

Tinker, Tailor, Soldier, *Informer*: Revisiting the Ethics of Espionage in the Context of Insurgencies and New Wars

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George Smiley makes his first appearance on the very first page of Cécile Fabre’s recent book on the ethics of espionage, *Spying through a Glass Darkly: The Ethics of Espionage and Counter-Intelligence*¹—and aptly so. John Le Carré’s fictional master spy—known most prominently from the novel *Tinker, Tailor, Soldier, Spy*,² also adapted into a film and a celebrated TV series³—has structured much of the popular perception of espionage and has become a byword for intelligence work. Compared with the flashy exploits of secret agent James Bond, Le Carré’s cerebral spies and gray atmosphere are considered realistic.⁴ The combination of official secrecy and the image of some fiction writers as privy to insider knowledge led many to treat fictional spy accounts of the Le Carré type as accurate depictions of intelligence work.⁵ In this kind of framework, intelligence agencies are engaged in a version of the “Great Game”: often devious, at times incompetent, and with numerous moral compromises—but ultimately acting for a good cause in a self-regulated manner. Spies such as Smiley are portrayed as professionals, even if flawed ones. The individuals they target for recruitment—or “turning”—are usually people working for the regimes of adversary nations; unconnected civilians are generally not part of this game. These images remain common and influential: the Cold War and spying have become almost synonymous, and perceptions of espionage are tied to these cultural representations.⁶

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This is the framework that, at least implicitly, structures most of the analysis in *Spying through a Glass Darkly*.⁷ The book is based on the paradigm of interstate conflict: intelligence activities are considered by Fabre as an aspect of “foreign policy,” where agents are recruited in “foreign countries.”⁸ In addition, the analysis assumes that professional intelligence agencies act to find out their enemies’ secrets, in protection of a clearly superior normative order in their own nations.⁹ Yet in the contemporary post–Cold War world, much—and sometimes most—of intelligence activity is actually carried out in different contexts: the targets of espionage are often nonstate actors rather than foreign states, and many intelligence operations take place in areas under the state’s sovereignty or control. This different context should affect the ethical evaluations of such practices, as elaborated below.

In this essay, I accept the basic formulation that Fabre deftly elaborates in her work: that intelligence work, including using incentives and pressures to encourage betrayal and treason, is often morally justified, and at times even obligatory; and that assessing when it is worth paying the moral price of using deception and exploitation in the recruitment of agents is based on the criteria of necessity, effectiveness, and proportionality. However, in the following, I propose, first, a different contextual basis: leaving behind the Cold War–inspired and interstate framework and instead exploring intelligence in the messier reality of counterinsurgency, counterterrorism, and “new wars.” Second, I suggest a methodological expansion: adding a sociological perspective to the ethical discussion by exploring the wider effects on society, over longer periods, of the operation of human intelligence. Then, based on these shifts in perspective and context, I identify additional social harms generated by espionage that should change the assessments of proportionality and lead to a more restrictive view of ethical espionage than the one emerging from Fabre’s work. I then propose that many of the ethical problems created by espionage in these contexts result from the widespread systematic recruitment of informers, while small-scale targeted, ad-hoc recruitment can avoid many of the long-term social harms otherwise generated by informing.

FROM COLD WAR SPIES TO NEW WARS’ INFORMERS

If spies such as Kim Philby or Oleg Gordievsky are the emblematic figures of Cold War espionage, the figure who perhaps most effectively represents the “dirty war” of intelligence in counterinsurgencies and counterterrorism is Freddie Scappaticci,

also known as “Stakeknife,” an Irish Republican Army (IRA) informer for the British army. While the exact details of this affair are still under investigation by Operation Kenova¹⁰—the biggest criminal investigation in British history—the main contours of the story are fairly clear. Scappaticci was an IRA muscleman, the deputy head of the IRA’s internal security unit—known colloquially as the “nutting squad”—whose role was to unearth and punish IRA members who were British informers. For about a decade in this role, he was also himself an informer and allegedly involved in the killing and beating of several other (real or wrongly accused) informers. After years in hiding, Scappaticci emerged in public view when arrested by police for possessing extreme pornography;¹¹ the Kenova investigation, curtailed by British authorities fearing embarrassment and more revelations, was about to recommend his prosecution when he died in April 2023.¹² This affair is a particularly vivid illustration of a broader trend where, as we move away from traditional interstate wars, the main figure is not the Cold War gentleman spy but the sordid informer.¹³

