Intelligence Ethics and the German Spying Scandal

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Abstract

The article aims to evaluate the burgeoning literature on intelligence ethics and to analyze the 2014 German spying scandal from this perspective. It presents an appraisal of American espionage actions in Germany, based on public revelations and concludes that ethical aspects were violated.

The first part of the article elaborates the principle of gradual intelligence action, as formulated by the just intelligence doctrine. While doing so, the article also presents two other competing views on ethics, realism and utilitarianism. Yet, it selects just intelligence doctrine as the paradigm which best combines the state's duty to ensure its citizens' security with the fundamental premise of universal human moral status. The first part concludes by arguing that intelligence action should be gradual in both intention and means.

The second part discusses the 2014 revelations of American espionage in Germany and appraises them according to principles of intelligence ethics. It argues that the goal of action was not the discovery of a grave and imminent threat and that the means employed were disproportionate and indiscriminate. The article closes with an appeal for rebuilding trans-Atlantic trust.

Keywords: intelligence, ethics, Snowden, Germany.

Introduction

The idea of ethics in intelligence has been approached differently by the literature and by practitioners. An obvious tension exists between the way common sense perceives the idea of morality and the practice of intelligence activity. The latter implies actions which are, many times, outside the common understanding of the concept of morality. For example,

keeping up a fake identity, blackmailing a potential source or motivating it financially to make him/her deceive his workmates, intercepting communications and breaking the law of the state in which one operates are viewed as immoral by common sense morality. To overcome this difficulty, intelligence practitioners prefer to take up an „amoral" [1] stance (all is fair in love and war) or to justify their actions by arguing that they were serving the interest of their state. For example, Hugh Seton Lady the head of the CIA in Italy, when speaking about his involvement in the rendition of imam Abu Omar in Milano, argued that „I was only a soldier, we were in a war against terrorism and I could not question the orders I was given" [2].

On the other hand, the human need for security is a fundamental one, being considered by political philosophy as one of the reasons for which individuals choose to leave the state of nature and to form states. These are invested by their citizens with the primordial aim to protect the life and physical integrity of individuals, as well as their fundamental rights. Throughout its history, western philosophy entrusted the state with the right and even duty to employ violence to defend its citizens, both in front of an external threat and against those who breach the laws of a legitimate state. Concerning the relations between a state's citizens, political philosophy (Rousseau, Kant) supposes that the person committing acts of violence against its co-citizens breaks the social contract and is the only one responsible for the punishment which he then receives. For example, Kant believes that punishing a criminal is justified because his crime violates the principle of equality between citizens and the punishment reestablishes this equality. [3] Rousseau believes that those that break the law become traitors and rebels and declare war on their own state. [4]

[1] J.E. Drexel Godfrey „Ethics in intelligence" în Jan Goldman (ed.) Ethics of Spying: a Reader for the Intelligence Professional vol 1 Lanham, Maryland: Scarecrow Press, 2006, 5.

[2] Reuters, U.S. spy says just followed orders in Italy kidnap, 30.06.2009, http://www.reuters.com/article/2009/06/30/us-italy-usa-rendition-idUSTRE55T3H420090630, Accessed 15.10.2014.

[3] Imanuel Kant, The Science of Right, https://ebooks.adelaide.edu.au/k/kant/immanuel/k16sr/introduction.html#D, Accessed 15.10.2014.

[4] J.J. Rousseau, On the Social Contract, translated by Jonathan Bennett, 2010, http://www.earlymoderntexts.com/pdfs/rousseau1762.pdf , Accessed 15.10.2014, 17.

Thus, the ethics of intelligence activity has to be seen within this context and moral evaluation has to overcome common sense understandings. When discussing the topic, different authors sharing different philosophical conceptions, concluded that the morality of intelligence actions can be evaluated by the principle of graduality, according to which any action is permissible if it is adapted to the gravity of the threat and to the degree of protection of the information that has to be uncovered. The aim of this article is to present and synthesize the principle of graduality as encountered in the literature and to apply it to analyze the spying scandal which came out in the summer of 2014 between the United States of America and Germany.

Of course, considering that authors begin from different premises, their conclusions also differ. While all conceptions agree that some actions are legitimate, the sphere of those considered impermissible or the demandingness of the conditions required for permissibility is different.

