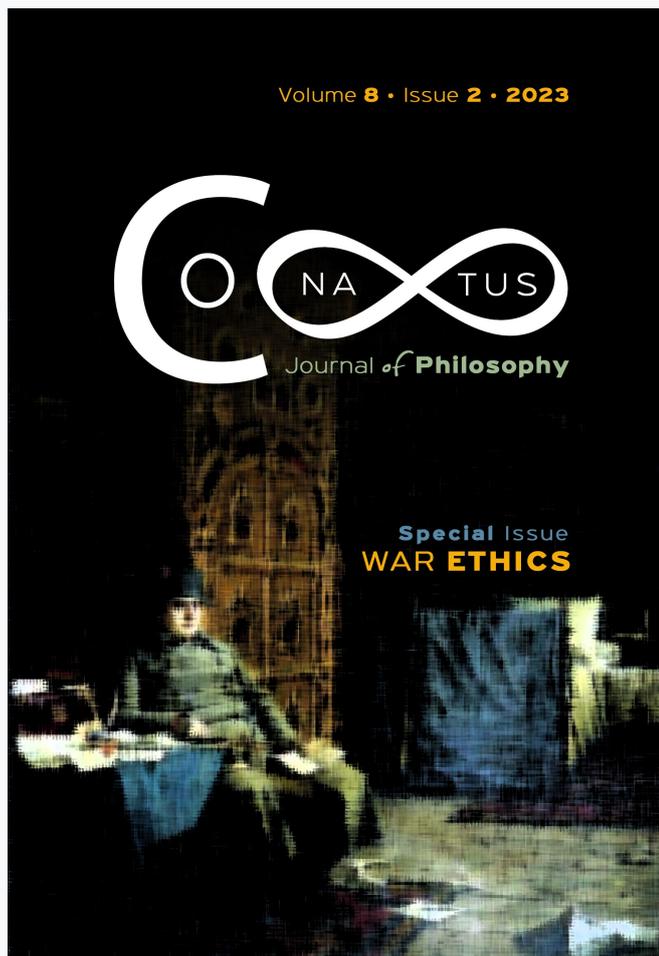


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### The Ethics of Military Influence Operations

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# The Ethics of Military Influence Operations

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## **Abstract**

*This article articulates a framework for normatively assessing influence operations, undertaken by national security institutions. Section I categorizes the vast field of possible types of influence operations according to the communication's content, its attribution, the rights of the target audience, the communication's purpose, and its secondary effects. Section II populates these categories with historical examples and section III evaluates these cases with a moral framework. I argue that deceptive or manipulative communications directed at non-liable audiences are presumptively immoral and illegitimate for liberal states, as are deceptive operations aimed at an unjust end, or even operations aimed at a just end where secondary effects are forecast to be disproportionate to the proximate end.*

**Keywords:** *just war theory; ethics of war; military ethics; influence operations; propaganda; information warfare; political warfare; deception; lying; manipulation*

**E**ffective counter-insurgency requires the cooperation of civilians in insurgent-affected areas, but civilians' fear of the insurgents will often inhibit this cooperation. A civilian might be more apt to cooperate with counter-insurgent forces, if he felt he had the support of his community. A groundswell of anti-insurgent messages in social media from local addresses, might give him the confidence to join the chorus or refuse cooperation with the insurgents in some more tangible way. Yet, what if those social media messages, apparently

coming from people in his community, are actually ghost-written by the counter-insurgent force's Psyop team, stationed thousands of miles away?

The purpose of this article is to articulate a framework for normatively assessing influence operations, undertaken by national security institutions. I will be using the term "influence operations" as a maximally inclusive term for a family of actions, defined by a US Army field manual as "military actions involving the integrated employment of multiple information forces to affect drivers of behavior."<sup>1</sup> As such, "influence operations" overlaps with, or includes aspects of, what some organizations and publications call information operations, information warfare, cognitive warfare, political warfare, psychological operations, and propaganda.