In “new wars,” counterinsurgencies and counterterrorism conflicts are not mainly interstate conflicts—as was the Cold War—but rather asymmetrical conflicts between states and nonstate actors (such as terrorist, rebel, or national liberation movements).¹⁴ Rather than ideology, it is now ethnic, ethnonational, and religious identities that are the key cleavages; and political control of a population is as much a goal as physical control and security. This has several implications for our discussion.

First, where the legitimacy of the state is exactly what is in question (as in Northern Ireland or the Occupied Palestinian Territory), the neat distinction between just and unjust foreign policy becomes less clear and perhaps less relevant.¹⁵ Sources are recruited by intelligence agencies¹⁶ to prevent unjust attacks on civilians, yet such attacks are often carried out in the context of unjust oppression by the very same agencies and governments that do the recruiting. Perhaps more importantly, the scope of the recruitment and operation of informers tend to be much larger. In fighting insurgency and terrorism, informers—sources of human intelligence—are considered essential, providing information not easily available by other means of intelligence gathering.¹⁷ In this messier reality, espionage is also not solely in the hands of secret intelligence services: the intelligence services still operate, but they do so alongside police and military actors, each cultivating their own networks of informers. Further, the higher levels of control regimes have over populations in occupied or disputed territories means that

security forces have recourse to a much broader repertoire of inducements, pressure, and blackmail, which makes recruitment of informers easier.¹⁸ Finally, the remit of the intelligence agencies is wide: their roles include supporting political control of the population in question and subduing national, ethnic, or religious challenges, not just military or violent activities.¹⁹ The combination of all these factors means that in these contexts there is usually *mass* recruitment of informers—high level and low level, central and incidental—to a much higher degree than is common in interstate conflicts and their typical scenarios explored in Fabre’s work.²⁰ As I elaborate below, the scale of the recruitment and operation of informers generates harms that are not visible when examining individual cases.

A SOCIOLOGICAL PERSPECTIVE ON INFORMING

A sociological perspective can bring additional insights to the ethical discussion. This first means exploring the overall effects of a given practice on society rather than assessing the merits of decision-making in individual cases; it can also better incorporate long-term consequences in this regard. Second, while the methodology employed by contemporary normative and applied ethics is to assume clean, limited scenarios where actors’ intentions are clear (in order to examine specific issues systematically), a sociological perspective veers toward the opposite: it assumes a complex reality with unanticipated consequences, goal displacement, means-end displacement, and latent functions.²¹ Such extended perspectives can be crucial when assessing whether the deception, moral dereliction, manipulation, exploitation, and coercion that underpin the recruitment of intelligence agents²² are proportional to the security gain.

The question of the effectiveness of intelligence is one important issue in assessing proportionality. Ethical evaluations tend to assume, even if implicitly, that informers actually provide useful information, and then proceed to assess whether any moral price generated by their operation is adequate in relation to the security gain achieved by the information.²³ In Fabre’s book, the people recruited by intelligence agencies are designated as “assets,” and this is also the common parlance in intelligence circles. The premise reinforced by this nomenclature is that everyone recruited to act as an informer is an asset, primarily providing advantages. Yet this outlook needs to be challenged, especially in the context of dirty wars and counterinsurgencies. First, the latent (and sometimes-explicit) goals of security agencies in such contexts are much wider than gaining information—in practice,

informers are used also to spread mistrust and paranoia, to act as agent provocateurs or as “proxies” of security agencies.²⁴ Second, in such contexts, recruitment is often opportunistic and based on “trawling”: recruiters do not necessarily target militants or people in possession of secret information but rather anyone from the community who is susceptible to recruitment, hardly all—or even most—of whom are likely to be true assets.²⁵

Moreover, informers often provide misinformation and disinformation,²⁶ not just reliable information. Even when the information they provide is accurate, it is often suspected of being unreliable because handlers distrust the motives of those they recruited using pressure and blackmail. In addition, accurate information at times does not reach the right target because of the perennial problem of interagency rivalries, bureaucracy, and secrecy; and even when it does, it is often not acted upon, in order to protect the identity of the source.

