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Ethics on the radar: exploring the relevance of ethics support in counterterrorism

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Summary

Research problem and research question

Nowadays, countering terrorism involves many pressing ethical dilemmas for the professionals involved. The terrorist attacks on 11 September 2001 have had a tremendous impact on the practice of counterterrorism. The option of shooting down a presumed hijacked commercial airliner, with the deaths of many innocent passengers as a consequence, has been added to the toolbox of counterterrorism professionals. Naturally, most of the ethical dilemmas faced by counterterrorism professionals are not as extreme as this and mostly related to routine issues. However, this scenario is not completely unrealistic as procedures are in place to shoot down a plane in the Netherlands that reportedly has been hijacked by terrorists. Though a possible scenario, it is mainly a symbolic reflection of current practices of counterterrorism in the aftermath of the attacks with airplanes of 9/11. The times we live in involve shifting security lines that mirror a continuous supply of threats ('liquid times'). In response to these threats, there is a permanent call for pre-emptive measures, a situation for which the term 'world risk society' has been coined. This situation provides a constant source of - often unprecedented - ethical dilemmas to be handled by counterterrorism professionals that can also challenge the democratic legal order.

In this thesis, ethics is viewed as an important additional source of guidance beyond the law. However, most of the ethical dilemmas facing counterterrorism professionals were, when this research started, hardly represented in the literature on counterterrorism and security studies, or in studies on applied ethics and ethics support. Further, regarding the practice of counterterrorism itself, there was a lack of documented experiences about how professionals deal with ethical challenges and the implementation of ethics support. This thesis sets out to fill this gap by formulating and then addressing its main research question: What is the current relevance of the ethics of counterterrorism and what is the added value of ethics support within the practice of counterterrorism? This thesis contributes to the debate on the ethics of counterterrorism and explores the added value of applied ethics and ethics support in professional practice. In addition, the findings of this thesis can support counterterrorism professionals in dealing with ethical dilemmas.

Research field and context

The main focus of the empirical part of this thesis, as outlined in Chapter 2, is the practice of counterterrorism in the Netherlands. The National Coordinator for Counterterrorism and Security was willing to open the generally closed doors of counterterrorism to allow interviews with professionals on ethical dilemmas and the implementation and evaluation of moral case deliberations among counterterrorism professionals. In a moral case deliberation, professionals engage in a dialogue centered around a concrete ethical dilemma faced by one of the participants at the meeting facilitated by a trained moral case deliberation facilitator. Within such a closed setting, values are clarified and alternative options in handling the specific ethical dilemma are identified. In the medical sector, the application of the moral case deliberation tool has already been widely scientifically evaluated. The implementation of ethics support within the often secret and rather inaccessible practice of counterterrorism has, however, gone largely unreported.

Key ethical approaches and compromise

In Chapter 3 of this thesis, I explore what guidance and inspiration key ethical approaches can offer in dealing with the ethical dilemmas faced in counterterrorism. An exploration of the benefits for counterterrorism practitioners of the consequentialist, deontological and virtue-ethical approaches comes to the conclusion that none of them offers a sound approach to the practice of counterterrorism in a liquid world risk society. This provides an opportunity to highlight the potential of the philosophical concept of 'compromise' in reconciling opposing principles and underlying values of the key ethical approaches.

Chapter 4 explores the extent to which the concept of 'compromise', as developed by Benjamin, can help handle the ethical dilemmas found in 'counterterrorism as practice', using the concept of practice as defined by MacIntyre. The conclusion is that giving serious consideration to the concept of compromise can have useful benefits for the practice of counterterrorism. A major source of guidance and inspiration for compromise is *phronesis* – or practical wisdom. The field of counterterrorism currently lacks any empirical

experiences with using the compromise approach. This thesis contributes to an initial exploration of the use and value of compromise in counterterrorism.

