Legitimacy of Intelligence According to Political Thinkers

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Abstract

To obtain data protected by the holder, the Intelligence Service (IS) uses specialized actions, which sometimes go against rules of conduct. Thus, society often questions the legitimacy of the IS. Since the IS is a state institution, an approach grounded in political thought can provide parameters to assess its legitimacy. Accordingly, this paper presents a study of the work of 12 classical political thinkers, with focus on the organization of society. It investigates the extent to which the ideas of the authors support or hamper the activity of the IS. The activities of the IS would be in complete harmony with the world views of some authors; other authors have a few reservations regarding its actions, and others reject the actions of the IS. Hence, the authorization of the practices of the IS depend on which thinker is used to assess them, and does not depend on the type of government or the manner in which the state is organized. The moral, social, and ethical values, which are predominant in society and influenced by the teachings of the political thinkers, are explored as the foundations for the legitimacy—or not—of the IS.

Keywords: Intelligence; Policy; Legitimacy; Political Thinkers; Political Theory

La legitimidad de la inteligencia según los pensadores políticos

Resumen

Para obtener datos protegidos por la persona a quien le pertenecen, el Servicio de Inteligencia (SI) utiliza acciones especializadas, que a veces van en contra de las reglas de conducta. Así, la sociedad a

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menudo cuestiona la legitimidad del SI. Dado que el SI es una institución estatal, un enfoque basado en el pensamiento político puede proporcionar parámetros para evaluar su legitimidad. En consecuencia, este documento presenta un estudio del trabajo de doce pensadores políticos clásicos, con un enfoque en la organización de la sociedad. Investiga hasta qué punto las ideas de los autores apoyan o dificultan la actividad del SI. Las actividades del SI estarían en completa armonía con las visiones del mundo de algunos autores; otros autores tienen algunas reservas con respecto a sus acciones, y otros rechazan las acciones del SI. Por lo tanto, la autorización de las prácticas del SI depende de qué pensador se utiliza para evaluarlas, y no depende del tipo de gobierno o la forma en que se organiza el estado. Los valores morales, sociales y éticos, que predominan en la sociedad y están influenciados por las enseñanzas de los pensadores políticos, se exploran como los cimientos de la legitimidad, o no, del SI.

Palabras clave: inteligencia; Política; Legitimidad; Pensadores políticos; Teoría política

政治思想家所认为的情报合法性

摘要

为获取数据持有者所保护的数据，情报服务局（IS）使用特殊手段（获取数据），有时这会违反行为准则。因此，社会经常质疑情报服务局的合法性。既然IS是属于国家机构，那么基于政治思考的措施则能提供参数来评估IS合法性。相应地，本文提出一项由12位经典政治思想家共同完成的研究，聚焦于社会组织。本文调查了作者的观点在多大程度上支持或阻碍IS活动。IS活动与部分作者的世界观完全一致；一些作者则对IS活动持保守态度，另一些则完全不接受IS活动。因此，IS实践的批准取决于评估实践的政治思想家是谁，而不取决于政府类型或国家的组织方式。道德价值、社会价值和伦理价值，这三者在社会中占主导地位，同时受政治思想家的影响。本文探索了这三种价值是否是IS合法性的基础。

关键词：情报，政策，合法性，政治思想家，政治理论

Introduction

The decision-making process at the top government levels has increasingly become more complex and challenging, sometimes due to the increasing strength and number of pressure groups, or the increasing amount of information available to be assessed. Several state departments advise the decision maker, and the Intelligence Service (IS) competes as another source of information. Seeking effectiveness, all of the advisory institutions attempt to present the best alternatives for the decision maker. In this sense, the IS seeks to stand out in two ways: presenting a distinct and more accurate interpretation of the facts and information, and/or presenting denied data. In the first case, the IS must improve to develop techniques to achieve this goal. In the second case, it should be clarified that denied data refers to data that is protected by his or her holder, who wants to protect it from unauthorized access. For the IS, it is more natural to stand out in obtaining denied data, since the other advisory institutions do not use this method.

To obtain denied data, the IS uses specialized actions to circumvent obstacles posed by the person who holds the data. More explicitly, the IS uses lawful and illicit resources to achieve its goals. These obstacles, in addition to having the purpose of avoiding or delaying access to denied data, are usually provided for in the legal system of the country in which the action is taken to obtain the denied data. That is to say, the IS of country A can take action on its own territory or in country B, and both countries have laws that protect sensitive data. Even while acting in their own countries, there are standards to avoid misuse of the IS by those in power. And in the case of action in another country, besides the internal laws, there are also standards of conduct of the International Public Law that must be followed. To complete the set of obligations, the IS professionals follow a code of ethics,[2] which, to a greater or lesser degree, if disobeyed can threaten their personal rights.

Thus, faced with the potential injuriousness of the specialized action of the IS, society might question the existence and legitimacy of the IS itself, that is, its justification, validity, and authority. For those who perceive this possible impropriety, the question immediately arises: Why should civil society grant legitimacy to this governmental structure?

A quick answer is that all countries have some type of IS, whether it is for defense against external threats, for public security, or as state policy. In other words, if everyone else has it, you must also have one, to exercise Intelligence actions and to protect against the Intelligence actions of others. To improve this answer, internal controls may be implemented to the IS, such as review boards, as well as external controls, such as legislative powers. However, this may not con-

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2   Example of a code of ethics: specialized action is the only alternative to obtain the data; reject inappropriate interference; specialized action must be used only until the data is obtained; be discreet; if possible, try to get the data through less damaging actions, etc.

vince people who seek arguments less dependent on the actions of others. There-fore, society needs solid arguments to be able to grant legitimacy to the IS, and to use it in the most effective way.

In this way, in search of a convincing assessment of the legitimacy (or not) of the IS, an approach grounded in political thought is adopted in this article. The IS is ultimately a state institution that is part of the structure of government, and, as such, it would be prudent to assess it. But the very creation of the state and forms of government organization were the fruits of political thinkers who idealized or justified these political structures over the last few centuries. Then, by analogy, the IS must also be assessed by political thinkers.