In short, there are numerous reasons to question the premise that informers should be designated simply and solely as assets, in the literal sense of the word. All that said, it is important to emphasize that there is no doubt that information from informers has helped to save lives on numerous occasions in many countries; my point is that we should assume that this is neither the typical outcome nor the sole motivation for their recruitment.

REASSESSING THE SOCIAL HARMS GENERATED BY ESPIONAGE

Even if we concede that informers provide useful information, the price paid—which determines the proportionality of recruiting them and putting them into operation—can be much higher than it initially appears. Appreciating this requires different optics, with a wider lens and different focus: we also need to look at the social context and implications for a community where informers operate. First, reprisals against real and alleged informers by anti-state armed groups and their supporting communities are a common and widespread phenomenon,²⁷ which means that the recruitment of informers generates political violence and does not merely reduce it.²⁸ The mass recruitment of informers affects the scope and nature of reprisals: put simply, the greater the number of informers recruited, the greater the number who will be killed by armed groups. Moreover, the more informers who operate, and the longer the period, the more the figure of the informer becomes a target of hatred and resentment, with the family members of the exposed informers also ostracized and attacked. This also means a higher

likelihood of targeting wrongly accused people, or of using the label as cover for settling unrelated accounts. Violence and other social harms also result from the immunity given to criminals in exchange for informing. In addition, in a context of mass recruitment, victims and witnesses would be increasingly reluctant to report crime to the police, for fear of being targeted for recruitment or seen as informers by their communities. Informers themselves are also involved in violence; indeed, they often must inflict it to maintain their cover. All of these consequences should be considered as part of the ethical equation.

There are also other aspects that change when we move from considering the individual scenario to considering the broader effects. In her book, Fabre notes that many intelligence agencies exploit the vulnerabilities of people with sexual orientations considered deviant in their societies, pressuring them to become agents by threatening to expose their sexual preference. Fabre considers the practice legitimate in some conditions; for instance, she states that threatening to expose such individuals is morally permissible while fulfilling the threat would not be.²⁹ On a higher scale and over longer duration, threats that are not fulfilled make little sense. But more pertinently, trawling for informers rather than making targeted approaches leads to a situation whereby an individual is pressured to become an informer, for example, simply because he or she is gay living in a community that considers it a sin.³⁰ When this becomes a large-scale phenomenon, it also becomes widely known or rumored in the respective society, making the situation of already-marginalized groups even worse, as they are considered putative informers.³¹

Further, the “duty of care” to protect and exfiltrate from enemy territory agents and their dependents³² is also much less likely to be met when the recruitment of informers is conducted on a large scale. British security services were able to carry out a complex, impressive operation to exfiltrate Oleg Gordievsky from the USSR to the U.K., where he received citizenship.³³ However, this is much harder in relation to the thousands of Palestinians in the West Bank and Gaza who are at risk as suspected collaborators but do not receive adequate protection and support from Israeli authorities, to give just one contemporary example.³⁴

Other negative social consequences emerge when we examine the long-term effects of mass informing. The social mistrust, wounds, and enmities created by mass informing can adversely affect transitions out of conflicts. In other words, while in some cases information provided by an informer can foil attacks, the overall pervasive policy of mass recruitment can actually end up sustaining rather than ending violence. Anti-peace “spoilers” can discredit rebels’ decisions to end

armed struggles or oppose violence by portraying these acts as a product of manipulation by informers.³⁵ Mass recruitment of informers by state authorities turns informers into “folk devils” in the eyes of many in their community, and creates a cultural taboo against informers. As a result, during transitions out of conflict there are lingering social and cultural norms against cooperation with the police that complicate and delay letting go of conflict mentalities and achieving a fully peaceful order.³⁶ Claims and counterclaims about the identities of alleged informers can poison social and political lives, and the legacy of informing sustains internal tensions and fears of reprisals within a community even long after the conflict ends.

