying.* Oxford: Scarecrow press

Lowenthal, M.M. 2003. *Intelligence: from secrets to policy*. Second edition. Washington (D.C): CQ Press.

Le Carre, J. 1963. *The Spy Who Came in From the Cold.* New York: Pocket Books

Marx, G.T. 2004. *Understanding intelligence in the twenty-first century*. London: Routledge.

Marx, G.T. 2010. *Ethics for the new surveillance.* In Goldman, J. (ed.) *Ethics of spying. Vol 2.* Oxford: The Scarecrow press

Meyer, H.E. 1987. *Real world intelligence.* New York. Wiedenfeld & Nicholson

Miles, M.B; Huberman, A.M. 199.: *Qualitative Data Analysis.* London: Sage Publications

Mill, J.S [1861](1962) *Utilitarianism and Other Writings*. ed. M Warnock. Glasgow: Collins

Norman, R.N. 1998. *The Moral Philosophers.* New York: Oxford University Press

Olson, J.M 2006. *Fairplay: The Moral Dilemmas of Spying.* Virginia: Potomac Books

Pekel, K. 2006. *The Need for Improvement. Integrity, Ethics and the CIA* in Goldman, J (ed.) Ethics of spying. Oxford: Scarecrow press

Perry, D.L. 2006.*Repugnant philosophy.* In Goldman, J (ed.) *Ethics of spying.* Oxford: Scarecrow press

Pfaff, T. 2006. *Bungee jumping off the moral highground.* In Goldman, J (ed.) *Ethics of spying.* Oxford: Scarecrow press

Pierce, A.C. 2007. *The Value of an Ethos for Intelligence Professionals* in Intelligence Ethics: The Definitive Work of 2007. Ed. M.M. Andregg. Minnesota: St Paul

Polit, D.F., & Hungler, B.P. 2007. *Nursing research: Principles and methods*. Philadelphia: Lippincott, Williams & Wilkins.

Philadelphia: Lippincott, Williams & Wilkins.

Rubin, H.J. and Rubin, L.S. 1995. *Qualitative interviewing: the art of hearing data*. Sage.

Sarantakos, S. 1998. *Social research*. London: Macmillan Press Ltd.

Scott L.V & Jackson, P.D. (ed) 2004. *Understanding intelligence in the twenty-first century*. London: Routledge.

Shpiro, S. 2010. *Intelligence ethics in Israel.* In Goldman, J (ed.) *Ethics of spying. Vol 2.* Plymouth: The Scarecrow press.

Skerker, M. 2006. *Interrogation ethics in the context of intelligence collection.* In Goldman, J (ed.) *Ethics of spying.* Oxford: Scarecrow press

Stephen, L. 1882. *The science of ethics.* New York: G.P. Putnam's Sons

Trahair, R.C.S. 2004. *Encyclopedia of cold war espionage, spies and secret operations*. Westport: Greenwood Press.

Trevino, L.K & Weaver, G.R. 2006. *Business: Ethical issues in competitive intelligence practice.* In Goldman, J (ed.) Ethics of spying. Oxford: Scarecrow press

Tunnel, KP. 1992. *Choosing crime: the criminal calculus of property offenders.* Chicago: Nelson-Hall

Van der Hoven, AE. 2000. *Individual-centred causation and explanation: The rational perspective* in Van der Hoven, AE, Joubert, SJ, Swart, DN & Maree, A (eds.) Personal, social & environmental crime perspectives, crime prevention & victimisation. Pretoria: University of South Africa

Warner, M. 2007. *Sources and methods for the study of intelligence.* In Johnson, LK (ed) Handbook *of Intelligence Studies* London: Routledge

Williams, F.P & McShane, M.D. 1999. *Criminological Theory. Third Edition.* New Jersey: Prentice Hall

Wirtz, J.J. 2010. *The sources and methods of Intelligence studies.* In Johnson, L.K. (ed) *The Oxford Handbook of National Security Intelligence.* New York: Oxford University Press.

Zubin, J., & Steinhauer, S. 1981. *How to break the logjam in schizophrenia: A look beyond genetics.* Journal of Nervous and Mental Disease, 169(8), 477-492.