An important limitation of this article has to be mentioned from the beginning. Intelligence ethics literature, as well as public statements of practitioners, confuses three distinct concepts. The first one is the idea of legality, which means conformity of intelligence action with the law of the state ordering the action, regardless of what this might be. Thus, listening to the telephone conversations of a citizen without a warrant is a breach of the law of democratic states. The second concept is that of accountability. This has been defined by admiral Stansfield Turner as "there is only one test for the ethics of intelligence activities based on human sources-if those approving them believe that they can justify their actions in front of the public opinion when these become known" [5] As an example, although this might be in accordance with the law (a warrant was obtained), intercepting the communications of a group of students critical of the current foreign policy will be hard to be accepted by the public of a democratic country. The third benchmark of evaluation of an action/norm is ethics, a wider concept, which can provide principles used in critically evaluating both

[5] Michael Quinlan, „Just Intelligence: Prolegomena to an ethical theory", Intelligence and National Security Vol 22, No.1, 1-13.

actions and formal and informal norms governing the intelligence field. These norms are derived by different authors on the basis of moral philosophy, which aims to make universal statements. Only these theories will be covered in this article.

Literature review

Toni Erskine[6] shows that the realist conception on the morality of intelligence action is the most permissive. This view, derived from the conceptions of Thomas Hobbes and Nicolo Machiavelli, sees the state as first and foremost bound to ensure its own survival, then the welfare of its citizens while not needing to be concerned with the welfare of other states or their citizens. According to realism, not only that intelligence action is not immoral, but is permissible and welcome if it improves the state's chances of survival and power. Intelligence officers are compared with the strands of a spider's web, offering the sovereign information on the outside world, or with rays of light illuminating the human soul.[7] As Erskine shows, this is not an amoral view (intelligence does not allow for morality) but a view conflating national interest with the criterion of permissibility for an action. Of course, the realist view justifies many kinds of action, including the extreme ones such a torture or political assassination (while taking precautions that this does not damage a state's reputation, if reputation is a means of exercising power). [8]

The second view on the morality of intelligence action is that justified by Michael Herman[9] and criticized by Erskine. This relies on utilitarianism and appraises actions according to whether they lead to good or bad outcomes. Utilitarianism is an old tradition in contemporary political

[6] Toni Erskine „As Rays of Light to the Human Soul? Moral Agents and Intelligence Gathering" în Jan Goldman (ed.) Ethics of Spying: a Reader for the Intelligence Professional vol 2 Lanham, Maryland: Scarecrow Press, 2010, 122-125.
[7] Ibid, 121.
[8] Ibid, 125.
[9] Michael Herman, „Ethics and Intelligence after September 2001" în Jan Goldman (ed.) Ethics of Spying: a Reader for the Intelligence Professional vol 2 Lanham, Maryland: Scarecrow Press, 2010, 107.

philosophy, starting from the writings of Jeremy Bentham and John Stuart Mill, while its main contemporary representatives are Peter Singer and Henry Sidgwick. The basic principle of this view is that an action or rule should be evaluated by adding up the good and the bad it generates. A moral action is the one that maximizes the good and minimizes the bad outcomes. It can be argued that the central idea of utilitarianism is maximizing utility (no matter how this is defined), giving each person an equal importance.[10] Of course, the different criticism raised against this view have led to it being refined and improved in order to avoid unfortunate implications, such as those employed by Erskine when criticizing Herman. When trying to offer a substantive view on the good that intelligence action should promote, Herman avoids philosophical discussions and employs "common terms" such as "encouraging responsible behavior by governments, good inter-state relations, minimizing tensions, cooperation for valuable purposes and avoidance of war" [11]. On the other hand, Erskine criticizes this approach, as he believes that the standards of good and evil are not clear. [12]

A second argument against utilitarian theories is that they ignore the „separateness of persons" [13] . Thus, at least classical utilitarianism allows for a great evil to be perpetrated on a person to generate a relatively small good for many other people. The best example employed against utilitarianism is the use of torture to find out information which can stop a threat to many other people. Excepting extreme situations, torture represents a great evil, while the intelligence acquired might only prevent small threats. This is also one of the arguments Erskine uses. [14]

The last criticism against Herman's utilitarian theory is that the unintended consequences of an action must be also included in the "ethical balance sheet". Many times, an action can affect persons who are not