These social implications are often overlooked. For instance, Fabre’s analysis of treason concludes that the betrayal of intimates makes unjustified treason worse,³⁷ but that if the treason itself is justified, then the betrayal of colleagues and comrades is not morally wrong, as they are complicitous in the wrongdoings that make treason morally justified.³⁸ But in the context of divided societies attempting to emerge out of conflict, the legacy of personal betrayal in the underground can have more profound long-term effects. Deception by informers, experienced as personal betrayal by their comrades, can lead to prolonged enmities and keep old wounds open even after there is a measure of reconciliation between former underground rebels and their erstwhile rivals in the security agencies. One former IRA member explained, for example, that the deception is key in this sense: “You think back: you stayed in their house, you had them in yours, you maybe went on holiday with them. At that time you thought you knew them, but you didn’t, they led a double life. And all *that sense of betrayal is personal, it’s not just organisational*. The personal betrayal is what gives it that added edge, that keeps the wound open.”³⁹

In short, the policy of recruiting informers can have damaging long-term implications for the ultimate goals of counterterrorism and counterinsurgency: to reach a peaceful society with “normal” political life and citizen-state relationships. The negative consequences of informing may be unintended—that is, not meant and perhaps not foreseen by those devising conflict-era policies—but this only underlines the importance of identifying and discussing such effects.

Another important issue relevant to counterterrorism—but not so much to interstate conflicts—is that the widespread recruitment of informers from some communities can result in *limiting* the voluntary flow of information to the authorities from such communities.⁴⁰ Systematic widespread recruitment of informers has to be built on the immunity provided to offenders, but this creates

the social stigma of the hated “informer” within the target communities. This stigma legitimizes threats of retaliation, and in turn makes the voluntary passing of information from ordinary members of the public less likely,⁴¹ creating a huge disadvantage for governments seeking to protect their citizens from terrorist attacks. Extensive recruitment of informers in specific communities—such as Muslim communities in the U.K. and the United States in the aftermath of 9/11—of which community members are well aware, can lead to communities perceiving themselves as collectively suspect and a target of social control, increasing alienation and undermining efforts to engage and partner with community members for counterterrorism purposes.⁴²

THE QUESTION OF SCALE

The issue at stake in this discussion is to a large degree one of levels of analysis; scale and perspective can alter the normative assessment, as quantitative differences lead to qualitatively different phenomena. If we look at specific scenarios of recruiting human sources on a case-by-case basis—as is Fabre’s method in *Spying through a Glass Darkly*—we can take a fairly permissive approach; but in the aggregate, at a level above some critical mass, widespread recruitment of informers creates new problems that can tip the scales. Each incident of recruitment by itself may be legitimate, but when they accumulate, a macrolevel analysis would show that their overall effects constitute illegitimate harm.

The question of scale is therefore one of the key variables: the difference between situations whereby security agencies recruit informers in very specific circumstances, in a sporadic and regulated manner, resulting in a few short-term cases; and policies of systematic widespread, proactive recruitment, where large numbers of long-term informers operate. Pervasive large-scale, long-term recruitment of informers—as was the case in Northern Ireland⁴³ and is currently the case in the Israeli-Palestinian conflict⁴⁴—generates the negative political and social effects sketched above, which targeted, small-scale, ad-hoc recruitments may not generate. To be sure, assessing when the scope of recruiting informers reaches unacceptable levels is a difficult task—and finding operational means to regulate and control the levels is even more challenging.⁴⁵ Treating informing as a necessary evil, a “least-bad” alternative,⁴⁶ whose every use must be justified while taking into account the overall quantity might go some way toward checking the practice.

But this is perhaps more a question of outlook: treating informers as risks or burdens instead of assets, for example, can result in limiting their overall numbers.⁴⁷

It should be stressed, then, that I argue for a much more limited recruitment of informers, but not for a pacifist or abolitionist approach toward the use of human intelligence. It is possible to argue, following Ned Dobos's argument for the abolition of militaries,⁴⁸ that even if in some limited circumstances the recruitment of informers would be justified, the costs incurred by maintaining an institutionalized system of human intelligence are such that it is better to dismantle the system completely, while allowing that some ad-hoc "ticking-bomb" scenarios might make resorting to informing legitimate.⁴⁹ However, many of the abuses and negative consequences generated by informing occur because the operation of intelligence agencies tends to be shrouded in secrecy and suffers from lack of oversight, accountability, and legal regulation.⁵⁰ To allow the use of informing without an institutional framework may only increase abuses and unintended consequences. The solution is to have smaller, more modest, and more tightly regulated operations.