Government publications

Pekel, K 1998. *Integrity, Ethics and the CIA. CIA Centre for the Study of Intelligence (CSI)* available https://www.cia.gov/library/center-for-the-study-of-

intelligence/csi-publications/csi-studies/studies/spring98/integrity.html

Regulation of Interception of Communications and Provision of Communication-Related Information Act, no 70 of 2002. 2002. *Government gazette*. Cape Town: Government Printer. Available http://www.polity.org.za

South Africa. 1996. Constitution of the Republic of South Africa, Act 108 of 1996. Pretoria: Government Printer. Available http://www.polity.org.za

United States of America: 2007. *Counterintelligence in the 21st century: not just a government problem.* Address by J.F. Brenner (National Counterintelligence Executive) to the AFCEA counterintelligence conference. December 4. Sunnyville (California)

Internet

Bailey, C.E. 2012. *The Intelligence community Ethos: a Closely Regulated Profession* in *International Journal of Intelligence Ethics, Vol. 3, No.2* available at http://journals.fcla.edu/ijie/article/view/83453/

Bailey, C.E and Galich, S.M. 2012. *Codes of Ethics: The Intelligence community.* In *International Journal of Intelligence Ethics, Vol. 3, No.2* available at http://journals.fcla.edu/ijie/article/view/83454/

Harrington, S.J. 1996. *The Effect of Codes of Ethics and Personal Denial of Responsibility on Computer Abuse Judgements and Intentions*. MIS Quarterly, Vol 20, Issue 3

Phythian, M. 2012. *The Ethics-Intelligence Tension: Sources and Bypassing Strategies* in *International Journal of Intelligence Ethics, Vol. 3, No.2* available at http://journals.fcla.edu/ijie/article/view/83451/

Rolfe, J. 2015. *The Ethics of Intelligence collection.* Available at: http://www.victoria.ac.nz/hppi/centres/strategic-studies/documents/The-Ethics-of-Intelligence-Collection-Jim-Rolfe_paper-for-publication.pdf

Appendix 1

Ethics Approval

Faculty of Law

Research Ethics Committee

Private Bag X3 Rondebosch, 7701 South Africa
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13 December 2016

Mr Trevor Corbett
***c/o* Public Law Department**
Centre of Criminology
Level 6, Kramer Law Building
UCT

Contact Details: Email: dreamone@mweb.co.za
Mobile: 0728562760

Dear Mr Corbett

Re*:* Clearance Process for L0035/2016: *'The Honest Thief: A qualitative study exploring the ethics of clandestine intelligence collection in a statutory environment'*

Thank you for your revised application submitted. The Faculty's Research Ethics Committee very much appreciates the considerable effort put into the documentation.

This study has been carefully considered and all ethical issues have been adequately addressed.

Ethics clearance is hereby granted as of **12 December 2016** and is subject to renewal for another 12 months.

Please note that any material changes to the proposal will need to be cleared as an amendment.

With best wishes,

pp
Associate Professor Anne Pope
REC: REVIEWER

cc: Associate Prof Julie Berg, Public Law Dept, UCT

Appendix 2

Participants' Consent Form

INFORMATION SHEET & CONSENT FORM – [Intelligence Practitioners]

Title: An Honest Thief: A Qualitative Study Exploring the Ethics of Clandestine Intelligence Collection In a Statutory Environment.'

Good day. I am currently working on my Master's thesis entitled: 'An Honest Thief: A Qualitative Study Exploring the Ethics of Clandestine Intelligence Collection In a Statutory Environment.' My supervisor is Prof Julie Berg, head of the UCT Centre for Criminology.

My research calls for a sample of intelligence practitioners to provide data on their experiences relating to the ethics of clandestine intelligence collection. The aim of the research is to better understand how ethical considerations impact on the activity of intelligence collection and to determine which theoretical framework intelligence practitioners' thinking subscribes to. I would therefore like to gather data through a questionnaire with a possible follow up interview. I would like to gather this data through a representative sample of intelligence practitioners.

Please note your participation is voluntary. The choice to participate is yours alone. If you choose not to participate, there will be no negative consequence. If you choose to participate, but wish to withdraw at any time, you will be free to do so without negative consequence. However, I would be grateful if you would assist me by allowing me to interview you. Ten respondents like yourself will be selected for the project. Permission has been obtained from the DG SSA for the conducting of the study.

The project will require the following of you:

1) To complete a questionnaire at the beginning of the research. Would you be willing to complete the questionnaire and return it to me within a reasonable period of time? Please indicate by checking the relevant box below:

Yes No

2) To submit to an interview (personal, telephonic or by email) to clarify/expand on/explain your answers in the questionnaire. Would you be willing to submit to an interview? Please indicate by checking the relevant box below:

Yes

No

The entire process will take approximately two hours for the questionnaire and an hour for the interview. The interview will not be recorded, but notes will be taken of the information provided.

There is no direct benefit to you as the participant. An indirect benefit may relate to a review of the Code of Ethics in the SSA or more focused ethics training.