The term "political thinkers" is used to include people who have written about philosophy, political science, sociology, law, and economics—in short, themes that are related to the institutional structure of the state. Thus, one avoids considering the ideas of only one field of knowledge and perhaps losing the rich-ness of the debate of several lines of thought. This range of subjects mirrors the concept of political philosophy put forward by Bobbio, Matteucci, and Pasquino (1998). This philosophy can be understood as the determination and description of the perfect state; as a search for its foundation and criteria for legitimacy of power; as a determination of the general concept of politics, of what characterizes the political phenomenon and makes it so, distinguishing it and differentiating it from other social phenomena; and as methodology of the political sciences.

Once this subject matter was delimited, the criteria for choosing which po-litical thinkers would be surveyed were established. Although the foundations of political science were laid by authors of antiquity and the Middle Ages, this paper contemplates the ideas from Western modern political thought. This is due to the fact that nation-states emerged in the modern era, and the IS was also consolidat-ed as a state resource for the defense of the sovereigns at the same time.[3] The ideas of these authors, reflected in the "classics," work best as assessment parameters to study the legitimacy of the IS, precisely because these ideas generated the founda-tions of the political context in which we live in the twenty-first century.

Another consideration for the choice of political thinkers is that their ideas must surpass the contexts in which they were produced. Their works were and still are instruments for understanding political realities and still influence the directions of countries today. Despite the chronological distance, they remain current, and have become references to subsequent generations and other peo-ples and nations.

Finally, it should be noted that the list of political thinkers is not exhaustive. It is a significant sample of the political thinking developed in recent centuries.

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3   There are records of Intelligence activity since biblical times, but without the systematization of modern times.

The addition of other thinkers would pose a risk of becoming a repetitive study or of having marginal effects on the conclusions of the research. It was decided to study a few political thinkers, but in an in-depth and accurate way.

It should also be clarified that the classical authors are all deceased and thus cannot answer the direct question: "Is the existence of the IS legitimate?". In order to circumvent this problem, the primary avenue would be to consult living political thinkers. However, their ideas have not yet passed the sieve of time and it is impossible to know who will influence future generations. Moreover, because they are susceptible to pressures, these thinkers could be influenced by organizations and people.

In view of the above, the objective of this article is to assess the IS's legitimacy based on the criticism of political thinkers through the study of their works. This is an important basis on which society may infer legitimacy to the IS, or to reshape it, or even to discard it. In what follows, the IS's legitimacy is assessed by 12 political thinkers, and at the end, a few words are presented by way of inference and conclusion. However, before this, the concept of the legitimacy of the state is examined, which guides the research on political thinkers.

Legitimacy of the State

According to Mcloughlin (2014), there are two ways of understanding state legitimacy. One is normative and concerns standards that the actor, institution, or political order must obey to be considered legitimate. The standards can center on human rights, justice, consent of the population, or equity. The other way, which is accepted in this study, is the empirical one in which importance is not given to standards but rather to if, how, and why the population accepts or rejects this state. What matters is the belief and the perception of the people, even if the standards are not respected. In short, a state is legitimate when citizens accept that the state governs them (Gilley 2009). Institutional scholars argue that the legitimacy of the state flows automatically from it to its constituent institutions, such as the security apparatus (Lemay-Hébert 2009).

On the other hand, illegitimacy tends to generate conflict and disorder. The importance of legitimacy appears precisely in the lack thereof, which causes the ruin of the state. It is easier for people to rebel if the state is viewed as illegitimate. A state that has little legitimacy is more vulnerable, and this idea extends to more minor incidents in the nation's political life, for example, strikes in the transport sector. If a state is considered legitimate, it may have some unstable moments and, from time to time, go against what the people want without running the risk of being dismantled. This is due to the fact that people believe that organized power in the form of the legitimate state is adequate and fair, even if it is sometimes against some citizens (Tyler 2006). This finding, that people are more fault tolerant when

the state is legitimate, is especially useful for the IS, given the history of mistakes made in skewed analyses such as the Arab attack on the Israelis in 1973 in the Yom Kippur War (Betts 1978).

All states need a degree of legitimacy to govern effectively. Legitimacy directly affects the viability of the development process. The ability to govern and legitimacy are aspects which are reinforced. Legitimacy can even be forced by the repressive apparatus of the state with a threat of punishment or reward for those who obey the state, but the cost is very high. Thus, legitimacy helps the government to govern, as people tend to be accepting of the state (Englebert 2002). On the contrary, the lack of legitimacy contributes to the bankruptcy of the state, to the extent it makes it difficult to recognize the political identity of the people, avoids the effective functioning of the state, and deprives the state of the support of the people.

There is no one way to gain legitimacy for the state. It may arise from the fact that there is no alternative, or a strong government that prevents chaos, or a state that provides justice and provides for the well-being of all. The key point is to know that tradition, collective identity of the people, norms, principles, and values support citizens' perceptions that the state has the right to govern. However, this perception is not static; it changes from time to time and from society to society (Norad 2010).

Political Thinkers

In this section, the political thinkers are presented chronologically. For each thinker, the main political ideas are presented succinctly, paying particular attention to the usefulness of the arguments that can be used to assess the IS, that is, a focus on the organization of society and the manner of guaranteeing the existence of the state.[4] I have not included specific facts from the biography of the authors or context in which the work was written, except in cases where these elements are essential for the understanding of the ideas.

For the purpose of this study, it is considered that the IS performs state intelligence. This type of intelligence is of a strategic nature and consists of maintaining the state, protecting society, and seeking opportunities for government, and its performance can be internal or external to the country. There may be tactical subsystems such as internal security and defense. The former is usually carried out by the police and is aimed at public safety, and monitoring of separatist groups and organizations that may cause destabilization to the state. By contrast, the latter has a military character and often concerns war, or at least the power of deterrence. The structure of the IS may be a singular body, or two or more specialized bod-

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4   It is not a summary of the work of each political thinker, but rather a presentation of parts of their works that enlighten the discussion about the analysis of the existence and legitimacy of ISs.

ies performing state intelligence with some kind of subdivision in the way they function, usually by geographical area, both internal and external to the country. In many countries, however, it is common to structure an intelligence system consisting of both specialized agencies and other bodies that perform a wider variety of functions (for example, the Armed Forces, police, Ministry of Agriculture or Foreign Affairs, etc.).