There is an interesting analogy here with contemporary American debates regarding the future of prisons and policing. Many observers accept that the problems of violence and racial discrimination by law enforcement officers, and their broader social effects, are systematic and have become inevitable within the current arrangements, creating more social harms than they solve. For some, this leads to concluding that the only solution is abolition (of the police or prisons or both), much like in relation to slavery or to the death penalty, as the assumption is that the institutions cannot be reformed and so must be eradicated. Others maintain that the way ahead is substantially restricting and minimizing the operation of policing and prisons, including through reallocating resources to other bodies and activities, but not to let go of them altogether, arguing that armed police are necessary in some limited circumstances and that some violent offenders have to be imprisoned.⁵¹ Those who accept the latter position—analogueous to my argument here in relation to informing—seek to have smaller, more accountable, more regulated police forces and prisons and not to let them operate on an ad-hoc basis. This, I believe, should be the way ahead in relation to policies on informing in the contexts explored here. Designing an exact institutional arrangement is beyond my remit, but the key may be engaging in real public debates on these issues, as hitherto the topic has not been discussed publicly in the scope and depth of debates on, for example, policing or the death penalty.

CONCLUSION: THE LEGACY OF ESPIONAGE

The approach sketched here accepts the framework offered by Fabre for the evaluation of espionage and its cardinal activity of recruiting human sources. When applying it to the context of “new wars,” however, I argue that the tests of necessity, effectiveness, and especially proportionality should be applied to the overall policy rather than on a case-by-case basis. This broader perspective also takes into account the long-term legacy of espionage and how it can affect society, culture, and individual lives long after the actual events in question. This is, in fact, what John Le Carré himself ended up doing: his books published after the end of the Cold War became increasingly critical of Western intelligence activities, questioning their necessity and effectiveness, and observing the abuses they generate as the focus shifted from the Cold War ideology to the murky war on terror. In one of his last books, aptly titled *A Legacy of Spies*,⁵² he even revived George Smiley, in the context of a human rights inquiry examining the legality and morality of the deception described in his 1960s classic *The Spy Who Came in from the Cold*.⁵³ This fictional inquiry, examining the broader and long-term consequences of espionage, should inspire real-world assessments of the proportionality of intelligence activities.

NOTES

- ¹ Cécile Fabre, *Spying through a Glass Darkly: The Ethics of Espionage and Counter-Intelligence* (Oxford: Oxford University Press 2022), p. 1.
- ² John Le Carré, *Tinker, Tailor, Soldier, Spy* (London: Hodder & Stoughton, 1974).
- ³ The celebrated TV series was first broadcasted by the BBC in 1979; the film, directed by Tomas Alfredson, is from 2011.
- ⁴ James Parker, “The Anti-James Bond,” *Atlantic*, December 2011.
- ⁵ Eva Horn, *The Secret War: Treason, Espionage, and Modern Fiction* (Evanston, IL: Northwestern University Press, 2013).
- ⁶ Tony Shaw, “Cinema and the Cold War: An International Perspective,” in George Kassimeris and John Buckley (eds.), *The Ashgate Research Companion to Modern Warfare* (London: Routledge, 2010), pp. 365–82.
- ⁷ The current essay focuses on the key issue of human intelligence in the context of political espionage; it does not deal with economic espionage, nor with technological surveillance, issues that are addressed by Fabre.
- ⁸ Fabre, *Spying through a Glass Darkly*, p. 4. Interstate conflict is, of course, not just a feature of the Cold War; interstate intelligence rivalries existed long before it. But, at present, Cold War spying is prominent in the cultural imagination, while post-Cold War intelligence practices have moved in different directions.
- ⁹ Thus, Fabre contrasts the treason committed by Oleg Gordievsky in support of British democratic tradition and commitment to rule of law with the one committed by Kim Philby in support of undemocratic Soviet authorities. See Fabre, *Spying through a Glass Darkly*, p. 128.
- ¹⁰ See the Kenova website at www.opkenova.co.uk/.
- ¹¹ Owen Bowcott, “‘Stakeknife Informant’ Pleads Guilty to Pornography Charges,” *Guardian*, December 5, 2018.
- ¹² Rory Carroll, “Man Suspected of Being Stakeknife, Britain’s Top Spy in IRA, Dies,” *Guardian*, April 11, 2023.