[10]Will Kymlicka, Contemporary Political Philosophy: an introduction Oxford:Oxford University Press, 2002 12.
[11] Herman, „Ethics and Intelligence after September 2001", 111.
[12]Erskine „As Rays of Light to the Human Soul", 130.
[13] John Rawls, A Theory of Justice, second edition Cambridge, Mass: Harvard University Press, 1999, 167.
[14] Erskine „As Rays of Light to the Human Soul", 129.

directly involved, either by compromising their reputation or by causing emotional harm. Erskine believes that this argument unjustifiably limits the margin of permissible intelligence action, considering the fact that most intelligence activities have hard-to-predict, unintended consequences. [15] For example, obtaining information from a foreign institution, which is a legitimate target, can affect, without this being the aim of the action, the career of those that had to guard this information. If this unintended harm is included in the ethical balance sheet, acting against what appears to be a legitimate target might be considered impermissible.

A development of utilitarian theory is the view of Ross Bellaby, who begins from the principle *primum non nocere*[16], or „first do no harm". Bellaby analyzes the works of some political philosophers, but is mostly influenced by Amartya Sen's and Martha Nussbaum's capability theory and defines some of the individual's basic interests (as opposed to Herman who starts from the interests of international society). These are physical and mental integrity, autonomy, freedom, the feeling of self-confidence and the protection of privacy. Each of these can be affected by intelligence action in several ways, from torture, which affects the first two to the violation of privacy. [17] Bellaby does not offer solutions based on his theory, as he chooses to employ the theory of just war/just intelligence (see below) as a solution to the problem.

The third view on ethics that Erskine presents is the deontological one, derived from the categorical imperative, as it is defined by Immanuel Kant. The categorical imperative expressly forbids some actions under any circumstances. It can be formulated in two ways: "Act such that the norm guiding your action can become universal law" and "Act such that you treat others as ends in themselves and not as means" [18]. Both formulations represent strict limits against actions such as deceptions, invasion of privacy and breaking promises. Both the Kantian and the utilitarian perspective, as opposed to realism, give equal concern to the citizens of other states, but

[15] Erskine „As Rays of Light to the Human Soul", 133.
[16] Ross Bellaby, „What's the Harm? The Ethics of Intelligence Collection", Intelligence and National Security, Vol 27, Issue 1, 2012, pp 93-117.
[17] Ibid, 109.
[18] Erskine „As Rays of Light to the Human Soul" 132.

offer different solutions to this conundrum.

An important moral theory is "just intelligence", an application of the just war doctrine. Just war theory is advocated by Michael Walzer, Jeff McMahan and Frances Kahm. The main supporter of this view within the field of intelligence is Angela Gendron.[19] This theory distinguishes, as just war theory also does, between *jus ad bello* (the moral right to start a war-later adapted by Quinlan ad *jus ad intelligentiam*) and *jus in bellum* (the way to morally fight a war-adapted as *jus in intelligentsia*) [20], and believes intelligence action should be evaluated against both criteria. Michael Quinlan correctly argues that adapting the theory of just war to the field of intelligence needs to be done creatively, as there are significant differences between the two activities. Firstly, far less is known about intelligence action as opposed to military action and discussing the first can only be done with a high level of generality. Secondly, unlike in international relations, governments make only very general statements on the intelligence action they are willing to tolerate from an adversary, so that these do not have much leeway. [21]

Both Gendron and Quinlan agree that significant differences between just war theory and just intelligence exist, regarding the *jus ad bello/intelligentiam* part. If war can be legitimate only when the state has been attacked or when a grave and imminent threat exists, intelligence activity can be legitimately undertaken to identify and combat threats before they materialise. Gendron recommends that identifying threats should be done in the least intrusive ways possible, until serious indications that a threat is materializing are discovered. This approach excludes economic espionage done only for getting a competitive advantage for a country or spying on the private life of an individual without him being in an important position or having the authority to issue orders leading to a potentially dangerous action.