It should be noted that at the time when the following ideas were conceived by these political thinkers, there was no such structure of intelligence. Thus, this research does not try to verify if the ideas of the political thinkers supported some type of structure of intelligence for that time. Instead, it investigates (i) whether the ideas of the authors, which influence the present world, support how intelligence is practiced today, (ii) whether the actions of the IS can contribute to reinforcing the thinker's ideas, (iii) whether the actions of the IS stand in contrast to the ideas of the thinker, and (iv) if the operation of an IS is rejected by the thinker. The analysis also focuses on how the IS could act today in accordance with the ideas of the various political thinkers. Accordingly, there is no value judgment presented regarding the ideas of each thinker; that is, the analysis does not assess whether they are correct or not, or whether one should agree with them. The following sections present and discuss the ideas of the various political thinkers. Throughout, implications are drawn for how their ideas relate (or not) to the IS.

Machiavelli

Machiavelli (2007) wrote a manual for Lorenzo de Medici, the ruling prince of Florence in the sixteenth century, on how to conquer and maintain states, making them stable. His work has always been based on the pragmatism of the arguments, the absence of moralism, and innovation in relation to the writings on politics of his time. According to him, men are inherently not good, so the Prince would pay a high price for obeying only Christian precepts.

As a book that contains essential notions on the subject of politics, Machiavelli (2007) lists several tips for the Prince to maintain the longevity of his kingdom. His essential advice is: to be more feared than loved; to use cruelty only when necessary, without excess; to practice a set of evils at one time, and to practice goodness gradually and sparingly; to study history, since political situations tend to repeat themselves, in order to be aware of events that could be foreseen, and also to mirror the best examples; to not let any incident, bad or good, vary the behavior of the Prince; to always keep a ready and well-trained army for defense; to study the art of war; to be parsimonious in expenditures; to not appropriate others' things, in order to avoid hatred; to avoid contempt; to know how to simulate and disguise; to keep your word, when convenient; and, finally, to know that if something seems to be good, it is better than being effectively good. In addition to the above advice, Machiavelli (2007) warned the Prince about the whims of the god-

dess fortune. The unexpected and imponderable always roam the palace and can bring ruin or glory. It is up to the Prince to know how to handle the unpredictable.

The region of Italy where Machiavelli lived in the sixteenth century was full of states facing problems of political instability. The manual written by Machiavelli mirrored this situation. In the present day, there is also political instability, even if less intense than at that time in that region. Therefore, in order to prevent this instability, an IS would be useful, particularly for anticipating and avoiding coups. More broadly, the IS could be used to warn governors about the goddess of chance, which continues to haunt the rulers of today. For example, the IS may be useful in showing that the ruler is more feared than loved and to predict events that can alter the course of history unfavorably.

The IS would also be indispensable in attending to the war councils: to maintain an army and to study the art of war. After all, one cannot expect to win wars without the help of spies. Finally, it is worth mentioning the different interpretation of this work given by Jean Jacques Rousseau. For him, Machiavelli pretended to give advice to the Prince in order to undress, in the eyes of the people, the perfidious working structures of the political world. This warning also applies to the IS.

Hobbes

To establish his theory, Hobbes (1985) imagined man, initially, in the state of nature. In this state, each governed oneself, because there was no alienation of the right and power of self-preservation. This predicted fear and uncertainty; hence, the memorable phrase "man is wolf to man." In this way, man took his inner world as the measure of his actions and acted, in relation to others, without a common power able to keep everyone in fear. To solve the problem, the contract was created, an instrument by which the natural man creates the artificial man, the state, to protect him. Man celebrates the social pact and exchanges the peace and security won through the state for obedience to a sovereign.

Hobbes (1985) conceives of a strong state, since he defended the absolutist monarchy. For him, it is authority and not wisdom that makes laws. It is men and arms, not words and promises, as Aristotle had said, who make the force and power of laws. The law does not emanate from any miracle, from natural reason, or from customs, but rather from authority capable of controlling coercive means.

On the other hand, Hobbes noted that the opposition of the spiritual and secular powers destroys the state. The author lived in the midst of the religious civil war of the Reformation, a translation of the Bible into English, during which each became a judge of good and bad deeds above any civil law. However, according to Hobbes' anthropology, the cognitive limitation of the human species,

in performing the hermeneutics of the New and Old Testament, unleashed the irrationality of religious beliefs, leading man to immeasurable fear. Hence, religion is an effective political instrument of domination. In this way, the monopoly of belief is indispensable to the art of governing the people. Since sovereignty is indivisible, secular and spiritual powers cannot be dissociated. The union of secular and spiritual power, with the prevalence of the former, guarantees the stability and predictability of governments.

For Hobbes, the agent protected the people and, in return, received obedience to the laws. This thought warns of the arbitrary character of power relations between men. In this case, the IS in its domestic realm is intrinsic to state coercion, necessary to the application of the laws. In addition, since the head of state should ensure external peace, he should also rely on an externally oriented IS to help the army maintain protection of citizens. Over time, in both cases, it is the duty of the IS to help the ruler maintain sovereignty, that is, the union of secular and spiritual power under the tutelage of the monarch. Here, there is a clear risk that the IS could be misrepresented and used only to perpetuate the incumbent in power, not to fulfill goals concerning the security of the nation. Using the words of the author himself, the IS could become the wolf to man.

Locke

Locke (1983) conceived the state of nature, prior to the political state, as one in which men were free and equal, that is, there were no impediments to their actions and, furthermore, an absence of links between them. No one man had power over another, and at the same time, all had the power to judge. As each could be a partial judge, they tended to exist in a state of war. To prevent this development, men should respect the laws of the state of nature. The purpose of these laws should not be to abolish or restrict freedom, but rather to preserve and expand it.