Very little has been written about the ethics of such operations. There are not even so many descriptive accounts of these usually secret programs. Therefore, in section I of what follows, I aim to categorize the vast field of possible types of influence operations according to the communication's content, its attribution, the rights of the target audience, the communication's purpose, and its secondary effects. Section II populates these categories with historical examples and section III evaluates these cases with a moral framework.

## I.

In an effort to impose some order on the myriad types of influence operations, I will categorize different types of operations according to their content, attribution, target audience, purpose, and secondary effects in section II. In preparation, I will first consider the moral aspects of these categories.

### a. Content

Influence operations may be attractive to policymakers, because they do not directly threaten the lives of the operators or targets, but only involve deception or manipulation. As such, they do not risk breaching international laws regarding the use of force; it is far easier to conceal their attribution; and they are usually much cheaper than military

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<sup>1</sup> This phrase is the definition for the US military's current euphemism "operations in the information environment." Joint Chiefs of Staff, *Joint Publication 3-04 Information in Joint Operations* (South Carolina: CreateSpace Independent Publishing Platform, 2022), GL-5. I am reluctant to spend much space parsing the definitions of related terms because militaries have so many, and shifting, terms of art for roughly the same set of capabilities.

operations. Yet, deception and certain kinds of manipulation are not mild infractions against the moral order, but instead, potentially serious affronts against autonomy.

Deception can encompass material falsehoods or communications that mix true and false information in a way that is misleading to the target. Deception seeks to manipulate a person's understanding of the world, potentially compromising his ability to act in his own best interest. Deception trespasses against the right to honest-dealing, treating a person as a mere means, a kind of instrument of another. In a sense, deception is worse than other kinds of rights violations, because while one knows one is being assaulted, robbed, or kidnapped, one does not know he is being deceived. Rather, he believes that he is still acting on accurate information, in his own best interest, even as he uses his own faculties to accomplish the deceiver's aims.

Of course, deception can have more or less grievous effects, based on the content of the deception. Lies about important institutions like the public health system, the criminal justice system, and the elections administration, can undermine trust in institutions that are designed to impartially protect the rights of populations in large numbers and correct for the dangers of a state of nature. Lies about epidemics, food safety, minority groups, and national security threats can lead directly to people failing to protect themselves or to unjustly attacking others. Distrust in the traditional media and in social media undercuts people's abilities to make good decisions and affects their trust in important institutions. Yet, even less grave deceptions undercut the bonds of trust that undergird all social relations, institutions, and political relationships. Knowing that people lie and also knowing that one will not be able to always spot the lie, can lead to a prudent person distrusting all communications and institutions and withdrawing from any social interaction that fails to reaffirm his original presuppositions.<sup>2</sup>

One can also limit another person's autonomy, through manipulation. Manipulation is a class of actions that falls normatively in between rational persuasion and coercion.<sup>3</sup> The persuaded person has

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<sup>2</sup> Immanuel Kant, "Of Ethical Duties Towards Others, and Especially Truthfulness," in *Lectures on Ethics*, eds. Peter Heath and Jerome B. Schneewind (Cambridge: Cambridge University Press, 1997); Eliot Michaelson and Andreas Stokke, eds., *Lying-Language, Knowledge, Ethics, and Politics* (Oxford: Oxford University Press, 2018); Jorg Meibauder, ed., *The Oxford Handbook of Lying* (Oxford: Oxford University Press, 2019); Sissela Bok, *Lying: Moral Choice in Public and Private Life* (New York: Vintage, 1999); Bernard Williams, *Truth and Truthfulness: An Essay in Genealogy* (Princeton, NJ: Princeton University Press, 2002); Hugo Grotius, *On the Law of War and Peace*, trans. Francis W. Kelsey (New York: Bobbs-Merrill, 1925), book 3, chapter 1, XI.