Regarding behavior during intelligence action, Gendron suggests the

[19] Angela Gendron, „Just War, Just Intelligence: An Ethical Framework for Foreign Espionage", International Journal of Intelligence and Counterintelligence, Vol 18, No.3, 2005, 398-434.
[20] Ibid, 415.
[21] Quinlan, „Just Intelligence: Prolegomena to an ethical theory", 4.

classical criteria of just war: proportionality, the probability of success, considering unintended consequences and differentiation between combatants and non-combatants. [22] For the last criterion, Gendron quotes the proposals of Tony Pfaff and Jeffrey Tiel, who believe that there is a scale of involvement in intelligence activity, and methods can be employed according to this. Thus, persons who are not part of a state's intelligence activity can only be targeted by minimally invasive measures, while active intelligence officers can be subjected to blackmail based on fabricated evidence or tough interrogation methods. [23] Moreover, the principle of proportionality also recommends methods that are intrusive enough to ensure success but no more than that. Furthermore, the principle of probability of success claims that the method with the highest chances of success should be adopted, without waiting and trying all the methods and expecting the emergence of negative consequences[24]. Thus, Gendron concludes that the moral evaluation of intelligence action can be done according to a matrix, and the methods can be selected according to the adversary's hostility, the opacity of the target-organization and the imminence of the threat.[25]

Although the criteria of just war are similar across all authors, small differences exist between them. For example, Bellaby adds to Gendron's proposals the criteria of right intention and legitimate authority. The idea of right intention limits the methods of intelligence action to only those that serve the legitimate intention for combating the threat, excluding those which serve selfish purposes such as the overthrow of an enemy regime or economically benefitting one's own state. Further, intelligence action must be ordered only by the state's legitimate authority, be it either the supreme executive for external actions or a law-enforcement authority, with the agreements of the judiciary, for actions against one's own citizens.

In the Romanian context, ethical aspects have been discussed and applied on the collection of open source intelligence. Thus, it was

[22] Gendron, „Just War, Just Intelligence", 419.
[23] *Ibidem*, Tony Pfaff and Jeffrey R. Tiel, „The ethics of espionage", Journal of Military Ethics, Vol 3, No. 1, 2004, 1-15.
[24] Gendron, „Just War, Just Intelligence", 425.
[25] *Ibidem*.

recommended that open source intelligence "can only be included in a file […] if they concern the breach of a law […] the source from which they were obtained being irrelevant […] so to avoid any problems arising later in keeping the information on the suspected person, if the connection between that person and a terrorist or extremist group cannot be proven by corroborating intelligence from different sources." [26]

The literature concludes that intelligence action cannot be indiscriminate or used for any purpose. Those that decide on operations need to evaluate their purpose (if the discovery or combating of a grave and maybe imminent threat is sought) as well as the intrusiveness of the methods against the operation's chance of success, the proportion between aim and means and the type of adversary. To offer extreme examples, it is legitimate to place listening devices in or to secretly search locations where terrorist attacks are planned (a well-known case of such a search was that performed on the apartment of one of the 2006 transatlantic airliner bomb plot, an action which foiled the plot[27]) but it is not legitimate for these methods to be employed against groups who have different political opinions than the government. It is permissible to recruit human sources (even by blackmail) among the officials of a regime which, it is believed, is developing nuclear weapons with the intent of using them, but illegitimate to do so against a regime without warlike intentions. Of course, in the case of such a regime, it is perfectly acceptable for the public speeches of its officials to be monitored and analyzed on the eve of the signing of a major bilateral trade treaty.

The case of American espionage against Germany

In the summer of 2014, a major spying scandal rocked the relation between Germany and the United States of America, two allied countries. After the defection of Edward Snowden, a series of documents belonging to

[26] Cristina Posaştiuc, Emilia Enescu, „Aspecte etice în activitatea de intelligence din surse deschise" în Revista Română de Studii de Intelligence nr. 4 / decembrie 2010.
[27] BBC.co.uk, Liquid bomb plot: What happened, 9.09.2008, .http://news.bbc.co.uk/2/hi/uk_news/7564184.stm, Accessed 15.10.2014.

the National Security Agency were revealed to the public, allowing people to find out more on the NSA's secret activities. One of the most important revelations was that the American agency had intercepted the phone calls of the German Chancellor Angela Merkel for ten years, beginning in 2002, when she had begun her career on the national stage, and up to 2013. An investigation of the *Der Spiegel* magazine, based on Snowden's documents led to a major scandal between the two countries[28].

According to the revelations, a special NSA unit installed listening equipment in the attic of the American embassy in Berlin and employed it to intercept the telephone conversations in Berlin's governmental quarter. Confronted with this claim, German officials then contacted their American counterparts, who, both in private and in public, neither confirmed nor explicitly denied the accusations. [29] Angela Merkel's spokesperson called this a „grave breach of trust" while the chancellor herself expressed her dissatisfaction in a telephone conversation with Barack Obama. [30] Moreover, it was asserted that this scandal can lead to the freezing of negotiations for the Trans-Atlantic Trade and Investment Partnership agreement, currently being discussed between the European Union and the United States of America.