- ¹³ There were also plenty of sordid cases during the Cold War, but the asymmetrical nature of dirty wars—with the higher leverage of governments—makes Stakeknife an evocative representative of what this type of espionage entails, while Philby or Gordievsky become the paradigmatic cases of Cold War spying.
- ¹⁴ Mary Kaldor, *New and Old Wars: Organised Violence in a Global Era* (Newark, N.J.: John Wiley & Sons, 2013). Although such “new wars” became more prominent after the end of the Cold War, they existed earlier; for example, in the contexts of Northern Ireland and the Israeli-Palestinian conflict.
- ¹⁵ Though, of course, scholars have been attempting to explore “just war” concepts in such contexts. See, for example, Christopher Finlay, *Terrorism and the Right to Resist: A Theory of Just Revolutionary War* (New York: Cambridge University Press, 2015).
- ¹⁶ I limit the discussion here to intelligence activities by state actors, and do not engage with the ethics of such activities by nonstate rebel groups.
- ¹⁷ Hillel Cohen and Ron Dudai, “Human Rights Dilemmas in Using Informers to Combat Terrorism: The Israeli-Palestinian Case,” *Terrorism and Political Violence* 17, nos. 1–2 (2005), pp. 229–43. Human intelligence is, of course, also often critical in interstate conflicts; for example, at the time of writing, during the war in Ukraine, it is very likely that Western intelligence officers attempting to understand Putin’s intentions would consider an informer among his top aides to be a goldmine. But the point is that in dealing with rebel or terrorist groups, human intelligence is absolutely crucial, since means such as satellite surveillance capable of tracking armed division movements are simply not relevant to tasks such as intercepting a suicide bomber, while a well-placed informer could foil such attacks.
- ¹⁸ For example, Israel’s control of most aspects of Palestinian life in the West Bank allows it to use the granting of travel or employment permits to induce Palestinians to act as informers for its security forces. See *Breaking the Silence, Military Rule: Testimonies of Soldiers from the Civil Administration, Gaza DCL and COGAT 2011–2022* (Tel Aviv: Breaking the Silence, 2022), www.breakingthesilence.org.il/inside/wp-content/uploads/2022/07/Military_rule_testimony_booklet.pdf.
- ¹⁹ Put a bit differently, in these contexts the concept of security becomes “elastic,” and powers ostensibly tied to security are actually used not to respond to security necessities but as means to achieve political ends. See Yoav Mehozay, “The Fluid Jurisprudence of Israel’s Emergency Powers: Legal Patchwork as a Governing Norm,” *Law & Society Review* 46, no. 1 (March 2012), pp. 137–66.
- ²⁰ It is hard to define in the abstract when the recruitment of informers becomes a mass phenomenon. An imperfect but useful analogy can be made with the concept of “mass imprisonment,” which is distinguished from ordinary imprisonment by its comparatively much higher scale, the almost-indiscriminate targeting of broad social categories rather than the careful targeting of individuals, and an (often-implicit) political assessment that treats the large scale as a positive outcome and expects further expansion; see David Garland, “Introduction: The Meaning of Mass Imprisonment,” *Punishment & Society* 3, no. 1 (2001), pp. 5–7. Acknowledging the differences between the contexts, these are also essentially the characteristics of what I term “mass recruitment of informers”: a large scale, relatively indiscriminate targeting, and the assumption that “the more, the better.”
- ²¹ See, for example, Gary Marx, “Ironies of Social Control: Authorities as Contributors to Deviance through Escalation, Nonenforcement and Covert Facilitation,” *Social Problems* 28, no. 3 (February 1981), pp. 221–46.
- ²² Fabre, *Spying through a Glass Darkly*, p. 142.
- ²³ See, for example, Mark Cochrane and Rachel Monaghan, “Countering Terrorism through the Use of Informants: The Northern Ireland Experience,” *Behavioral Sciences of Terrorism and Political Aggression* 4, no. 1 (2012), pp. 26–40.
- ²⁴ Trevor Aaronson, *The Terror Factory: Inside the FBI’s Manufactured War on Terrorism* (Brooklyn, N.Y.: Ig Publishing, 2013); and Ron Dudai, *Penalty in the Underground: The IRA’s Pursuit of Informers* (Oxford: Oxford University Press, 2022).
- ²⁵ For example, in Northern Ireland security agencies acting against armed underground groups regularly tried to recruit as informers petty criminals and others who were not members of underground groups or privy to any specific knowledge. See Dudai, *Penalty in the Underground*. Israeli security agencies routinely use Gaza-based Palestinians’ dependence on acquiring Israeli permits to travel for medical treatment in order to try to recruit them as informers even when they have no record of militant activities. See Ran Yaron, *Holding Health to Ransom: GSS Interrogation and Extortion of Palestinian Patients at Erez Crossing* (Tel Aviv: Physicians for Human Rights, 2008). Former soldiers who served in a central unit in the Israeli military intelligence branch confirmed that Palestinians unconnected to any military activities are targeted for recruitment if it is believed that their indiscriminate surveillance will yield some compromising information that can be used to blackmail them. See Benjamin G. Waters, “An International Right to Privacy: Israeli Intelligence Collection in the Occupied Palestinian Territories,” *Georgetown Journal of International Law* 50 (2018), pp. 573–97.

