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The Missing Dimension—Intelligence and Social Epistemology: A Reply to Miller’s  
“Rethinking the Just Intelligence Theory of National Security Intelligence Collection and  
Analysis”

Giangiuseppe Pili, University of Calabria, [giangisp@msn.com](mailto:giangisp@msn.com)

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In the introduction to *The Missing Dimension* (1984), Christopher Andrew and David Dilks claim: “Academic historians have frequently tended either to ignore intelligence altogether or to treat it as of little importance” (1). As Seumas Miller observes in “Rethinking the Just Intelligence Theory of National Security Intelligence Collection and Analysis” (2021), intelligence—understood as collection, collation, analysis, and dissemination—has an eminently epistemic character:

Many items of what are referred to as intelligence, whether human intelligence or electronic intelligence, can be thought of as [...] being epistemic (or knowledge focused)—and, as such, even in their raw form capable of being true or false, correct or incorrect, probable or improbable, evidence-based or not, etc” (212-213).

Miller’s work speaks to current research on this “missing dimension.” However, this dimension did not disappear; rather, it switched domains and consequently went “missing” in both epistemology and political philosophy.

In this post, I offer a series of points that arose integrally or partially during my reading of Miller’s essay. Like Miller, I want to take up the issue of intelligence in social epistemology.

### **The Morality of Intelligence**

Miller’s paper shows the difficulty of addressing the morality of intelligence. Indeed, as made clear by the analysis and comparison between the “Just War Theory” and “Just Intelligence Theory”—proposed not only in the paper but also considered by other scholars in Intelligence Studies, e.g. Bellaby (2012) Vrist Rønn (2016)—intelligence remains a slippery moral topic. Of course, war persists as a challenging issue; yet, as will be shown, intelligence serves as a “next level” challenge.

As I see this forum as an opportunity for boosting the comprehension of intelligence dilemmas, I will remark immediately how counterintuitive the ethics of intelligence is as compared to war (which looks like a related field)—at least for the average goal of national security intelligence—defined by Miller as:

National security intelligence is sometimes collected, stored, analysed and disseminated, as actionable intelligence, by military organisations, sometimes by police organisations, but paradigmatically by intelligence agencies the institutional purpose of which is internal and/or external national security [...] Accordingly, what makes information or other data collected by these agencies national security intelligence is that these agencies collect, analyse and disseminate this information in the service of national security, national security being the primary institutional purpose of these agencies (214).

In this respect, intelligence appears moral inasmuch as it is tied to a nation-state's security legitimacy. In war contexts, a belligerent *A* is morally justified mainly if *A* is on the defensive side *when the war began*. Basically, everything gets tied to evaluating the *first intention*. If merely defensive and reactive to aggression, then war is justified from *A*'s point of view.

As a military historian pointed out to me some time ago,<sup>1</sup> the notion of defense and offense continues to be difficult to fathom and may change over time. For this reason, I am considering only the intentions at the inception of war for the sake of argument. The German invasion of Poland at the beginning of World War II was a clear aggression and a morally *unjust* war from the German side. Therefore, the Polish army and nation were justified in fighting back.

Other wars start simply because both states (as we are constraining our consideration to nation-state wars—a minority in historical terms<sup>2</sup>) want something from the other side. These epistemological issues—namely, knowing the *status quo* in order to evaluate morality afterward—are sufficiently challenging. Intelligence raises further complex issues. Indeed, as Miller rightly points out, intelligence (in the analytical function identified in the collection, analysis, and dissemination of information) comes first historically, temporarily, and *logically*.

This idea holds true mainly for nation state-wars after World War I or, probably, World War II because intelligence was not a state institution even inside the military. For instance, the United States did not have intelligence agencies active during peacetime before the Cold War. Indeed, the United States' historical (and today *démodé*) distaste of intelligence activities was not related directly to war activities (namely, an ongoing war). There were, in fact, interesting ways to cover intelligence activities in the interwar period.