According to Locke, the first law of nature is the guarantee of property. Due to human nature and its passions, it was very risky and precarious to have possessions in the state of nature, which could lead to a state of war. Thus, to prevent the destruction of man, civil status would be created for the purpose of preserving property, understood as possessions, life, and liberty.[5]

Central to his work, property allowed Locke to justify the execution of the contract that marks the end of the state of nature and the beginning of the political

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5   For Locke, the right of property belongs to the individuals (by comparison, for Hobbes, it is the state that establishes the right to property). To possess something that God has given to mankind, we must work for it. Property brings the benefit of increased productivity, for example, the cultivation of land. On the other hand, there must be limits: no one can own all the land, it cannot be idle, and everyone has to work with what they have. In order to expand the economy, money would be used as the exchange of a perishable good for a nonperishable one, in addition to enabling the employment of others—in other words, work unrelated to property.

state. There would be two contracts: the first of an association pact, between free individuals who come together to use their collective force in the execution of laws, renouncing the right to practice justice alone, and, second, a subjection pact, which would create political society and government.[6]

Furthermore, Locke predicted four forms of corruption of power. The first of these was the conquest defined by external invasion by just or unjust war. Second, the usurpation would be the unjust war from internal origins, for example, the executive legislating. Third would be the tyranny of the legislator creating laws for his own benefit. Finally, the fourth was the dissolution of government, which would be a special form of tyranny in which the legislature would be subjugated by the executive or by foreign power, or the legislature itself would violate natural rights. To avoid the degeneration of power, man had the right of resistance against governments that did not obey the limits of political power. The right of resistance would be another natural right alongside the right of property.

The government, which is tasked with effectively protecting the citizens in the political state and must also respect natural laws, needs a security apparatus to perform this function. In this case, good use of the IS would be useful toward preserving property. Here, similar to what was presented about Hobbes' thinking, it remains to be determined what would be the good use of an IS. At the very least, in this line of thought, the IS should respect the laws of the country and seek to protect the state and society.

As for the right of resistance, there would be an almost unresolved conflict of interests. The IS would be under the orders of the Executive and as such would tend to defend it, even in cases of power degenerations described above. The people, when suffering the maladies of the corruption of power, would invoke the right of resistance. However, the ruler could interpret this uprising of the people as a revolution, which threatens the existence of society, according to Locke's concept. Thus, the IS, and other security structures, would have to choose between the side of the people or the ruler. The decision would not be easy, since reality would likely be misrepresented by both sides. Utopia wanted the security forces to choose the people, for even if they are wrong, they are the holders of supreme power and could start a new society. However, when analyzing history, most often the sovereign, tyrant or not, commands the whole government, including the IS, to the final glory or defeat. It should also be noted that, for Locke, states existed in a state of nature. Thus, by being judges of themselves, they could tend toward a state of war. The IS could be used to avoid this state, and if it could not be avoided, it would be useful to abbreviate it.

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6   For Locke, the main cause that would lead men to abandon the state of nature and sign the contract was the uncertainty as to the enjoyment of natural rights afforded by their probable violation. Civil society would perfect the state of nature.

Montesquieu

According to Montesquieu (1996), laws allow the citizen to experience political freedom. For this political thinker, freedom is the power of laws, not of people. In other words, freedom is the right to do everything the laws allow. This limitation applies to the people and to the government, since both must obey a Constitution, which points out precise limits to the action of the government and the citizens. One citizen cannot fear another citizen.

Montesquieu's greatest legacy is the prescription on the division, independence, and harmony of three powers that should constitute the state: executive, legislative, and judicial. The first two powers should cooperate with each other and all powers exercised by different people. The executive would be better served by one person than by many, and it would be up to him to perform the ordinary actions, and in particular to promote peace and wage war with other states. The legislature would be responsible for drafting the laws, a task deemed impossible for the people. As Montesquieu studies, in particular, the British political organization, he stipulated that the legislature would be separated in two chambers: of the lords, representing the nobility, and of the commons, representing the town. The judiciary would be exercised by people drawn from the citizenry and would be temporary. Courts would address disputes between individuals, as well as criminal matters. It should be noted that the nobles should be judged by their peers and not by ordinary courts—a kind of privileged forum.

In order for the government to function harmoniously, Montesquieu considered important the balance of social classes and, even more so, of political powers. One power would stop the other. This would ensure that power, even legitimate in its social origin, does not become illegitimate by the way it is used. Power should be experienced as authority, not violence. Montesquieu believed that government corruption generally began by misrepresenting its principles.

In a first assessment, there is no relation between the work of Montesquieu and the presence of IS in government, but from his main contribution—division of powers—one can draw valuable lessons and implications. The IS has the function of assisting the executive in its decisions and as such should not be used illegitimately. Thus, the notion of checks and balances between powers applies to the IS to some extent. The secret nature of their actions should not prevent their supervision and this must occur both by the laws, in an untimely or planned manner, and by the judiciary, in this case from provocations. This oversight brings legitimacy to the IS, since excesses could be curtailed. In countries where there this disposition to supervise the IS exists, one may perceive better use and appropriateness of its activities. Another point that deserves attention in the work of Montesquieu is the emphasis on the maximum obedience of the laws. Since freedom is the right of everything the laws allow, the IS must behave strictly as the body of law applies to its functions.

Rousseau

Rousseau (1978b) conceived man in the state of nature in two stages. In the first moment, man is described as a happy, good savage, living isolated according to his instincts. There is equality and freedom. The ability to perfect oneself and free will distinguish man from other animals in the natural world, and this mutability of human nature caused the change to the second stage. Then, the use of the word and the establishment of property, as well as of society, began. In this progress, social relations were based on differences. Language allowed the proximity between men, and then came the need to limit spaces, which brought unhappiness.

Finally, Rousseau conceives of man as good, but society corrupts him. Social, political, and economic differences are authorized by men and are based on conventions that bring unhappiness. Progress did not bring benefits to human life, but rather accelerated its decay. In this environment, the state did not harmonize men, but rather increased their differences. The development of capabilities happened by chance, without the species being prepared for sociability (Rousseau 1978a).