You may skip questions which you may find too uncomfortable to answer. In the unlikely event of a question leading to emotional or psychological stress, embarrassment, deception, stigma or stereotyping, please contact the SSA social services/psychologist/total wellness officer at the following number 012-4274000 for assistance.

The research paper may also be published, but all personal identifiers will be removed or changed at the data collection stage.

Qualitative reporting may require data extracts (verbatim extracts) being used as evidence in the report. Identifying information will be anonymised and de-identified (specific job title, work section, geographical location, etc)

There is no obligation for you to meet with me or anyone else involved in the project, everything can be conducted through email to make you feel more comfortable with the process.

Data will be safely stored on password protected retrieval ware until the conclusion of the thesis.

Feedback will be given to participants in the form of an electronic copy of the finished thesis.

Please sign, scan and return this consent to me at dreamone@mweb.co.za.

Thank you.

Kind Regards

Trevor Corbett

'If you have ***concerns about the research, its risks and benefits or about your rights as a research participant in this study****, you may contact the Law Faculty Research Ethics Committee Administrator, Mrs Lamize Viljoen, at 021 650 3080 or at lamize.viljoen@uct.ac.za.* ***Alternatively, you may write to the Law Faculty Research Ethics Committee Administrator, Room 6.28 Kramer Law Building, Law Faculty, UCT, Private Bag, Rondebosch 7701****.'*

I have read and understand the contents of this informed consent and by signing acknowledge the risks, benefits and my rights as a participant in this study.

_____ _____

Participant Date

Appendix 3

Sample Questionnaire

1.1	Scenario 1: The Coffee Room debate At the coffee station, you walk into an interesting debate going on between colleagues. The debate revolves around whether the general public would support intelligence practitioners working methods, especially those which are morally questionable. Some colleagues are arguing that they can justify their involvement in ethically questionable activity such as deception, manipulation and prying because it is legally protected and the end result is in the interest of national security. Others argue that they would struggle to justify this activity because lying is lying and deception is deception, and can never be justified. Some argue that the public would consider the end result (the objective of security and stability in the country) a good justification of the methods used to achieve it. Still others make the point that the public is not in a position to judge intelligence collection methods as they don't understand the importance of intelligence in maintaining security and stability in the country. What would you argue?	In my opinion, lying is lying and no end result can justify it. However, because the activities of an intelligence officer are mandated by legislation, it is regarded as acceptable because the end product contributes to national security. The public, on the other hand, because of their lack of understanding of the intelligence world, will not understand this. The public might question the motives of intelligence officers and this might contribute to the undermining of the government of the day.	
1.2	In your opinion, would the general public accept intrusive intelligence	No. In the absence of an explanation of how and why	

	collection methods more readily if there was instability in the country?	intrusive intelligence collection is done, the public will be paranoid. Intrusive collection might contribute to the instability of the country.	
1.3	In your opinion, would the general public value security and stability over the protection of human rights?	No. In light of this country's history, the general public would choose the protection of their human rights above security and stability.	
1.4	Are you as an intelligence professional, acting as a moral agent for your employer, or for all SA citizens? Explain your answer.	I act as a moral agent for SA citizens. The SSA efforts contribute to the security of the citizens. So, even though it might be perceived as intelligence officers acting as moral agents to the employer, the end goal – is to protect the interests of the citizens.	
1.5	Does 'groupthink' – an institutional mind-set, exist in the intelligence agency when it comes to ethics? Do you have an individual opinion or is it affected by what you think would be right in terms of the employer's viewpoint?	My opinion will always be expressed as my own and I cannot be influenced by groupthinking. However, this institutional mind-set exists in the intelligence agency as individuals easily conform to groups. I've experienced that in this environment, it can be somewhat easier to alter ones viewpoint to fit the opinion of the employer.	
1.6	Is your opinion on ethics influenced by your peers or team mates?	No. I have my own belief system. I was conditioned from a very young age, and is firm in my beliefs	