### **The Counterfactual Nature of Intelligence**

If intelligence comes first then, at best, it should be conducted *proactively* to *avoid* war. This position means that intelligence remains always necessary and succeeds under counterfactual conditions; namely, “if such and such intelligence activities were not pursued, therefore war would have occurred” or similar statements must be true. If we enter the realm of possibility and counterfactuals, as intelligence vis-à-vis war looks like, the distinction between legitimate intelligence practices and illegitimate intelligence operations seem quite blurred or, in a sense, intangible. When is it the case that intelligence was unjustified in the face of the potential pitfall of war? We can ask the question from an ontological point of view (modal logic statements and their interpretations) and a solely epistemic point of view (how can we be certain and what body of evidence we would accept?)

Interestingly, the tension between successful and failed operations tends to be averted within the intelligence communities around the world. Practitioners “complain” that when they succeed, they do not take public credit exactly because nothing happened! Instead, when

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<sup>1</sup> I thank Professor Virgilio Ilari for this and other insights.

<sup>2</sup> After all, the nation-state is a relatively new institution.

something goes wrong, they stand at the forefront of the public scrutiny. However, and I will close this section with this point, if intelligence operates logically and temporally before war, and succeeds under counterfactual conditions, then what is *not morally legitimate in principle?*

Even restricting our attention to the side of intelligence Miller considers—ruling out covert (kinetic) operations such as overthrowing hostile regimes—a sense of uneasiness remains. First, as Miller observes, we cannot pretend to stop or disrupt ordinary intelligence operations with rules that are clearly less permissive allowing critical threats to be real (e.g., terrorist attacks of the 9/11 magnitude). Second, *at the same time*, the distinction among the appropriate means to perform necessary intelligence operations is far from clear. These considerations bring me to a significant consideration: The moral legitimacy of the state itself.

### **The Missing Dimension in Politics and Practice**

When is national security intelligence legitimate? It is legitimate, at least, when the ordering state is itself *moral ex ante* the intelligence operation. Let's say that I want to achieve *X*. *X* requires a second person's, *S*, intervention. Whatever *S* does, if *X* was an immoral action in the first place, then the responsibility is mine without any further specification. The immorality of *X*, *ceteris paribus*, depends on my decision. For instance, if a soldier is asked to kill a person, who is not clearly an offender, from their superior, as long as we understand the soldier in a means-to-an-end way, then the responsibility is upon the soldier's superior (of course it can be debated what responsibility the soldier bears). Logically, though, the soldier is not as responsible for the war as the state is. This position appears plausible as the Nuremberg Trials established that war crimes were conducted by selected subsets of Nazi policymakers, officials, and managers.

Now, *mutatis mutandis*, we can transfer this principle to the relationship between the state and its intelligence institutions, and between the intelligence service and a specific intelligence officer. Then, so long as intelligence is generally considered as a means to an end—in this case, the national security of a state—in order to be moral an intelligence operation must rely on a moral state's decision. However, this position immediately raises the question of the morality of the state. Again, if the state itself is grounded on immoral values, practically everything that follows will be illegitimate.

Determining the morality or immorality of a nation-state defies easy judgment. Further, this determination gets complicated by the possibility that a moral state (intuitively understood) could shift to the opposite side (and vice versa). For instance, the Nazi regime pursued racial discrimination, mass killing of “non-Arians,” and the arbitrary use of force against citizens. These matters must be considered on the list of immoral actions perpetuated by that regime. Now, what could have been a moral intelligence operation in the German state at that time? Given the situation, I would argue that there were no moral, but only less evil, decisions to be made. If true, we limit legitimate intelligence activities to a narrow set of nation-states in

historical terms. Additionally, in this case, uneasiness exists caused by the sorites paradox in political contexts—a paradox quite interesting for all war contexts and war itself (Pili 2020).

And, so, a sorites paradox: Let's say a democratic nation-state progressively substitutes democratic institutions and open debates with armed politics and violent coercion *en masse* day by day. In this case, a democratic state will cease to be a democracy at a given moment. But when? While one gunshot does not indicate a war *per se*, 100,000 gunshots give a more likely indication (but there should be interesting restrictions for this assumption); still, the shift can be very gradual. As Stalin allegedly once stated: "If only one man dies of hunger, that is a tragedy. If millions die, that's only statistics." The rise of fascism in Italy did not happen quickly and, ultimately, the head of state (the King) permitted it (more or less) "legitimately."