The Trans-Atlantic Trade and Investment Partnership is a major agreement currently being negotiated by the EU and US. Its aim is to eliminate trade barriers between the two blocs, by giving up customs duties and by harmonizing non-tariff barriers such as safety standards. The European Commission argues that this agreement would increase the EU's aggregate GDP by 120 billion Euros.[31] Negotiations on this agreement have been gravely endangered by the spying scandal discussed in this article. [32]

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[28] Der Spiegel, Embassy Espionage: The NSA's Secret Spy Hub in Berlin, http://www.spiegel.de/international/germany/cover-story-how-nsa-spied-on-merkel-cell-phone-from-berlin-embassy-a-930205.html, Accessed 15.10.2014.

[29] Ibid.

[30] Ibid.

[31] European commission, The Trans-Atlantic Trade and Investment Partnership, http://ec.europa.eu/trade/policy/in-focus/ttip/, Accessed 15.10.2014.

[32] Bloomberg.com, German Spy Scandal Tests Merkel's Partnership With U.S, 8.07.2014 http://www.bloomberg.com/news/2014-07-08/merkel-tested-as-u-s-partner-by-spy-uproar-in-germany.html, Accessed 15.10.2014.

In addition to wiretapping the Chancellor's phone scandal, two others revelations have led to the further cooling of the relations between the two countries. Just several months after Edward Snowden made public the NSA's actions, two employees of the German Federal Government, one employed at the Ministry of Defense and another at BND (Germany's Foreign Intelligence Service) were arrested under the accusation of espionage for the USA. All this have led to the expulsion of the CIA's station chief in Germany[33] and to the considerable reduction in trust between the two countries. American officials reacted angrily to this expulsion, claiming that Germany should be more concerned by Russian or Chinese espionage.[34] Despite these statements and actions, German officials tried to negotiate with the US a no-spying agreement, asking that Germany be accepted in the club of Anglo-Saxon countries (USA, Great Britain, Canada, Australia, New Zealand), who agree to give up intelligence activities against one another.[35]

This case represented one of the most spectacular revelations of spying among allied countries in recent years (it can be compared with the Pollard case of the 80s) [36]. According to the statements of German officials, they trusted the USA too much, believing that spying between allied countries is not practiced and preferred to focus their limited capacities (at least when compared to those of the US)[37] on threats such as Russia, China or terrorist networks.

Intelligence ethics and the analysis of US espionage actions

With the prominent exception of the realist paradigm, all the other

[33] Bbc.com, Germany expels CIA official in US spy row, 10.07.2014 http://www.bbc.com/news/world-europe-28243933 Accessed 15.10.2014.

[34] Deutsche Welle, US irritated by German response to spying scandal, 11.07.2014, http://www.dw.de/us-irritated-by-german-response-to-spying-scandal/a-17780705, Accessed 15.10.2014.

[35] Stephane Lefebvre, „The Difficulties and Dillemas of Intelligence Cooperation", International Journal of Intelligence and CounterIntelligence, Vol 16, No.4, 2003, 527-540.

[36] Cssmonitor, Who is Jonathan Pollard, and why is his spy case inflammatory? http://www.csmonitor.com/USA/DC-Decoder/2014/0401/Who-is-Jonathan-Pollard-and-why-is-his-spy-case-inflammatory-video, Accessed 15.10.2014.

[37] „Der Spiegel", Embassy Espionage: The NSA's Secret Spy Hub in Berlin.

theories of permissibility of intelligence action lead to a negative appraisal of the activities of the American Intelligence services. The realist theory believes that almost anything is permitted and that the need of a state to maximize its power cannot be bound by alliances or formal promises. Moreover, this theory does not take into account the action's purpose, viewing the aim of discovering a state's position in a commercial negotiation as equally legitimate as that of combating the actions of a potentially enemy state.

Other moral theories reviewed above strongly condemn US actions against Germany. Utilitarian theory sees US actions as wrong because they generate only a small good for the US and the international community (discovering foreign policy intentions which could be anyway found out through usual diplomatic channels) while causing a great harm (the breach of trust between two allied countries, the diminishing of intelligence exchanges between the two agencies of the two countries, having as a potential consequence the decrease of the capability of combating real threats such as Russia, China or terrorism, the weakening of citizens' trust in the trans-Atlantic community, the freezing of TTIP negotiations).