	2. Scenario 2: Conflicts and		

	Consensus You are asked to present a paper on the conflicts intelligence practitioners face to an ethics class of new cadets. You speak about whether you think there is consensus amongst intelligence professionals on the ethics of collecting information in deceptive ways. You mention that your employer expects you to be honest and have integrity as an employee, but also expects you to lie, cheat, deceive and spy to gather information. You introduce the topic of how culture and religion effect your ethical choices. You pose the question whether intelligence practitioners are clear about how and where they can cross moral and ethical boundaries without breaking the SSA's Code of Ethics. After your presentation, the class ask you the following questions, which you have to answer:		
2.1	How do you know when an action is unethical? What measure do you use? The gut feel? A religious plumbline? The disclosure test (if my action was made public, would I be able to defend it?)	I know an action is unethical, If the action required is in contravention of my values. I use the measure of – would I be able to face my son and tell him that I was proud of my work that was conducted?	
2.2	Does the SSA provide guidance and support for members who have to engage in unethical actions (deceiving, lying, manipulating) in the course of their work?	The need for sufficient cover has always been part of the training I've received, from the onset. Over years, lying to fit a certain profile comes naturally.	
2.3	Is ethics determined within a particular political framework? If a	The constitution of the country, speaks specifically to the	

	government was unjust (eg Nazi Germany, Apartheid regime, One Party state etc) would the ethics justification be different to protecting such a status quo?	human rights of its citizens and the explicit need to transform this country. If this government was still in apartheid regime, the white supremacy would be at an advantage and the ethics justification would be different. Ethics would by based on serving one part , and not all.	
2.4	Is it true that if a Government abides by the Rule of Law and upholds common held beliefs and ethics, protection is legitimate and the use of covert means of collection to protect it are justified?		
2.5	Do intelligence officers have a conscience? Or do they suspend their conscience when doing intelligence work? Is it better for an intelligence officer to suspend his or her conscience to be more effective?	I do not suspend my conscience. I however, am able to alter my values in order to meet my objectives but only to a certain point. I know where to draw the line and what will not be acceptable to me as a human. Eg extracting information from a male may require some level of charm. This is a dangerous tact but I am weary where to pull on the brakes.	
2.6	Are ethical justifications influenced by your view of the target? Is it easier to 'spy' on a target that you personally believe is 'bad' (a gangster or violent criminal) as opposed to a target who is softer (for example a foreign intelligence service officer)?	It really doesn't matter to me. I can spy on anyone who is of interest to me. Collecting information on a target is not personal to me at all. If the ends justifies the means, I go for it.	

	3. Scenario 3: The Scientist		

	Dr Kara Jamal is a biochemist working at a private research institute, Cryrotech Industries in Johannesburg. Cryrotech specialises in developing cultures in a Bio Level 1 laboratory. The cultures are for the production of medication for drug-resistant infections. Information has reached your desk indicating Jamal had a meeting with a diplomat from the North Korean embassy, Kim Jong, who is suspected of being an undeclared intelligence officer. A decision is made to target Jamal because of her contact with Jong. Initial investigations indicate Cryrotech products can, with minimum adaptation, be used as a biological agent and Jong is known to be sourcing material for North Korea's Weapons of Mass Destruction (WMD) program. More intrusive investigations indicate that Jamal leaves the bio medical lab every week with a briefcase and meets Jong at a local coffee shop.		
3.1	Is it ethically correct to target Jamal before there is proof of her being involved in illegal or unconstitutional activity? What level of intrusive targeting against Jamal would you as the investigator be comfortable with? More or less intrusive?	Yes. I can target Jamal in order to proof or refute my suspicions. The level of intrusive measures will be based on the type of information I obtain from my sources. if it warrants more extensive measures, I would motivate and execute post haste.	
3.2	When Jamal is officially targeted, is she dehumanized (loses her value as a human being with rights)? Does this make monitoring her	She will not be dehumanized as she wouldn't know that she is being monitored.	

	activity easier?		
3.3	You devise a plan to unwittingly solicit information from Jamal. This involves posing as a vetting officer conducting a reference check on a colleague for a security clearance. This involves lying and deception. Is this deception justified? Would the deception be justified if you had already confirmed her guilt? Do you think Jamal would suffer harm from the deception? How would the deception make you feel?	Deception is needed in order to execute the task. This is part of the job and is not wrong. Very important that agent or operation is not compromised and Jamal will not suffer any loss.	
3.4	Would moral justifications lessen any possible moral burden that may result from a deception? Would you feel guilty? Would you feel the same way if at the conclusion of the investigation, it was proven that Jamal was involved in criminal activity (selling material to Jong?)	Performing a function that requires deception will not be me feel guilty. When it comes to handling a source of information or investigating a target, emotions cannot come into play.	
3.5	A colleague of Jamal is identified who lied about his qualifications to the laboratory. You recruit the colleague of Jamal on the basis that if the lab finds out about his deceit he will lose his job. You will use the colleague to report on Jamal's activities. The approach is manipulative and morally wrong, but it will give you key insider information to determine whether Jamal is involved or not. Is blackmail justified in this case? If this recruitment would lead to a guaranteed success, would it be justified then? Do you see this as a sacrifice to your moral principles? At what point, or never? If this sacrifice ultimately leads to a success or saves lives, would you feel the same? What are your	Its justified. Once again, the agent will handle the investigation as best see fit to achieve the objective. If an opportunity like this comes along, it should be fully explored.	