### **Sorites, Always with Us**

To complicate the issue, it is not always apparent, even to people living at the time when the threshold is passed definitively, when a new totalitarian regime is born. As was famously the case for Nazi Germany, Hitler also took power through a series of elections. When do state morality and legitimacy fall apart?

When people face a gradual regime change, they are aware of the shifting political environment and, consequently, the moral legitimacy of the tasks that they pursue even when they are willing to actively defend appropriate moral values. As once conveyed informally to me, service members usually have a good sense of how an internal election will go. Whether this observation holds true does not really matter, but service members do possess a clear sense of the popular mood. On the opposite side, *mutatis mutandis*, a recent case could be the letter submitted by French generals to Prime Minister Macron.<sup>3</sup> The issue of the moral boundaries of French democracy became explicitly posed. Though a detailed discussion of this convoluted case might be interesting, it is out of place here. Still, this case illustrates that professionals possess their own points of view and concerns—their world does not allow clear-cut solutions which, doubtless, remains a quality of democratic regimes.

As Miller points out, pursuing the surveillance of fellow citizens persists as a delicate issue. Typically, when a totalitarian regime arises from a previous democracy, the process of criminalizing the regime's enemies begins—the USSR dubbed them "enemies of the people" in an ironic semantic twist. Often, the intelligence services stood at the forefront of these processes (e.g., see the establishment of the secret police in Soviet Russia). Intelligence services frequently take part in the fight by new regimes to control themselves first and then impose control over the citizens.

Interestingly, sorites paradox-like arguments were considered to show that war and peace are only two extremes of politics (Bernini 2009) in line with what Clausewitz (1832) suggested

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<sup>3</sup> See, for example, "Anger as Ex-Generals Warn of 'Deadly Civil War' in France" *BBC News*, 27 April 2021, <https://www.bbc.com/news/world-europe-56899765>.

for defining war, and generalized by McFate (2019) as “armed politics.” McFate further argued that wars now and in the future will be “more epistemological.” I believe we should take this thought-provoking locution seriously. For example, Miller considers a tension between rightful investigation and immoral surveillance. While I cannot address the broader issue here, I note the close ties between intelligence vis-a-vis the state and state centrality in moral grounding.

Are national security intelligence moral principles only appropriate in democracies; namely, in regimes that are grounded in human rights? If the answer is affirmative, then almost all the intelligence history is one of immorality *sic et simpliciter*. Moreover, this answer would problematize the nature of the state itself in historical terms. Still, even limiting our consideration to states ruled by democratic processes and institutions, *latu sensu*, problems exist as Miller states. And if we consider privacy a human right, these problems appear almost universal.

## **Two Thought Experiments on Human Intelligence Operations**

Let me raise another facet of the problem. Even restraining intelligence operations to democracies, what Miller considers intelligence (the epistemological component of intelligence) brings unique complexities. Let me introduce two different thought experiments (though perhaps tangentially inspired by real situations).

There is a potential agent provocateur, Alfred, active in a democracy, Freedonia. Alfred works inside an enterprise that also covers the illicit traffic of secret information. However, the enterprise also has a legal component and, so, it is not possible to say who is working illegally absent a proper investigation. Alfred trusts only one specific comrade, Nemo. To prove Alfred’s illegal activities, an intelligence operative, Peter, must work with Nemo, who is a criminal. If successful, Peter collaborates with a criminal who is allowed to pursue his ordinary criminal conduct. Though criminality is importantly a legal qualification (and it can be somehow “arranged”), it is still morally dubious to let criminals pursue their own goals. After all, there is a reason Immanuel Kant (1795) famously argued against *all intelligence operations* in his political project. Kant’s argument stands whether or not Alfred is really a spy, but is more problematic if he is not. Here, the questions are twofold.