To solve this problem, we resort again to man's mutability and capacity of adaptation and improvement to reach an ideal society. The social contract began timeless; it was not situated in a timeline of the world. The pact was based on the free will of the parties. The contract presupposed reforms in the institutions and improvement of human beings, educating man to become a citizen. The social pact was the union, forming the whole that is the political body—a public person. With the social contract, man loses the natural and total freedom, but gains civil liberty, limited by the general will and property he possesses. Each may have a particular will contrary to the general will, yet morality is the basis of the general will, expressed by general, impersonal, and inflexible law. In short, the established state has one objective: the common good (Rousseau 1978a).

The social contract gave rise to the figure of the sovereign, and the government arose from the obedience of all to the political body. For Rousseau, there is no correct form of government organization; the ideal is that people be satisfied. Sovereignty is the exercise of the general will that a government needs to carry out. Government is divisible, removable, and limited by the designs of the general will. Sovereignty is inalienable, indivisible, irrevocable, and absolute.

To relate these principles to the IS, it is up to the IS to defend sovereignty and then government. However, since man is corrupted by society, the IS can also be corrupted. To avoid this dysfunction, the IS can pursue the common good, that is, the same legitimate objective of the state. The great difficulty is to establish what the common good is.

Rousseau might analyze some societies today and understand that the pact is in force because the state is driven by the will of the people and the power de-

limited in the Constitution, which emanates from the sovereignty of the people. In this case, it is the duty of the IS to be faithful to the Magna Law and to defend it. On the other hand, Rousseau could characterize the present pacts as false because of the imprecision of the legislator's translation of the popular will. Thus, it would be necessary to invoke once again man's capacity to reinvent himself in order to reshape society and also the IS.

Burke

Burke (1980) was a conservative and valued continuity over rupture. That is why he was a staunch critic of the French revolution. For this political thinker, institutions expressed the superiority of collective reason; in other words, they represented the superiority of practice before theory, or rather, speculation.

This concept of the social institution deserves further discussion. The value of the social institution would be measured by its usefulness regarding criteria such as duration in existence and credibility. Society was viewed as an association of individuals in a group. According to Burke, even the existence of antagonisms between groups, if properly controlled, could generate political benefits such as balance, evolution, improvement, moderation, commitment, and responsibility. This control could be exercised in particular by institutions, custom, and accepted traditions (Freeman 1980).

Burke defended the idea that state institutions could demand obedience, whether by habit, custom, or history. Institutions would also define people's practical freedoms and boundaries, and could be perfected, but with caution, without loss of references and without revolution.

The IS is certainly an institution, and although it is considered atypical in relation to the other departments of public administration due to its secret character, it is maintained by tax revenues and must attend to the public interest. Thus, according to this philosophical approach, the IS would be measured by its usefulness, would act according to accepted customs and traditions, would demand obedience to society, and would be gradually improved. It is also worth mentioning the control of antagonisms in groups within society. Thus, it would not be legitimate for the group in power to use the IS simply to control antagonistic groups.

Kant

For Kant (1980), the existence of freedom, which is the ability of self-determination that human beings possess, is conditioned by morality. Morality is understood as always acting in conformity to a principle of action that can be taken as universal law. Only what is universally valid is moral. Thus, Kant's moral philosophy rejected morality inspired by a concept of the common good, which would be particular to a specific society in a specific period of time.

The concretization of individual freedom also depends on the existence of political institutions, whether domestic or international, that can guarantee the exercise of the autonomy of each person. The principles governing political institutions are also the principles of law, and only the law can establish justice. This circumstance becomes possible if political structures and legal institutions conform to universal moral principles. The individual, as a rational being, who is therefore moral, needs the legal order that guarantees the freedom and full realization of the autonomy and rational potential of all individuals (Kant 1995a).

Regarding the state of nature already described by previous contractual thinkers, for Kant, it was only a logical hypothesis. Kant's goal was universal peace, and it was necessary to overcome the state of nature at all levels: between individuals, between states, and between both of them. For eternal peace, the ideal would be the creation of a world state, but this is not viable because it would entail the ending of sovereignty. The hope is that humanity will realize that war brings harm. Kant (1995b) advocated the formation of a universal confederation of free republics to avoid international conflicts. He preached that peace treaties should always predict peace and take action toward it, such as extinguishing armies and not committing acts that would undermine trust in times of peace.[7]

The central concept in Kant's theory is morality, which serves as the basis for defining freedom and justice. And morality must be universal, not dependent on the common good. Therefore, the existence of the IS is disastrous to Kant's conception of the world. The IS needs the support of the common good to be able to justify its actions. At another point in his work, Kant presents universal peace as the ultimate goal of humanity. To this end, among other things, there should be no armies or actions that would arouse distrust of others, for example, from other states. However, the mere existence of the IS would already be an affront to the confidence of another country. Thus, for Kant, the IS is an outdated idea.

Mill

John Stuart Mill (1963) was against the illegitimate interference of society and the state, which he called the tyranny of the majority, on individual freedom. For this political thinker, it was imperative to limit the power of the people over itself. It would not be possible to force a person to do something (or not) on the pretext that it would be better for them, or, in the opinion of others, would be more prudent for them. The necessary condition was that it would not cause injury to any other person and that the person should have perfect mental capacities.

Mill (1964) defended freedom of speech and opinion, with the argument that it is always worth listening to an opinion, whether true or false, at least to

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7   Kant blamed the balance of power as the facet of international relations responsible for not bringing peace.

confront the truth. For him, the false idea could contain traces of truth, and he warned: it is good that men distrust dominant ideas and listen to minorities. Freedom of expression would be necessary for the development of human faculties.

Another very important item for Mill's work is his defense of representative democracy, however, with the following conditions: the people would be willing to receive it, preserve it, carry out its duties, and perform the functions that would be imposed upon them. The superiority of popular government lies in two principles: self-protection, each one being the only secure guardian of one's own rights and interests; and self-reliance, developing so as not to become dependent on third parties. Mill also described the pathologies of democracy: selfishness, defending immediate interests over long-term ones, and shifting posture upon coming to power, that is, self-interests would take on a larger profile than others or other classes. Mill still warned about professional aristocracies in which the efficient civil servants made the rulers and governors too dependent on them, impeding the development of the general mental capacities of the people, especially their interest in public affairs. As a remedy, he pointed out that representative government should be representative of all (Mill 1964).