<sup>3</sup> Jennifer Blumenthal-Barby, "Between Reason and Coercion: Ethically Permissible Influence in

reasons presented to him and is free to evaluate them with whatever standards he normally brings to bear in similar situations and choose a course of action. The coerced party knows he is being forced to do something. By contrast, the manipulator tries to shape the target's behavior, by countering or bypassing his deliberative faculties.<sup>4</sup> *Countering* deliberative faculties is accomplished by appealing to social norms, provoking emotional states, and appealing to desires. In short, the manipulator heightens some of the target's native counter-rational tendencies (e.g. the alcoholic's love for alcohol). *Bypassing* deliberative faculties, is accomplished "by exploiting non rational elements of psychological makeup or by influencing choices in a way that is not obvious to the subject"<sup>5</sup> such as framing, setting up defaults, manipulating the environment, and priming with subconscious cues.<sup>6</sup>

Most social interaction involves a mix of cognitive and affective input. An emotion-laden monologue from one person will "make" another feel in a certain way. Yet, this is not necessarily manipulative. Manipulation's deliberateness<sup>7</sup> and limiting effect on the target's autonomy<sup>8</sup> make it similar to deception. Like a deceived person, the manipulated person engages in what feels like his normal decision processes, but they have been subverted by the manipulator.<sup>9</sup> The manipulator consciously seeks to provoke a particular emotion from the target in order to hamper his deliberations and guide him to a particular end.

Manipulation per se is not always invidious. Humans are not purely rational creatures who consistently pursue self-interest based on a dispassionate consideration of facts, so it is not necessarily wrong to use means beside rational persuasion to encourage their positive behavior.<sup>10</sup> Ultimately, one has to look at the purpose of manipulation,

Healthcare and Health Policy Contexts," *Kennedy Institute of Ethics Journal* 22, no. 4 (2012): 346.

<sup>4</sup> *Ibid.*, 349.

<sup>5</sup> Jennifer Blumenthal-Barby and Hadley Burroughs, "Seeking Better Health Care Outcomes: The Ethics of Using the Nudge," *The American Journal of Bioethics* 12, no. 2 (2012): 5.

<sup>6</sup> Blumenthal-Barby, 349.

<sup>7</sup> Cecile Fabre, *Cosmopolitan War* (Oxford: Oxford University Press, 2012), 152.

<sup>8</sup> Timothy M. Wilkinson, "Nudging and Manipulation," *Political Studies* 61, no. 2 (2013): 347.

<sup>9</sup> Alex Dubov, "Ethical Persuasion: The Rhetoric of Communication in Critical Care," *Journal of Evaluation in Clinical Practice* 21, no. 3 (2015): 497.

<sup>10</sup> Randal Marlin, *Propaganda and the Ethics of Persuasion* (Peterborough: Broadview Press, 2013), 176; Cass Sunstein, *The Ethics of Influence* (Cambridge: Cambridge University Press, 2016), 16, 85, 106; Sarah Conly, *Against Autonomy* (Cambridge: Cambridge University Press, 2012), 242-243.

whether it is in the manipulated person's own interest, own wishes, or his duty. One may have a duty to manipulate someone to do his duty<sup>11</sup> and if he is of diminished capacity, to keep him from harming himself. Manipulation is usually invidious if the end is harmful to the target, a violation of his rights, or contrary to what he would have rationally judged to be in his best interest. Even manipulation directed at a good end is suspect, if it appeals to anti-social emotions like hatred, fear, or resentment since these emotions are hard to control and can lead to unjust actions.

#### b. Attribution

Deception can also involve deceiving the target about the source of the communication. Such actions are problematic for all the reasons related to disrespect of autonomy articulated above; when the content of the communication is false, the negative impact can be compounded. When speaker A communicates some upsetting information to B, B's anger about the information may in part be directed at the messenger. Deceiving targets about attribution can redirect that anger toward another, potentially innocent, target. For example, an influence operation might cause intercommunal violence, if provocative communications about community A are wrongly believed to come from members of community B. Spoofing attributions can also undermine faith in institutions, if government figures are believed to be the source of outrageous statements. Even accurate information can cause a great deal of damage, for example, if a repressive regime responds to true accounts of governmental corruption, sent from anonymous sources by engaging in a crackdown on the usual suspects.