First, is it appropriate to allow these kinds of activities in the name of national security? This paradox resounds in some intelligence circles: Intelligence activities are pursued often through “usually” explicit illegal means; so, according to the law of the state (before reforms in a certain democratic country) if an operative was caught by the police, for instance, they did not have a direct defense to exculpate them from the crimes committed under the operation. This scenario reveals an additional issue—the moral, if not legal, commitment of the state to the person working in the field. The discussion of this point raises other issues, so let’s look at a second example.

During the Cold War, people were able to cross the Iron Curtain given business provisions. Alfred, our potential agent provocateur, was one of them. He went to Poland to buy

precious paintings to be sold on the other side of the Iron Curtain. Alfred knew all the bureaucratic subtleties to move about freely, to sell valuable things, to disguise illicit operations when needed, and other similar skills. A right-wing extremist, Alfred was also willing to lie and steal.

Considering the asset, an intelligence organization of a democratic country—the *democratic side*—decides to recruit Alfred to get information from one of the countries he frequently visited. However, for the exact same reasons, Alfred already had been recruited by the *other side* in exchange for travel permissions and money. Let's say the other side asks Alfred to kill a Polish expatriated citizen, Pavel. What should the democratic side do?

Whatever the democratic side decides to do is problematic. If the democratic service allows the killing to occur, one can argue that an innocent died as a result. If the service somehow stops the killing, it loses a precious asset and jeopardizes further intelligence collection that *potentially* could avoid wars. If the democratic service decides to terminate the asset (to close the contact) and let Alfred go on the relationship with the other intelligence service, it would likely be partially responsible for the murder and in transforming Alfred into a spy (namely, a citizen that is actively pursuing illicit activities against his own state).

Both scenarios consider the collection and analysis side of intelligence which means that they are already inside the framework in which Miller is moving.

The second case can be more dramatic if we add that only Alfred can discover if a military exercise is just an exercise or, instead, a real military operation to invade West Germany (let's say). He is the only one to go directly to the other side and "exploit the asset" to know the truth. This example points to several crucial issues.

First, information never remains *only information* in intelligence contexts. Even one rigid designator (a name) recorded in the wrong register could be the cause of major events. Second, historical cases and philosophical thought experiments suggest that, at least in some relevant cases, not many ways exist to obtain information other than dealing with people such as Alfred. Finally, intelligence operations are always under the scrutiny of being wrong; namely, whether there was a need to pursue the intelligence activity in the first place. Miller underlines this issue which is a crucial point to keep in mind.

### **Morality and Epistemology in Intelligence Context**

I would venture to say that the truth values of both the evidence and statements retroactively determine the legitimacy of intelligence operations as such. If a statement turns to have the wrong truth value (e.g., the citizen turned to be innocent), the moral legitimacy of the investigation comes into doubt. And, I would add, under the strict condition that whatever the truth value will be, it must be grounded in highly compelling evidence. In fact, at a minimum, we should not accept epistemic chance in the face of risking a life or of significant reputational damage.

Mere true belief is not an option in the realm of intelligence. Intelligence can be moral if and only if its statements are grounded on strict evidence meaning that, at least *prima facie*, morality and epistemology appear very closed in the intelligence domain. Probably, Gettier-like cases should be the minimum we can ask from an intelligence operative to be wrong! If they are wrong, they must be something like Smith.<sup>4</sup> And, if asked, they must prove it like Smith.

What, then, should count as “appropriate evidence” in the realm of national security intelligence? Appropriate evidence should be *evidence that can be brought into a court* or something more “inclusive” (considering that stealing other states’ secrets is *not always* an illicit activity, though some countries have indeed found good legal resources to prove otherwise). However, considering the issue of permissibility we previously addressed, and that Miller explored in detail, I would argue that intelligence must be tied to a broader notion of evidence, though it must be very compelling and convincing; that is, whatever the level of permission, there should be a lot of *good evidence*.

### **Opportunity (and Opportunism) and National Security Intelligence**

Picking up on a suggestion that Miller considers in his paper, a difficulty remains in disentangling the “opportunity temptation” of national security intelligence operations from mere security and counterintelligence. The issue relates to the complexity of the nature and execution of politics. Indeed:

This immediately raises the vexed question as to what national security is; after all, the content of the term ‘national security’ is notoriously ill-defined, indeterminate, shifting, open-ended and contestable. For instance, the US National Intelligence Strategy has as one of its purposes to promote American prosperity. Importantly, national security should not simply be understood as national interest (contrary to the view expressed in the US National Intelligence Strategy, 2017), since the latter notion is very permissive and could license all manner of individual and collective rights violations (Miller 2021, 214).

However, as many former agents attest, the absence of self-interest in the international affair seems almost impossible to contemplate. The practice of national security intelligence becomes so intertwined with opportunities (and opportunism) that the issue is debated explicitly; namely, whether security vis-à-vis opportunities is the only appropriate intelligence mission (e.g., Gill and Phythian 2012; 2016). The issue is to bind the potential to extensive action instead of denying it, otherwise we risk setting the stage for a classic “inapplicable” theory to reality even under very abstract conceptions of it. I suggest that we should tackle the problem from a different point of view. The intuitive correlation between security and defense, and national (economic, etc.) interests and offence is too simplistic and, ultimately, insufficient either to justify or to explain. We now return to the broader point—intelligence

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<sup>4</sup> In Gettier problems, the case’s protagonist is Smith—<https://iep.utm.edu/gettier/>.

appears to be a chameleon whose color depends more on the state itself than in its practices; still, those practices must be conducted appropriately.

### **Is Information “Only Information” in a World of ICTs and Cyber Technology?**

Miller distinguishes between information and kinetic action. Intelligence deals with information and war with kinetic action. This different nature affects the moral concerns and constraints of both war and intelligence. Miller considers covert operations as an exception (though we have already seen that, even in the collection phase, there are delicate concerns) to be addressed differently from intelligence as collection and analysis. However, the present and future of intelligence indicates that information is “not only information,” especially in the rapid development of the cyber domain as intertwined with the domains of air, land, sea, and space. In this sense, although intelligence as collection, analysis, and dissemination, remains mainly information “as such,” one might argue that—especially if we consider the deep relationship between how we pursue intelligence and current cyber operations—the division between kinetic action and information will become ever more problematic.

Currently, a piece of information (e.g., a particular kind of software) can disrupt the production of other pieces of information (e.g., databases, other programs, etc.) causing effects in the other domains. (What if a cyberattack disrupts a satellite system for geolocation?<sup>5</sup>) Cyber warfare operations are already capable of impacting production, trade, and the energy sector which means, mainly, everything we can think of as sufficiently technological requires electricity to work. Our global civilization relies on information technology (and even more on electric power) to raise the issue on the merely “informational” component of intelligence operations as such. Again, the point is not that the distinction between information and kinetic actions does not hold for limited purposes. I claim that for levels of permission, we must find a way to clarify when information is “only information,” or it can *count as* more than that. A solution could be to find a different way to think of information beyond mere “data plus meaning” (which is the canonical definition) to a particular kind of object which has causal capacities over certain domains (e.g., the cyber domain). After all, Russian cyber operations in Ukraine are sufficiently convincing in this sense.

### **Intelligence Beyond Criminal Investigations and Counterintelligence**

Miller raises a series of conundrums that should be further developed by a philosophy of intelligence—which has yet to be developed fully either inside or outside the field of Intelligence Studies. The proposal ties intelligence operations to criminal investigations. This proposal appears appropriate to a certain extent for counterintelligence because counterintelligence operations are closer, but not equal, to policing on criminal activities. But the connection seems less appropriate to foreign intelligence.

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<sup>5</sup> Actually, this is not in the realm of abstraction: C4ADS, 2019, “Above Us Only Stars - Exposing GPS Spoofing in Russia and Syria,” C4ADS - Report, <https://static1.squarespace.com/static/566ef8b4d8af107232d5358a/t/5c99488beb39314c45e782da/1553549492554/Above+Us+Only+Stars.pdf>.

At the moment a special issue is under way, promoted by *Intelligence and National Security*, in which philosophers and intelligence scholars are tackling various open questions. In this post for the *Social Epistemology* community, I have sketched a series of variations on the many important themes that Miller raises in his paper. The future will see more research in this direction.

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