When Mill calls attention to the tyranny of the majority over individual liberty, it seems clear that the IS does not fit well into the government structure. If the existence of the IS is unavoidable, this institution cannot co-exist with the ideas of rulers who want to impose their world views on all citizens. As part of the coercive power of the state, the IS assists in compliance with laws, but without invading the privacy of people in an uncontrolled manner. This becomes clearer for the IS when Mill stands for freedom of expression. The IS is often called to clarify facts and so it must actively and purposively listen to minorities, or, more precisely, all parties. Finally, the implication is that the IS should be in favor of representative democracies and practice state intelligence, not government intelligence, lest it risk becoming part of the professional aristocracy.

Marx

Marx's work is very rich and, for this reason, has aroused several interpretations over time, besides being controversial in almost every point. There is the work of Marx and the works by his followers who interpreted it in various ways, so there is no one correct manner of interpretation. Because of this pluralism of ideas, it becomes impossible, in this article, to explore all of his work to find evidence about the legitimacy of the IS. However, two relevant topics regarding the relationship with Intelligence will be addressed: ideology and the will to change the world.

The concept of ideology within Marx's work has two meanings. The first is called structuralism. Structure, as defined by Althusser (1985), is the set of material and social relations of production of human life in a particular social formation.

According to this part of Marxism, ideology is the fruit of these relations of production and represents the dominant ideas derived from social relations. So, there is only one ideology which is dominant. The negative part of this interpretation is that the domination carried out through ideology is created by distortions, that is, it produces a false consciousness. More specifically, false consciousness is produced from the division of labor, and it only takes place from the moment when a division of material and mental labor arises. This logic becomes more perverse when one considers that men are the support, and not the subjects, of this ideology. Man is not a producer of ideology, but rather the one who achieves it, because man is determined by material forces (social structures). In other words, man is crossed by ideology—subject in history, and not of history (Marx 1980).

From another point of view, science, as true consciousness, opposes this false consciousness. This science would be historical materialism, under construction by Marx and Engels. The authors were against classical German philosophy, English political economy, and the utopianism of French socialism. Those who rivaled them were ideological. For example, every bourgeois thinker was an ideologist, bearer of false consciousness (Marx 1982a).

The humanist tradition of Marxism, on the other hand, understands ideology differently. Here, there are several ideologies, not just a dominant one. From the moment consciousness ceases to be only reflection and becomes a transforming agent as well, ideology ceases to be solely the product of the relations of production of existence or a false consciousness, that is, pure negativity. Ideology becomes the fruit of human praxis in its subjective relation to matter, and capable of transforming it. There is no single ideology, reflecting dominant material conditions, but ideologies, fruit of creative praxis and the teleological[8] capacity of human thought. Man becomes a producer of ideologies through praxis. If ideology is the fruit of human action, it is also the creator of these actions (Marx 1982b).

The second theme of Marx's work that is interesting to the study of Intelligence deals with the will to apply the political theory, which he developed himself, in the real world. For Marx, economic structure is the basis of everything and is what matters most to the citizens. The function of politics is to ensure the maintenance of relations of capitalist production and exploitation of labor. Thus, to implant the new order, communism, Marx and Engels (1982) defended the possibility, and even the need, to break with the existing social, economic, and cultural structures. For Marx, the person who desires a social revolution must wait for the moment when the contradictions between productive forces and existing relations of production reach their limit and then act. In order to corroborate his thought, Marx recalled that the entire history of man, since the dissolution of the communal ownership of land, was marked by class struggle between the exploiter and the exploited, at different stages of social development. This struggle had reached a

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8   The study of phenomena from their purpose, not from their causes.

stage where the proletariat could not free itself from the bourgeoisie without also liberating, forever, the whole of society.

Going back to Marxist theory, according to the structuralist line of thought, human conscience is dominated by the dominant ideology. The IS would likely become an echo of this dominant ideology and, together with every apparatus of the state, would be willing not only to preserve it, but to magnify it as well. If the dominant ideology were considered good by society, there would be no problem in the IS defending it. The problem happens when society rises against the dominant ideology. So, the more important question appears: could the IS position itself outside of the dominant ideology?

This question also manifests itself in the humanistic aspects of Marxism in which there are several ideologies disputing the hegemony in society. The IS would align itself with one of them, usually the one in power, and try to defend it. Once again, society should be the judge and promoter of the best ideology. The IS, by reflex, would also be a defender of this ideology.

To illustrate the situation described above, and the will to change the world in practice, we mention the cases of countries that have adhered in practice to Marxist ideas, such as the Union of Soviet Socialist Republics, China, Cuba, North Korea, and the Eastern European countries. In these countries, the IS defended/defends the dominant ideology—socialism—regardless of whether it was unique or not. In capitalist countries, such as the United States, Western European countries, Brazil, and others, the IS defends the dominant ideology that is totally contrary to the ideology of that of the previous group. This antagonism generated the Cold War that was fought by the ISs and conventional armies. Thus, Marx does not mention the need to have an IS in the state apparatus, but the IS becomes essential in the practice of revolution inspired by Marx (and, on the other hand, in defending countries from these revolutions). More precisely, according to Marx's theory, the IS must be alert to when the contradictions between productive forces and existing relations of production will reach their limits, to avoid or support the revolution. The ideal would be for the IS to defend the ideology that is better for society, yet dissension characterizes the process of defining which ideology is best for each society.

Weber

Weber devoted his studies to the exercise of power through political sociology. Political power can be desired by itself and men would fight for it to get rich, and to gain social honor and prestige. Politics is understood here as a study of leadership exercised on behalf of the state. Following this, it becomes necessary to understand Weber's thinking to conceptualize what is the state according to his ideas. It is not possible to define the state in terms of its ends, for a political association of leadership embraces all ends. The state holds the monopoly of the legitimate use

of physical force composed of a community of individuals occupying a given territory. In other words, the society is dominated by the state. For Weber, there are three types of internal, and therefore legitimate, justifications for this command and obedience: Traditional, Charismatic, and Legal. These justifications are ideal types, not found in their pure form in reality (see Weber 2002, 2004).