#### c. Target

The target's diminished capacity, or liability to deception, or manipulation is important to determining the permissibility of the communication. Liability to x, means that one is not wronged by x. Regarding diminished capacity, it is not necessarily wrong to manipulate a child to protect him – for example, telling him a frightening story about child abduction to impress upon him the need to be careful around strangers – because his rational abilities are not fully formed. Giving him a calm, data-rich talk, complete with statistics and PowerPoint slides might not have the desired effect.<sup>12</sup> Frightening a mentally-normal adult might

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<sup>11</sup> Fabre, *Cosmopolitan War*, 154.

<sup>12</sup> On why purely rational persuasion often does not work, see Dubov, 498; Marlin, 176;

be inappropriate though, since he has the mental faculties to make decisions on his own behalf and the right, even to make bad decisions so long as they do not violate others' rights.

Regarding liability, mentally-normal adults can forfeit or waive certain rights, including the right to honest dealing and the right to be treated with respect (a right precluding invidious manipulation). One forfeits these rights by violating others' rights or plotting to do the same. An agent can deceive a deceiver without violating his (forfeited) rights if doing so is necessary to halt or forestall his rights violating behavior.<sup>13</sup> One can waive a right to honest dealing by entering into a permissible adversarial practice, where deception and manipulation are the "rules of the game." This applies literally to some games like poker and figuratively to war or intelligence-gathering actions in which antagonists are trying to trick the other side in the interest of national security.<sup>14</sup>

#### d. Purpose

Deceiving or manipulating even a liable party, or party with diminished rational capacities is generally wrong if the agent seeks an unjust outcome like a rights violation, an undeserved harm, a corrupted character and so on. Generally, actions pursuant to national security are just. Absent a just global government, states are tasked with protecting the rights of their inhabitants in a potentially adversarial self-help scheme. The leaders of states are ultimately tasked with deciding what's in the best interest of their states. If national security institutions require obedience of their employees to lawful orders, in order to function efficiently under civilian oversight, it is not wrong for security professionals to engage in deceptive initiatives, which appear pursuant to national security even if these initiatives are not objectively pursuant to national security.<sup>15</sup> Professional norms are designed to efficiently and effectively guide professionals to securing the joint rights and collective rights their institutions are designed

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Thomas Nys and Bart Engelen, "Judging Nudging: Answering the Manipulation Objection," *Political Studies* 65, no. 1 (2017): 206.

<sup>13</sup> Michael Skerker, *An Ethics of Interrogation* (Chicago, IL: The University of Chicago Press, 2010), 104.

<sup>14</sup> Michael Skerker, "The Rights of Foreign Intelligence Targets," in *National Security Intelligence and Ethics*, eds. Seumas Miller, Mitt Regan, and Patrick F. Walsh, 89-106 (London: Routledge, 2022), 93-94.

<sup>15</sup> Michael Skerker, *The Moral Status of Combatants* (London: Routledge, 2020), 181-90.

to protect.<sup>16</sup> They must be action-guiding norms since governmental institutions are vehicles for mass mobilization and they cannot be action-guiding if geared to fact-relative states of affair, e.g. “only perform actions that actually are pursuant to national security or that best realize national security.” Thus, institutional actors are permitted to act on their legal orders, stemming ultimately from their political authorities, to engage in those actions that appear best able (most efficiently, effectively, reliably and proportionately) to meet national security aims.<sup>17</sup> Given this fallible, adversarial self-help regime, characterized by high risk, high stakes, and significant uncertainty, there is a legitimately wide range of national security aims that institutions might pursue, excepting patently unjust collective enterprises like genocide, ethnic cleansing, colonialism, and theft of natural resources.

People have duties to respect the rights of all people regardless of nationality and so duties to support the just institutions of foreign states since these institutions protect the rights of inhabitants of those states. So, while state agents may engage in deceptive and manipulative operations to defend their states, they must not subvert other state’s fair electoral processes, truthful media institutions, schools, public health systems, and the like.<sup>18</sup> Deceptive stratagems simply aimed at political leaders’ aggrandizement, re-election, or enrichment are also not legitimate actions undertaken by national security actors. Their remit is only to take actions to protect the rights of their political community’s inhabitants.