- ²⁶ Disinformation is a deliberate attempt to mislead, while misinformation entails a good-faith passing of information that is actually inaccurate.
- ²⁷ Dudai, *Penalty in the Underground*.
- ²⁸ Of course, spying is a dangerous activity in interstate contexts as well; many states have retained the death penalty as a punishment for treason even after abolishing it as a punishment for murder. See Ron Dudai, "Exception, Symbolism and Compromise: The Resilience of Treason as a Capital Offence," *British Journal of Criminology* 61, no. 6 (November 2021), pp. 1435–51. But the extent of reprisals is much higher when carried out by rebel groups in the type of conflict discussed here.
- ²⁹ Fabre, *Spying through a Glass Darkly*, p. 167.
- ³⁰ Philip Weiss, "Israel Surveils and Blackmails Gay Palestinians to Make them Informants," *Mondoweiss*, September 12, 2014, mondoweiss.net/2014/09/blackmails-palestinian-informants.
- ³¹ Larry Derfner, "Against Spy Revelations, Israel Doth Protest Too Much," *+972 Magazine*, September 16, 2014, www.972mag.com/against-spy-revelations-israel-doth-protest-too-much.
- ³² Fabre, *Spying through a Glass Darkly*, p. 127.
- ³³ Ben MacIntyre, *The Spy and the Traitor: The Greatest Espionage Story of the Cold War* (London: Viking, 2018).
- ³⁴ Ron Dudai and Hillel Cohen, "Triangle of Betrayal: Collaborators and Transitional Justice in the Israeli-Palestinian Conflict," *Journal of Human Rights* 6, no. 1 (2007), pp. 37–58; and Yuval Livnat, "Palestinian Collaborators as Asylum Seekers in Israel," *Law and Governance* 19 (2018), pp. 79–118 [in Hebrew].
- ³⁵ Cohen and Dudai, "Human Rights Dilemmas in Using informers to Combat Terrorism"; and Ron Dudai and Kevin Hearty, "Informing, Intelligence, and Public Policy in Northern Ireland: Some Overlooked Negative Consequences of Deploying Informers against Political Violence," in Juan Espindola and Leigh A. Payne (eds.), *Collaboration in Authoritarian and Armed Conflict Settings* (Oxford: Oxford University Press, 2022).
- ³⁶ Dudai, *Penalty in the Underground*.
- ³⁷ Fabre, *Spying through a Glass Darkly*, p. 139.
- ³⁸ *Ibid.*, p. 140. Fabre adds that things are much more complex in relation to the traitor's family members, a question that raises specific complicated issues (pp. 140–41).
- ³⁹ A former IRA member (an anonymous interviewee), quoted in Dudai, *Penalty in the Underground*, p. 141 (emphasis added).
- ⁴⁰ Voluntary one-off tips from the public about potential impending attacks are one of the keys to preventing such attacks; willing members of the public who trust their government are a crucial source of intelligence, which can also be more reliable than information passed on by coerced informers. See Dudai and Hearty, "Informing, Intelligence, and Public Policy in Northern Ireland."
- ⁴¹ *Ibid.*
- ⁴² Basia Spalek, "Community Engagement for Counterterrorism in Britain: An Exploration of the Role of 'Connectors' in Countering *Takfiri* Jihadist Terrorism," *Studies in Conflict & Terrorism* 37, no. 10 (2014), pp. 825–41.
- ⁴³ Dudai, *Penalty in the Underground*.
- ⁴⁴ Cohen and Dudai, "Human Rights Dilemmas in Using Informers to Combat Terrorism."
- ⁴⁵ Laws and guidelines in relation to intelligence often remain deliberately obscure. See Shane Darcy, *To Serve the Enemy: Informers, Collaborators, and the Laws of Armed Conflict* (Oxford: Oxford University Press, 2019).
- ⁴⁶ Gary Marx, *Undercover: Political Surveillance in America* (Berkeley: University of California Press, 1989), p. 233.
- ⁴⁷ Though this terminology may also be problematic if it leads intelligence agencies to neglect their duty of care toward those individuals.
- ⁴⁸ Ned Dobos, *Ethics, Security, and the War-Machine: The True Cost of the Military* (Oxford: Oxford University Press, 2020).
- ⁴⁹ Dobos argues that it is not necessary to be a pacifist to support the abolition of militaries; one can maintain that in some extreme circumstances the use of force is legitimate and still advocate demilitarization.
- ⁵⁰ Darcy, *To Serve the Enemy*.
- ⁵¹ See, for example, Jessica Eaglin, "To 'Defund' the Police," *Stanford Law Review Online* 73 (June 2021), pp. 120–40; and Jennifer Cobbina-Dungy, Soma Chaudhuri, Ashleigh LaCourse, and Christina DeJong, "'Defund the Police': Perceptions among Protesters in the 2020 March on Washington," in "George Floyd and the Criminal Justice System," special issue, *Criminology & Public Policy* 21, no. 1 (February 2022), pp. 147–74.
- ⁵² John Le Carré, *A Legacy of Spies* (London: Viking, 2017).
- ⁵³ John Le Carré, *The Spy Who Came in from the Cold* (London: Victor Gollancz, 1963).