Taking into consideration the aspects discussed above, about intelligence action being gradual and just war theory, the US actions can be criticized on all counts. Firstly, the aim was not combating a threat already detected using open sources or less intrusive means. It is not clear what the purpose of intercepting Chancellor Merkel's communications for ten years was, but it is possible that the intelligence acquired was employed to anticipate Germany's foreign policy or to evaluate its positions in commercial negotiations. Germany is not a traditional threat to the US and it is hard to imagine that the wiretapping revealed information which changed this perception. Moreover, recruiting human sources inside German military and intelligence agencies shows that the aim was to not only obtain information on foreign policy, but also on defense policy and to, maybe, criticize the insufficient (according to the US) military collaboration between the two countries or the fact that Germany does not invest enough in developing NATO resources.[38]

[38] „Time", Not New NATO News, http://nation.time.com/2011/06/10/not-new-nato-news/,

Accepting that following German foreign policy is a legitimate aim, it is obvious that the means employed were disproportionate and indiscriminate. Firstly, this purpose could be achieved by open source intelligence, such as Chancellor Merkel's speeches or those of other foreign policy officials. Considering the tight collaboration between these two countries, it can be assumed that sufficient channels of communication exist to communicate information away from the public eyes.

Furthermore, the indiscriminate character of the espionage action was obvious from the fact that the electronic devices were directly pointed to the government quarter[39], listening to all communications possible, including multiple telephone numbers. It could be argued that, although the purpose was wrong and the means disproportionate, the persons whose telephones were intercepted could be chosen in a more discriminate fashion, based on the probability of obtaining valuable intelligence. From what was revealed to the public, it can be glimpsed that the approach was completely the opposite. Finally, it can be argued that the means were not proportional with the type of society in which the action was undertaken, as Germany is a relatively open society, where the government's intentions are mostly public, only private data and national security aspects being secret.

In addition to those mentioned above, the seriousness of the spying scandal can be analyzed considering that Germany and the US are countries allied in NATO. If some moral duties are universal, it can be said that duties between individuals that are close are stricter. For example, one does not have a duty to financially help an unknown person who is not in an immediate financial need, but this duty appears when a friend is involved. The force of moral obligation is almost absolute, if the person promised to help his friend. The case of the relationship between Germany and the US lies somewhere in between on this continuum of moral strictness. On the one hand, the US did not explicitly promise to refrain from intelligence action against Germany, as it did with other Anglo-Saxon countries. On the other hand, its close relationship with the US allowed Germany to believe that the US is not a threat and to concentrate its resources against other

Accessed 15.10.2014.

[39] „Der Spiegel", Embassy Espionage: The NSA's Secret Spy Hub in Berlin.

targets. A case permanently mentioned in the literature is that of US Secretary of State, Henry Stimson, who, in 1929 closed down the infamous Black Chamber, the US' decrypting department, founded during World War I, by claiming that "Gentlemen do not read each other's mail". [40] At that time, Stimson believed that all other countries should be treated in a gentlemanly way. Within the current context, it can be argued that the international security environment led to the elimination of rules of politeness, but that an alliance relation has the implication that both allies will behave gentlemanly with each other.

Of course, those mentioned above do not exclude the legitimacy of similar action by the US or other NATO countries against states or organizations that represent a threat to their security, such as Russia, China or ISIS. Still, the principles developed in the intelligence ethics literature allow evaluating actions and discussing their permissibility.

Conclusion

Intelligence ethics literature lies at the crossroads between the need for security and the moral right of the state to ensure the safety of its own citizens, on the one hand, and political philosophy which grants equal moral standing to individuals and aims to create a bridge between the two. The principle of gradual action, as it was formulated by this article, admits the importance of both perspectives and achieves a balance sometimes thought impossible. Its application to concrete cases is many times, in agreement with individual intuition of what a democratic state should do, allowing action against threats but forbidding the same behavior against other targets.

Edward Snowden's revelations can represent a departure point for new rules of trans-Atlantic intelligence cooperation, leading to the formulation of new rules to further mutual trust. Yet, a period of reflection is necessary to draw conclusions from events and to rebuild cooperation.

[40] R.V. Jones „Intelligence Ethics" în Jan Goldman (ed.) Ethics of Spying: a Reader for the Intelligence Professional vol 1 Lanham, Maryland: Scarecrow Press, 2006, 21.

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