Typology of ethical issues in counterterrorism

Before delving into the empirical practice of counterterrorism, a typology of ethical issues based on the literature is established in Chapter 5. This typology consists of four different levels: the structural, the political, the professional and the personal levels. Ethical issues on the structural level are rooted in the conditions of the world risk society, such as the morality of counterterrorism in general or its fundamental inconsistencies. On the political level, the phenomenon of the state of emergency, the politicization of counterterrorism, the legitimacy of state interventions and the tension between secrecy and transparency all play a role. Professional values can conflict with organizational interests on the professional level. Finally, on the personal level, integrity can come under pressure due to conflicting values. This typology clarifies the ethical issues counterterrorism professionals are facing which is helpful for a discussion about dealing with those issues and the added value of ethics support.

Dealing with ethical issues

Experiencing ethical dilemmas seems inherent to working in counterterrorism, as the research shows that various kinds of ethical issues do occur. Chapter 6 therefore explores how counterterrorism professionals deal with such ethical dilemmas. Based on semi-structured interviews, counterterrorism professionals at the Office of the Dutch Coordinator for Counterterrorism and Security currently face ethical dilemmas. In general they deal with them in four ways: by turning to dialogue with colleagues, with a mentor, with management and with themselves. The explorative study reveals that, at the time of the interviews, none of the respondents have been specifically trained to handle ethical dilemmas. Furthermore, there were also no specifically designated institutional arrangements to address ethical issues or to learn to deal with them in a systematic methodological manner. This reflects experiences elsewhere in the field of public administration, where ethical policies are often heavily focussed on measuring compliance rather than promoting ethics support. Nevertheless, within

the Netherlands, there are nowadays several initiatives to institutionalize ethics support, albeit not within the field of counterterrorism.

Relevance of moral case deliberation to counterterrorism

In Chapter 7, I argue that applying moral case deliberation within the practice of counterterrorism could be a valuable and relevant tool for filling this gap in ethics support. Projecting the tool of moral case deliberation onto the practice of counterterrorism would seem an appropriate choice, since its philosophical roots of pragmatic hermeneutics, practical wisdom, Socratic inquiry and dialogue fit well with the dynamic context of counterterrorism characterized by uncertainty and the dependence on professionals. In addition, based on empirical evaluation studies on moral case deliberations elsewhere it appears that moral case deliberation has the potential to empower individuals and teams in their capacity to deal with ethical dilemmas. Starting a pilot of moral case deliberation seems therefore to be a relevant and promising approach to explore in the practice of counterterrorism.

Added value of moral case deliberation in counterterrorism

Based on an evaluation of the first pilot of moral case deliberation within the field of counterterrorism at the Office of the Dutch National Coordinator for Counterterrorism and Security, Chapter 8 indicates high levels of appreciation for both the session held and the method of moral case deliberation itself. Over half of the participants report that engaging in the moral case deliberation exercise has changed the way in which they look at ethical issues. Other insights range from an appreciation that the ethical dimensions of their work are finally being recognized to the creation of more alternative ways for dealing with these ethical issues. Many elements of the earlier presented typology of ethical issues are reflected in the experiences that were raised in the moral case deliberations. The distinctions of the typology can help to understand how and why professionals deal with ethical dilemmas. These preliminary findings based on this explorative pilot seem to suggest that counterterrorism professionals see a considerable relevance and added value in participating in moral case deliberations. This can strengthen their dealings with ethical issues, especially in the practice of

counterterrorism, where no institutional arrangements of ethics support exist when this research was conducted.

The answer to the research question

In answering the main research question, it can be concluded within the limitations of this explorative research that ethics has a substantial relevance in the current state of counterterrorism. There is an inherent ethical dimension to counterterrorism due to the intrinsic presence of ethical issues within the practice of counterterrorism, especially given the ongoing striving for and trend towards prevention and pre-emptive action. Using moral case deliberation as a form of ethics support has a considerable added value to the practice of counterterrorism at the Dutch National Coordinator for Counterterrorism and Security according to the respondents of this study.

Future research

Further research on the ethics of counterterrorism could fill the gap on research on this issue, and could also clarify the potential added value within practices of counterterrorism at other security institutions. Future research could also extend ethics support in counterterrorism to politics and inform counterterrorism policies. This could enrich not only the explorative contribution of this thesis to the field of counterterrorism and security studies, but also future evaluation studies on the contribution of ethics support.