	thoughts on handling this agent? Is the agent treated as a means to an end (gathering information) or worthy of respect as a human being?		
3.6	Jamal meets Jong for lunch at a coffee shop. You have an opportunity to take her briefcase when they refill their coffee at the coffee station. The briefcase contents may reveal her guilt or prove her innocence. Is stealing, in this case, justified? Is too much 'harm' being inflicted on the target in relation to the 'benefit' of acquiring the information? Would you justify this act of stealing against a personal set of ethical fundamentals? Do you suspend moral and ethical beliefs in cases like this? Is stealing always wrong, or can it be tolerated if the consequence is a greater good?	Opportunity arises and stealing the case is justified.	
3.7	If the briefcase is taken and Jamal is proven innocent (she is romantically involved with Jong and not providing him with material), would you then question the morality of your action? If the briefcase reveals Jamal has passed biological material to Jong, would you then feel justified in lying, blackmailing and stealing? Does the benefit (neutralizing the target) then outweigh the cost (lying, blackmailing, stealing)?	No, whether the outcome goes either way, stealing the case was needed.	

4.1	Do you suspend moral and ethical beliefs when engaging in covert operational activity? Do you	Yes. Lying is not an ethical fundamental but this is the basis of my work when sourcing	

	consciously justify each action or activity against a personal set of ethical fundamentals?	information. I don't feel the need to justify my action to a personal set of beliefs.	
4.2	Have you seen a change in your moral and ethical beliefs in the period you've been employed at SSA?	Not at all. My work doesn't define me as a person. When I engage for purposes of work, I act as an employer of SSA and not in my personal capacity. I keep these two lives separately. It has become less difficult to lie in my personal life though, but it's a personal choice not to choose this option just because it is easy.	
4.3	Have you adjusted your personal morals to accommodate the work of intelligence? Has this caused any personal conflict?	Personal life is keep separate from work. When I go home, I am my true self whereas when I am work, I am an actor.	
4.4	Have you ever questioned how your ethic baseline can be adjusted to accommodate a work activity?	Not actually. When I do my planning to engage - I do rehearse a certain profile I want people to see.	
4.5	Do you have two sets of morals and ethics – that which you apply in the work place, and that which you use outside of the workplace?	In some ways yes.	
4.6	Has being granted legal licence to steal, manipulate, pry and spy impacted on your private life where these activities are illegal or immoral? Or is there a clear separation in your mind as to what is permitted in the workplace and not permitted everywhere else?	Clear separation. However, profiling people in my personal life has become a second nature and if I need to solicit information to confirm a suspicion in my mind, I will do it.	

Gender	Male Female	Female	

Age	25-30 31-40 41-50 50+	31-40	
Educational background	Matric Certificate Degree Honours Masters PhD	Matric	
Religious conviction	None, Christian, Hindu, Muslim, Other (specify) _____)	Christian	
Years' service	5-10 11-15 16-21 21+	11-15	
Work area	Collection Investigations Surveillance	Collection	

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Appendix 4

Sample Follow Up Questionnaire

Ashley Govender

Participants

My study into intelligence ethics is now reaching 250 pages. Thank you again for your kind participation. The final product should be finalized in the first quarter of next year. The findings have been fascinating.

In keeping with the research design, I have a few follow up questions. May I ask you to spend a few minutes and answer them as honestly as possible? Think about your answer carefully. Feel free to answer on the sheet below:

Follow up Questions:

1. Have you ever thought about the ethics of intelligence? Yes

2. Do you believe people may be harmed through your work (not physically, but rights or dignity impaired, etc?) Yes

3. If you could personally save five people by allowing one to die, would you? No

4. Do you ever feel like a 'bad person' or feel uncomfortable because of some of the (legally) unethical functions you have to perform? No

5. How do you make yourself feel better again afterwards? What justifications do you use?

Answer: The ends must justify the means and if it means that certain rights are infringed in the interests of national security then I feel justified in executing certain actions.

6. Is it possible that you have two separate moral codes – a personal one and one which you use for work? Definitely YES

7. If Yes, does the separate 'work' moral code accommodate all the morally difficult functions you have to perform – lie, steal, cheat?

Answer: I would think that it does, although not so much as a lie but a manipulation of the truth.

8. If No, does your personal ethical code allow you to lie, steal, deceive, if it is in work context?

Answer: