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Book Review

Partly Cloudy: Ethics in War, Espionage, Covert Action, and Interrogation

Perry, David L.

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\$36.00 (paper)

The ethics of interrogation, covert action and espionage are among the most talked about ethical concerns in intelligence agencies such as the CIA. *Partly Cloudy* by David L. Perry is a book written to present the ethics institutionally embraced by the CIA, a task accomplished by discussing the origins of the agency, various moral theories, religious comparisons, the Just War Theory, atrocities in war, the history of Soviet KGB intelligence, espionage, covert action, and interrogation. Perry is highly qualified in the area of intelligence ethics and has had a great deal of experience teaching at the U.S. Army War College. He has taught various courses related to the topic of ethics, such as the morality of warfare and business. Currently, Perry is the inaugural director of Davidson College's Vann Center for Ethics.

This book is comprised of a series of essays, all of which are closely interrelated and intriguing. However, the text would read more smoothly if it were written as a continuous narrative, rather than a collection of various

essays that lack easy transitions from one to another. Despite this disjointed layout of the book, *Partly Cloudy* did accomplish the goal of allowing the reader to understand the ethics involved in the CIA's origin, along with a variety of other related subtopics.

Perry begins by giving an overview of different moral theories and showing how they can vary with disparate circumstances. No moral philosophy is without flaw, so the author outlines some basic principles that are a mixture of teleological, deontological, and aretaic considerations. Teleological approaches are those that focus on the consequences of actions, deontological strategies focus on the action themselves, and aretaic theories embrace considerations that emphasize the virtues of individuals. Perry writes that compassion, fairness, respect for individual autonomy, respect for laws, honesty, courage in opposing injustice, and integrity are all principles that we can probably agree upon, but acknowledges that there may be cases when they might conflict with one another.

The author states that there is, admittedly, no clear checklist for morality, but that ethics should continue to be cultivated. We should labor to be mindful, self-aware, and imaginative, while focusing on relevant facts and having the courage, at times, to go against what a society has deemed as permissible. He recognizes, quite wisely, that there is "no simple prescription or comprehensive fix" for cultivating moral wisdom (22). It should, however, be continually improved.

The chapter on “Comparative Religious Perspectives on War” is disappointing. Perry attempts to make the point that even though a person may believe that the religion in which they are raised possesses a “consistent set of ethical principles,” it is often the case in any religious tradition that there are a number of contradictions found in the particular positions advocated by its leaders. Even extremely pacifistic religions like Buddhism and Hinduism have had their doctrines distorted by leaders to justify decisions that were contradictory to what the religions taught.

In the current political climate, it is a little odd that Perry would write more than seven pages about the inconsistencies found in Christianity and spend only three on Islam. The second largest practiced religion in the world needs much more discussion to do it justice. Though short, the section on Islam paints a picture of a religion rooted in war that was not above killing noncombatants. The author does acknowledge that contemporary Muslim leaders, such as Abdulaziz Al-Ashaykh of Saudi Arabia, have condemned actions that did harm to civilians, specifically, the 9-11 attacks on the United States. Perry also provides supportive quotes from both Al-Ashaykh and Muhammad al-Sabil; however, all of those cited by Perry are from Saudi Arabia, an ally of the United States. It would have been more interesting to see some quotes from clerics residing in countries not aligned with the U.S.

The discussion of Christianity is interesting, though a bit long. According to the Bible, Jesus seems to be a major pacifist, as evidenced by such phrases as, “[I]f anyone strikes [or slaps] you on the right cheek, turn [and offer

him] the other also,” (34) and “. . . all who take the sword will perish by the sword” (36). The author belabors the obvious in pointing out that Jesus’ followers were allowed to carry swords, otherwise they would not have been ordered to put them away when Jesus was arrested. Since they had weapons, it is inferred that they would use them, at least in self-defense. His forceful actions against merchants at the Temple in Jerusalem also seem contradictory for a person considered a pacifist. Even with these few contradictions, the anomalies are a far cry from any teachings that would sanction holy wars like the Crusades.

Not as much is said about other major religions. It is interesting to note though that even Gandhi, who was an extreme pacifist, supported the British in World War I. He even went so far as to recruit his Indian countrymen to serve as soldiers, believing that they must learn courage in combat before they could have the courage for nonviolent civil disobedience.

Perry includes a chapter called, “Just and Unjust War in Shakespeare's *Henry V*.” Why he chooses a fictional play to illustrate the Just War Theory is unclear. With so many non-fictional factual case studies to choose from, it would have given this chapter more credence to reference something that had actually happened. *Henry V* might be based on factual events, but is still a work of fiction, produced for entertainment. Applying a theory that has influenced the creation of the Geneva Conventions and the United Nations to a fictional play seems to erode confidence in the validity of that theory. Though Perry did a good job with his discussions of *jus*

ad bellum and *jus in bello*, they would have been better had they been applied to historical situations. He mentions that he has used *Henry V* in class and perhaps his intention was to find a frame of reference for Just War theory that everyone could relate to, but would not be controversial.

A few points are still worth mentioning. One is whether it is morally permissible to kill prisoners if an army thinks that it will be defeated. In the play, Henry orders his men to kill the French prisoners because he cannot afford to have them standing guard when it appears that the opposition has the advantage. International law now prohibits such an action. However, what would an army do if faced with killing prisoners?

Is it ethical to threaten to perform an immoral action if that threat will achieve a military goal? This is another topic brought up by Perry that is worth discussing. Henry threatens to rape and pillage Harfleur if the town does not surrender. After surrendering, he orders his soldiers to show mercy to everyone. Whether or not he would have shown them mercy if there had been a battle is another matter.

The chapter on anticipating and preventing atrocities in a war is an important one, and one that could have been discussed in even greater detail. Perry gives a grisly account of the massacre of My Lai that occurred during the Vietnam War. Based on the book, *Four Hours in My Lai*, by Michael Bilton and Kevin Sim, the hardships endured by U.S. soldiers are graphically illustrated. After being bombarded for days by Vietcong within the village, with no

warning to the villagers, the soldiers eventually went in and were ordered to neutralize it. The commanding officer took this to mean that everyone should die and ordered his soldiers to shoot everyone, including women and children. The behavior of the soldiers who took part in the massacre is mapped out on a scale ranging from “gratuitous cruelty, mutilation, sexual assault” to “active resistance, challenge, rebuke” (73). While there were some who openly objected to the orders, most followed through, even if they had conflicting feelings.

Stanley Milgram, of course, would say that we should not be surprised by the actions of the soldiers. His experiments demonstrated that average people would perform highly objectionable acts if an authoritarian figure was instructed them to proceed. Perry labels this phenomenon “agonized obedience” (76).

The problems of emotional distancing, aggression, and cruelty are discussed, showing the challenges to the psyche that soldiers face in combat. The author notes that becoming emotionally distant is an unfortunate, albeit important, trait for some professions. Police officers and surgeons, for example, have stressful jobs and have been trained to remain calm while focusing on critical tasks. The same is required of soldiers, but Perry points out that it is important that they be trained to remain true to their morals.

Some soldiers tend to be more aggressive and cruel during war, especially after repeatedly seeing combat. Perry attributes this to our genetics and shows that our distant relatives, the chimpanzees, act in much the same way we do.

If this is true, then we can take comfort in knowing that even though some of the violent traits are embedded within us, more desirable traits, like compassion, violence-avoidance, and reconciliation, are also part of our genetic package.

Perry further argues that it is important for military leaders to demonstrate high ethical standards to their subordinates. Soldiers should also be trained to take a self-inventory of their feelings during battle and to be aware when fellow soldiers are showing signs of losing track of their moral compass. It is all summed up nicely in the final sentence of the chapter, “We still need warriors who are effective killers *and* humane captors, tough soldiers who will nonetheless show mercy to the defenseless, every time” (86). One can only hope that policy makers will take note of these suggestions.

Perry moves on to the origins of the Central Intelligence Agency in Chapter 5. The Agency was the byproduct of the Office of Strategic Services, which was a liaison to the British Secret Intelligence Service, and provided unconventional support. The OSS used “guerrilla and propaganda” tactics during World War II that were important tools for fighting the Japanese (97). After the war, United States policy makers believed that a future conflict with the Soviet Union was inevitable. It had seemed acceptable to have an intelligence service during a war, but not in times of peace. Having a government agency operate outside of the ideal requirement of transparency that citizens may have of their politicians was unheard of. With war looming on the horizon, the author says that we eventually

found ourselves accepting a social contract in which we acknowledged the need for government secrecy and the need for covert operations.

While the CIA has been a valuable asset in the intelligence community, the downside has been the successive incidents of problematic covert actions. Covert actions, Perry says, are actions that are an “attempt by government agents to secretly influence the political climate of a foreign country” (96). As is well known, the United States has been involved in a number of covert actions. We know this because many of those actions did not remain covert. In the past, operations that have become public knowledge have damaged the reputation of the US, such as The Bay of Pigs and the mining of Nicaraguan harbors. The question of whether it is morally permissible to infiltrate in this way is raised. After all, such covert actions have no declared public consent, and may violate international law. Nonetheless, he notes a passage by philosopher Sissela Bok, who states, “Whenever it is right to resist an assault or a threat by force, it must then be allowable to do so by guile” (102). Perry thus concludes that a country can act in the interests of its citizens at the expense of those abroad. Intelligence operations are justified in true “zero-sum” conflicts, or “a credible appeal to foreign citizens' *hypothetical consent* (in the absence of their expressed consent), meaning that one has good reason to believe that they would concur if they had relevant knowledge and deliberated in an unbiased fashion” (106).

The chapter entitled “The KGB: The CIA's Traditional Adversary,” is very informative. It focuses on the operations of the

CIA regarding its covert actions for “reducing the power of the Soviet state” (114). Perry clearly states that the CIA's methods were not always morally justified, in the same way that many methods of the KGB could not be justified. He further quotes from John Ranelagh's history of the CIA, explaining how the American people eventually arrived at the view of the CIA “as a reminder of how old and corrupt and incorrigible the rest of the world is” (113). This was in comparison to the former public judgment of the CIA, which was that the Agency functioned as the “world's savior or corruptor” (113).

Perry does well by giving a brief history of the Soviet KGB, providing an example of why the CIA was needed to help protect the US from the USSR, as the latter was rapidly becoming a concern for international security. He tells the history as an outsider, including the fact that the KGB did not have the loyalty of its citizens and thus did not allow any other form of ideas brought into the government. However, because of all of these unjust ways of running the Soviet state, Perry believes that the United States had the right to create the CIA. If there is a government agency as “ruthless” as the Soviet KGB, then how else should the regime be dealt with than by using similarly “ruthless” methods, as was done by the CIA? Perry's congested question addresses the issue of how ethics was supposed to play a significant role in the CIA, if this intelligence agency was made to be as “ruthless” as the KGB. This is a logical question to ask because this agency may have been made for a just cause; however, according to Perry, the way in which the CIA has often worked is not necessarily just and therefore it raises a great number of ethical

concerns.

Perry's question, "Do we still need spies?" is a very controversial question that examines the advantages and disadvantages of spying (133). There is often the issue of which form of information gathering would be the most accurate and which would bring in the most data. In this case, it seems that there will always be a need for spies because there is no better form of intelligence gathering than human espionage. What is very important, according to Perry, is the ethics of recruitment and the moral norms involved in spying.

Recruiting spies appears to be a difficult task, as Perry's argument notes that a "volunteer does not thereby purge his or her CIA case officer of moral responsibility or liability" (136). This being the case, Perry's argument does support the idea that it would be a great risk to put people in such uncertain and dangerous situations. If the agents are voluntary, then they have the ethical choice of the CIA being held responsible for their actions. They are following orders and must be closely watched by CIA officers. However, if the person is conscripted to the work of the Agency, what ethical issues would be raised?

The idea of "false-flag" recruitment is a continuous form of non-voluntary agents being brought into the field through deceitful means of recruitment. This seems to cross the line into lying. As unethical as the "false-flag" recruitment may be, it could be the sole way to obtain information that can only be obtained through certain people. Perry's illustrations of scenarios outlining the reasons for engaging in "false-flag"

recruitment are persuasive. His argument is that it is wrong to use this form of recruitment, and he does list unethical ways that the CIA recruits the spies. For example, they may use blackmail or threats, forcing people to become spies against their will. This is unethical and amounts to a form of psychological torture. Ultimately, this leaves us with the question, is it ethical to use non-voluntary espionage in order to gain valuable information?

There is a section on covert action that specifies the importance of espionage taking place when trying to “form a political change”. It was suggested, at the beginning of this chapter, by Trygve Lie: “A real diplomat is one who can cut his neighbor’s throat without having his neighbor notice it” (163). This quote summarizes Perry’s entire chapter, and is a simple yet apt description of covert action. Can it be possible that the various coups undertaken by intelligence agencies such as the CIA are permissible? Events that are described in the essay argue that if a coup is needed to bring down a “dictatorial regime,” then it is not unethical to do so. Would this also be the case with the CIA’s use of bribes and crowd control? There are clearly many questions to be asked about morals in dealing with the coups and espionage efforts concocted by the CIA.

In addition, Perry notes the practices of “assassinations and other targeted killings” are actions that are used by most all governments and intelligence agencies (183). During certain situations, these seemingly unethical actions must be done in order to obtain a higher goal. According to Neil Livingstone, [assassination should be considered “only when the potential

target cannot be brought to justice in a more conventional manner”] (185).

In “Interrogation,” Perry wisely defines the words “ruth” and “ruthless.” At first glance, it seems as though Perry seems to be against the idea of enhanced interrogation, as most ethicists tend to be. He immediately asks questions, ones that are answered within the readings, concerning puzzles such as, “Do ruthless enemies warrant ruthless countermeasures? Should we uphold high ethical standards even against unlawful combatants who don’t respect them?” (199) To answer these questions Perry does assert the noteworthy judgment that if national security is being threatened, the CIA, military intelligence and special forces have the right to interrogate in a forceful way.

Perry looks at the “empirical, nonconsequentialist, consequentialist, and character factors bearing on intelligence interrogation techniques.” Perry indicates that the method of interrogations performed by the CIA, in specific instances, can become problematic when they conflict with international treaties. On top of this, according to statistics Perry has presented, “49 percent of US military personnel and 63 percent of the general public,” believe that it would sometimes be ethical to use torture on terrorists (201). Beyond this, Perry insists that torture and interrogation do not always lead to positive results, and that the information gained is not always trustworthy. Therefore, torture should be left as the last resort; after all other methods have been used.

Still, Perry does give voice to the

opposing side --advocating limited support for torture through permission by law. Again, the main problem seems to be that torture goes against most international treaties. Perry argues as follows: "I'm not convinced that torture in interrogation is necessarily or always immoral, because an absolute right not be tortured would entail that nothing that anyone might intentionally do to others could justify torturing them, even actively plotting mass murder, which strikes me as an absurd ethical stance" (211). If individuals have committed crimes that result in the killings of hundreds of people, and they are capable of more terrorist acts, then however unethical it may be to torture, torturing may be just if there is a benefit in finding out valuable information. This could therefore save many lives, which would be a positive outcome regardless of unethical act.

However, at the end of this chapter, Perry states that if the U.S. has treaty obligations that declare no one should be tortured, or suffer cruel, inhuman and degrading treatment under any conditions, then we should in fact stay away from this method of interrogation. The fact that we have signed the treaty should stop us from committing such acts.

Despite all of the ethical concerns in Partly Cloudy, Perry finally steers toward the idea of peace. We truly did enjoy the book and the information given by Perry illustrating ethics in the CIA. He tries to show that even though torture may work and that some of the unethical methods used by CIA do work, they are not, however, just. As many would agree, it is always best to try and find the most peaceful solution and methods to use. Looking at most of the problems from the

perspective of seeking peace may in fact foster more just and moral ways for what the CIA and other intelligence organizations to proceed.

This book is important when it comes to discussing how nations should interact with one another in campaigns of open war as well as in campaigns handled covertly. Whether going to war, fighting a war, gathering intelligence, performing covert activities, or interrogations, Perry shows the importance of maintaining moral standards. Though there are no guidelines set in stone for any situation, it is necessary to continually discuss ethics as we attempt to progress as a global society.