#### e. Secondary effects

The primary effect of kinetic (i.e. violent) military actions, is usually worse than the secondary effects since the primary effects are death and dismemberment. Yet the secondary effects of deceptive influence operations may well be worse than their primary effects since the secondary effects may undermine confidence in essential institutions and some social relations. Disinformation planted in traditional or social media may have limited effects, like reducing the popularity of a government or forcing a public figure to resign, but may also lead to loss of trust in the media or governmental institutions. Falsely

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<sup>16</sup> Seumas Miller, *The Moral Foundations of Social Institutions* (Cambridge: Cambridge University Press, 2010), 80.

<sup>17</sup> *Ibid.*, 129-132, 187.

<sup>18</sup> *Ibid.*, 161-62.

reporting that the blood used to treat soldiers was tainted might cause dissension in the military, but also lead to a loss of the public's trust in the health system. Disinformation targeting an ethnic or religious group can lead to sectarian violence that lasts for generations.

The uncertainty of these secondary effects also speaks to a major, unique risk with influence operations. Military planners know the blast radius of munitions and so can estimate the secondary effects on structures if they drop a bomb in a particular location. They can estimate in broad terms the economic effects of blockading a harbor. Yet, the content created in an influence operation can persist and mutate in the information environment indefinitely, causing unforeseen calamities. For example, in 1903, the tsarist secret police created the forgery *The Protocols of the Elders of Zion*, about a supposed global Jewish plot to control the economy and political order, and the document is still cited by jihadists and neo-Nazis to justify anti-Semitic violence and is taught as fact in schools in some Arab countries.<sup>19</sup> Pointing to both the unforeseen effects of information manipulation and the possibly profound effects on institutions, McCormack and Chatterjee compare propaganda to a WMD.<sup>20</sup>

I am concerned that in some institutions, influence operations may be planned without sufficient understanding of the culture in which the operation will occur, and therefore, without adequate consideration of secondary effects. Just as some militaries neglect to measure civilian casualties after military actions, I am concerned that secondary effects of influence operations will never be officially recorded, removing the possibility of holding operators accountable for them.

## II.

This section will exemplify a typology of influence operations taking into account different variations regarding the normatively important elements of content, attribution, target, and purpose. In the interest of limiting the complexity of the presentation, I will leave off variations in secondary effects, though this category would add another two variations for each entry. Some of the following cases are real and some are notional.

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<sup>19</sup> United States Holocaust Memorial Museum, "Introduction to the Holocaust," *Holocaust Encyclopedia*, <https://encyclopedia.ushmm.org/content/en/article/protocols-of-the-elders-of-zion>.

<sup>20</sup> Wayne McCormack and Deen Chatterjee, "Technology, Information, and Modern Warfare: Challenges and Prospects in the 21<sup>st</sup> Century," in *The Ethics of Information Warfare*, eds. Luciano Floridi and Maria R. Taddeo, 61-84 (New York: Springer, 2014), 63.

content	attribution	target	purpose	example
F	F	NL	U	Devastation
F	T	NL	U	Hutu Power
T	T	NL	U	Reprisals
T	F	NL	U	Neptun
F	F	L	U	red on red
F	T	L	U	Tokyo Rose
T	T	L	U	surrender
T	F	L	U	casualty figures
F	F	NL	J	comics
F	T	NL	J	comics
T	T	NL	J	Voice of America
T	F	NL	J	LC Cassock
F	F	L	J	Mincemeat
F	T	L	J	Nuke threat
T	T	L	J	surrender
T	F	L	J	corrupt officials

T = True • F = deceptive/manipulative • NL/L = non liable/liable • U/J = unjust/just

*Communications false in content and false in attribution to a non-labile audience for an unjust purpose.*

**Operation Devastation:** In 1968, a number of Stasi assets working undercover in West German research institutes “defected” to East Germany, claiming that they had become alienated by West German efforts to develop nuclear, chemical, and biological weapons. There were no such programs. The East German government also published forged documents to back up the scientists’ claims.<sup>21</sup>

**Modern Disinformation:** Recent years have seen disinformation spread through both traditional and social media, targeting the democratic processes of European states and the United States.

<sup>21</sup> Thomas Rid, *Active Measures: The Secret History of Disinformation and Political Warfare* (New York: Farrar, Straus, and Giroux, 2020), 198-200.