Traditional Domination is exercised by the patriarch, or the patrimonial prince of olden times, and is based on the strength of tradition. The orders are totally decided by the lord and are legitimized by being in accordance with custom. The commanders obey because of personal loyalty to this leader. Charismatic Domination is based on the subjects' recognition and trust of the leadership and exceptional qualities of the lord. He may present himself as a prophet, elected warlord, plebiscite ruler, great demagogue, and/or leader of a political party. Everything in government depends on the judgment of the leader, who exercises the power in an extremely personal way. Domination is unstable, with no legal foundation and tradition; it lasts as long as the facts that caused it remain and as long as the charisma of the leader is maintained. Finally, Legal Domination applies rational, impersonal rules to all members of the associated group. The political leader is elected and alternation of power is assumed. There is a division of the public and private spheres. This domination is common in modern states.

As for the activity of the IS, it is clear to Weber that the state has the monopoly of force, and, naturally, that the IS is part of this apparatus. More specifically, depending on the types of domination and legitimation of state power, the IS would have different roles to play. In the Traditional Domination scenario, the IS would be subject to the caprices of the patriarch, just as the whole administration would be. The patriarch, by virtue of tradition, would use the IS as was the custom of that society. In the case of Charismatic Domination, the IS would be used to maintain the leader in power. The primary function of the IS would be to preserve the myth. Finally, in Legal Domination, the IS must conform, like the whole of society, to the laws that would be conceived and applied in a rational and impersonal way. In any case, Weber declares neither in favor nor against the existence of the IS.

Schmitt

Schmitt was the great jurist of the Third Reich. For him, any conflict can become political. One of his most important concepts is the friend–foe grouping that contains the possibility of war in itself. The politician draws his forces from religious, economic, moral, national (ethnic or cultural), and other oppositions. These conflicts, at different times, cause different connections and separations. The state, as the largest possible grouping, determines who its internal and external enemies are and has the right to dispose of the lives of men in the struggle against these enemies (Schmitt 1992). To corroborate his thinking, he refers to Hobbes—the state protects and the citizen obeys.

This protecting state owes its political unity to sovereignty. Schmitt maintains that it is the sovereign[9] who decides whether or not there is a state of exception, considered a danger to the existence of the state itself. Thus, sovereignty is exercised more vehemently in the state of exception, which incites war. In opposing the legitimist illusions of state formation, Schmitt believes that the emergence of a sovereign will eliminate the disorder existing in the state of nature, founding the state order.

This sovereign will of the state must be democratic, that is, its decisions must effectively represent the will of the people. However, Parliament and the political parties do not represent the people, they only want to negotiate and distance themselves from the people's wishes. Freedom, a liberal principle which designates no interference by the state, also disrupts the functioning of democracy, since it confuses the exercise of authority.

On the other hand, equality is a valid democratic principle, and people are represented through substantial political homogeneity—equality as an institutional manifestation of a given social organization. Homogeneity may be religious, historical, civic, or nationalistic; in the practical case of Germany during the Weimar Republic, it would be the Aryan race. Whoever is different may be oppressed or expelled, for example, the Jews in the case of the Nazis. In other cases, different peoples can even be absorbed. The result is a homogeneous people, who do not bring controversies, represented in the state according to their degree of identity. Since societies are not homogeneous, what is needed is the popular acclamation of an individual embodying this will (not via electoral methods). Then, to crown his political logic, Schmitt defends the totalitarian state centered on the mythical figure of a leader, who needs to be legitimized by the emotional mobilization of the masses. The leader alone would be able to solve the tensions of the people (Schmitt 1991).

It seems clear that Schmitt incites war to gain hegemony of a people, in addition to allowing the state to exercise sovereignty in its full form. For this, the existence of a dictator becomes ideal. The real and emblematic case of this way of seeing the world occurred in Nazi Germany before and during World War II. In this case, the IS would be indispensable for conducting this war and also for protecting the dictator, who would have many enemies, for example, the oppressed people or those in process of absorption.

On the other hand, with almost disregard, Schmitt affirms that a pacified world, which he thinks could be the final destiny of humanity, would be without distinction between friend and enemy and, consequently, without politics, and also without the IS. As this world without wars would be practically impossible to realize, the countries would continue eternally in the search for hegemony, always supported by the IS.

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9   The individual characteristic of the concrete manifestation of political power.

Hayek

Hayek was a neoliberal and, among other things, studied how to best pursue a collective project, or, in other words, how society best progresses. His concept of society consists of a system of rules and values gradually created through the inter-actions of individuals and enhanced by trial and error over generations. Tradition would thus be cumulative and shared knowledge. The regularity of moral princi-ples, through tradition, would result in predictability and social order—necessary conditions for the progress of society. From these basic consensual rules, individ-uals would find support to establish innumerable experiences that could not be predicted initially (Hayek 1944).

Individual freedom emerges as an unfolding of the dynamic character of tradition. For Hayek, individual freedom leads to social progress because it pres-ents opportunities to accomplish personal goals. Each person could use their knowledge for their purposes, as Adam Smith had already advocated with his in-visible hand to guide the economy. To illustrate, Hayek mentioned the example of England from the eighteenth and fourteenth centuries, which, unlike the countries of the continent, restricted the powers of kings, generating a freer and less abso-lutist society. A defender of individual liberty, Hayek admits that this is not the only legitimate principle of organization of a society, but it is the best one to give objective to our political action (Hayek 1985).

The counterpoint to this spontaneous manner of organizing society would be the rational organization of the Planner State. The state, exercising its monop-oly on force, would make interventions in the economy and interferences in pri-vate life to achieve greater social welfare. Put another way, the government uses its coercive power to impose its solutions, instead of letting individuals experi-ence, with reason, the best solution for themselves. However, Hayek believes that state planning limits the individual's ability to use social knowledge creatively. No government, no matter how capable, could gather all the knowledge existing in a society and use it more efficiently and creatively than if it were used freely by its citizens (Hayek 1933).