Abstract: This essay starts by accepting Cécile Fabre's argument in her book *Spying through a Glass Darkly* that intelligence work, including using incentives and pressures to encourage betrayal and treason, can be morally justified based on the criteria of necessity, effectiveness, and proportionality. However, while assessments of spying tend to be based on Cold War notions, I explore it here in the messier reality of counterinsurgency, counterterrorism, and "new wars." In addition, I suggest a methodological expansion: adding a sociological perspective to the ethical discussion by exploring the wider effects on society, over longer periods, of the operation of informers. Based on these shifts in perspective and context, I identify additional social harms generated by espionage that should lead to a more restrictive view of ethical espionage than the one emerging from Fabre's work. I argue that many of these social harms are created by the *mass* recruitment of informers, in asymmetrical conflicts where governments have leverage over suspected communities, and given the (often mistaken) belief that everyone recruited to act as informer is an "asset," primarily providing advantages. I argue, therefore, that the decisive issue is one of scale: many of the ethical problems created by espionage in these contexts result from the widespread systematic recruitment of informers, while small-scale, targeted, ad-hoc recruitment can more easily avoid such problems.

Keywords: espionage, informers, intelligence agencies, betrayal, retaliation, political violence, Irish Republican Army (IRA), Israeli-Palestinian conflict