Russian bots, spoofing British accounts, posted tens of thousands of pro-Brexit tweets – often mendacious in content – ahead of the 2016 referendum.<sup>22</sup> In 2017, Russian media outlets in Europe stoked anti-immigrant sentiment and bolstered support for the anti-EU AfD party in Germany by hyping a fictitious story of a 13-year-old girl who had been raped by an immigrant.<sup>23</sup> Bots in the Czech Republic, Cyprus, and Vietnam spread tweets charging that the 2016 Democratic nominee for president Hillary Clinton and her chief of staff were operating a child sex ring out of a pizza parlor basement in northwest Washington DC.<sup>24</sup>

*Communications false in content, but accurate in attribution to a non-liable audience for an unjust purpose*

Hutu Power: In the early 1990s in Rwanda, the political party Hutu Power disseminated racist anti-Tutsi tracts, publicized false reports of Tutsi massacres of Hutus and created a radio station that promoted a narrative that Tutsis planned to seize political power from Hutus. The radio station repeatedly urged “defensive” massacres of Tutsis. The resulting genocide in spring of 1994 resulted in the murder of hundreds of thousands of Tutsis.

*Communications true in content and accurate in attribution to a non-liable audience for an unjust purpose*

Reprisals: In the face of well-organized Yugoslav partisan attacks, Adolf Hitler issued an order on September 16, 1941 that 100 civilians would be executed for every German soldier killed. Up to 30,000 Yugoslav civilians were executed and many villages razed in reprisals.

*Communications true in content but false in attribution to a non-liable audience for an unjust purpose*

Operation Neptun: One of the most elaborate examples of this category was Operation Neptun, run by the Czechoslovak StB in 1964 with assistance from the KGB. The StB decided to take advantage of a local

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<sup>22</sup> Heather A. Conley et. al., “Countering Russian and Chinese Influence Activities,” *Center for Strategic and International Studies*, July 1, 2020, <https://www.csis.org/analysis/countering-russian-chinese-influence-activities-0>.

<sup>23</sup> *Ibid.*, 8

<sup>24</sup> Eric Jardine, “Beware Fake News: How Influence Operations Challenge Liberal Democratic Governments,” in *Centre for International Governance Innovation*, February 12, 2019, <https://www.cigionline.org/articles/beware-fake-news/>.

television program's plan to film a documentary about the search for rumored Nazi Gold in two Bohemian lakes by leaving Nazi documents for the documentary crew to find. The purpose was to increase anti-German sentiments in North America and Europe; extend the soon-to-expire German statute of limitations for Nazi-era war crimes; and reveal the identity of some of the West German Intelligence service's assets. While waiting on extra documents from Moscow, the StB put Nazi documents from their own archives in pre-corroded *Wehrmacht* chests and sank them in a lake in Czechoslovakia. The film crew found them, publicized the discovery in sensationalist fashion and turned them over to the Interior Ministry (the parent organization of the StB) for analysis. After a few months, the Interior Ministry publicized the Nazi documents, some of which the KGB supplied after the discovery of the chests. The revelations received widespread European coverage and resulted in an extension of the war crimes statute of limitations.<sup>25</sup>

*Communications false in content and false in attribution to a liable audience for an unjust purpose*

Red on red: Militaries sometimes attempt to draw enemy fires unto enemy units by sending them electronic signals suggesting that allied units are in the position, enemy units actually occupy. This might be undertaken for just or unjust purposes.

*Communications false in content with accurate attribution to a liable audience for an unjust purpose*

Tokyo Rose: Various English-speaking female Japanese radio broadcasters disseminated propaganda meant to demoralize US service personnel during WWII in service of the Japanese war effort.

*Communications true in content with accurate attribution to a liable audience for an unjust purpose*

Surrender: In many conflicts, military teams sought to encourage surrender of enemy troops through leaflets or more recently, text message. Importantly, the communications currently attributed themselves to the enemy government. This tactic could be employed in just or unjust wars.

*Communications true in content with false attribution to a liable audience for an unjust purpose*

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<sup>25</sup> Rid, chapter 11.