The rational conception considers that the social institutions that contribute to the progress of society are those conceived logically by reason and not those de-rived purely from tradition. The most ominous consequence of thought involving pure tradition would be the creation of an argument that justifies the performance of government, especially the coercive capacity of the state. Against this reasoning, Hayek argues that since each individual knows so little, it is rarely known which of us knows what is best for everyone. The question is, how will the state choose the best way to go? Does the adopted criteria reflect only the thinking of those in power (or those who are close to power)?

Hayek does not directly attack the fact that the state holds the monopoly of force, but rather how the state, or more precisely the government of the moment,

makes use of that power by imposing its will on its citizens. Therefore, the IS, as part of this apparatus of force, is touched by this critique in a partial way, depending on the manner in which the IS is used. Moreover, the IS must legitimize itself by its rational and efficient use, and not by tradition alone.

It is worth emphasizing that in preaching the supremacy of individual liberty to the detriment of an intervening state, Hayek argues that institutions inspired by liberalism are more efficient in managing social development. The IS then also has the obligation to defend the principle of individual freedom as its ultimate goal. This does not seem to be contradictory, since England, already mentioned as an example of the application of this political thinker's ideas, possessed an IS, and still does. As long as there is control over the activities of the IS, it can advise the government, and at the same time, try not infringe on the principle of individual freedom.

Final Considerations

Some authors, due to the complexity of their ideas, deserve, perhaps, an article dedicated exclusively to them, as is the case of Karl Marx and his philosophical partner Engels. However, in this paper, the choice was to present, though briefly, the ideas of several authors, diverse in thought and in times. This larger spectrum of political thinkers, however incomplete, is a significant demonstration of what man conceived in the Political Sciences. Other thinkers have been left out of this group, but it should be pointed out that this is not a complete work on the subject; rather, it sparks new discussions about other thinkers. Perhaps the argument that one author could be exchanged for another is valid, yet choices must be made, and other studies like this (or with more depth) can be performed.

From the point of view of the creation and maintenance of the IS, the analysis presented here focused on several questions relating to positive or negative implications for the IS. With regard to the former: whether the ideas of the political thinkers support the performance of Intelligence, and whether the actions of the IS can contribute to the concretization of the thinker's ideas. With regard to the latter, consideration is given to whether the operation of the IS is forbidden, and whether the actions of the IS hamper the concretization of the thinker's ideas. There is also the neutral view, in which it cannot be stated in full that the political thinker is against or in favor of the legitimation of the IS. That is because there is no direct adherence between the subject of the IS and the thinker's reflections. In addition, this paper assessed the extent to which the performance of the IS today would be in accordance with the ideas of political thinkers (see Table 1).

Obviously, it is not a question of whether there are more thinkers for or against the legitimacy of the IS. On the contrary, what is important is that for some thinkers, the performance of the IS would be in perfect harmony with their worl-

Table 1. Assessment of the Ideas of Political Thinkers Regarding the Legitimation of the IS

Political thinker	Direction of the thinker's ideas regarding the legitimation of Intelligence	Action of the IS in accordance with the ideas of the political thinker
Machiavelli	Positive	The IS would be used to protect the ruler from the goddess of chance
Hobbes	Positive	The IS would be used by the agent to protect the people from internal and external enemies (and in return they would be respected)
Locke	Positive	Must respect natural laws and pay attention to conflicts of interest regarding the right of resistance of the people
Montesquieu	Neutral	Using weights and balances among the three powers to monitor and prevent abuse by the IS
Rousseau	Neutral	Must respect the sovereignty of the people; the IS needs to pursue the common good
Burke	Neutral	The IS, as an institution, would be measured by its usefulness, act according to customs and traditions, demand obedience from society, and be gradually improved
Kant	Negative	Contrary to the existence of the IS since it threatens the eternal peace
Mill	Negative	Against illegitimate interference by the state in individual freedom
Marx	Positive	The IS could be used in favor of revolutions of the proletariat, whether to make the revolution or to defend it
Weber	Positive	The IS would be part of the structure that guarantees the monopoly of force by the state
Schmitt	Positive	The IS could be used to maintain the dictator who seeks the hegemony of people through war
Hayek	Neutral	The state must respect the principle of individual freedom

dviews, for others, there would be exceptions, and for others, it would be rejected. Therefore, the conclusion about legitimacy depends on which thinker the evaluation is based on, and, at the same time, it is perceived that legitimation does not depend on the regime of government, from democracy to totalitarianism, or on the form of state organization, from monarchy to parliamentary or presidential.

The most straightforward way to legitimate the IS would be to admit that the state is legitimate, after all the people accept that the state governs them. It follows

that the legitimacy of the state extends to its institutions, like the IS. However, as is the case with other issues, members of society assess the best decision to be made, or, in this case, whether an institution should exist, and base this decision on the founding ideas of the values of the group. Ultimately, the moral, social, and ethical values that prevail in a society derive from the culture, tradition, and education of this group of people. And these values, also influenced by the teachings of political thinkers, become guides, sometimes invisible, of their decisions. For example, in a society with values susceptible to Machiavelli's ideas, such as Florence, Italy, the presence of the IS would be natural. On the other hand, if there were a country that adhered to Kant's thinking, the IS would be something unnatural that would not fit into this kind of government.

Thus, in countries where the legitimacy and the existence of the IS are aligned,[10] it is said that society agrees on this subject. And, in cases in which it exists and is legitimate, the performance of the IS can be more harmonious and understood by society, in addition to being more efficient. On the contrary, in societies characterized by a conflict between the legitimation and the existence of the IS,[11] some action is needed, either to create the IS, amend it, or disassemble it, according to the values that prevail in society (lest the efficiency of the state is impaired). Therefore, the plurality of ideas exposed in the article demonstrate how serious and complex the discussion about the legitimacy (or not) of the IS is.

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10 That is, the IS is legitimate and exists, or it is illegitimate and does not exist.

11 That is, the IS exists but is illegitimate, or does not exist but is legitimate.

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