A Psyop team might spoof an enemy government source and use it to issue accurate casualty figures to the enemy military as a way of demoralizing them in service of a just or unjust cause.

*Manipulative content with accurate attribution to a non-liable audience for a just purpose*

In the mid-2000s, a US military task force distributed comic books to children in the Philippines with anti-jihadist storylines in an effort to discourage teens from joining local insurgent groups.<sup>26</sup> This kind of operation could be done with or without correct attribution.

*Communications true in content and accurate in attribution to a non-liable audience for a just purpose*

The Voice of America is a state-owned, but independent US government agency which produces independent news programs in multiple languages for foreign audiences. Per its charter, it is meant to serve as a reliable and authoritative source of news; “present a balanced and comprehensive projection of significant American thought and institutions;” and “present the policies of the United States clearly.”<sup>27</sup> During the Cold War, it was seen as a bulwark against Soviet and Warsaw Pact propaganda. At various times, the VOA signal was also blocked by these Warsaw Pact countries and labeled “American propaganda.”

*Communications true in content, but false in attribution to a non-liable audience for a just purpose*

LC-Cassock: During the 1960s, the CIA printed and distributed magazines in East Germany that were near exact copies of existing German magazines. CIA authors faithfully reproduced the style and format of the magazines replete with socialist propaganda, but also included accurate information about the West that the real German authorities would want to conceal from their citizens and accurate and unflattering information about East German officials or true information about setbacks in East German government programs.

*Communications false in content and false in attribution to a liable audience for a just purpose*

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<sup>26</sup> I was told this anecdote by a US military officer involved with the program.

<sup>27</sup> Voice of America Public Relations, “VOA Charter,” *Voice of America*, archived from the original on November 20, 2016, <https://www.insidevoa.com/p/5831.html>.

Operation Mincemeat: In 1943, the Allies wished to divert German defenses to Greece away from Sicily, the location of the Allied planned invasion of occupied Europe. British intelligence operators dressed a cadaver in Royal Marine clothing and placed faked correspondence in its pocket indicating Allied invasion plans for Greece. The body was released from a British submarine close to a Spanish beach; after the body washed ashore, the Spanish authorities, as expected, shared the fake document with German Intelligence. The Germans subsequently focused their defenses on Greece.<sup>28</sup>

*Communications false in content but true in attribution to liable audience for a just purpose*

On the eve of Operation Desert Storm, the Bush administration warned the Saddam Hussein government that it would respond to the use of chemical weapons on US troops with a nuclear strike on Iraq.<sup>29</sup> Historians speculate that this threat was a bluff.

### III.

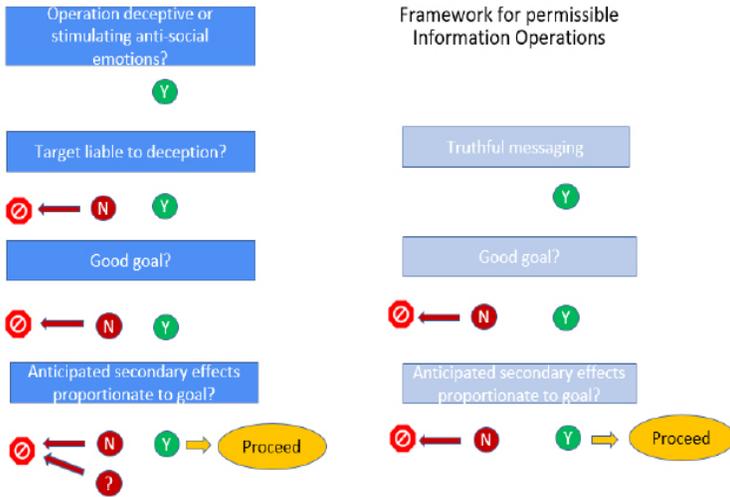
In this section, I present an instrument for evaluating potential influence operations conducted by national security institutions. It is meant to be simple enough for junior service members to use. The following conclusions should be understood to be tentative, given the breadth of influence operations, their secretive nature, and uncertain impact. The instrument identifies actions that are presumptively immoral. These are actions that liberal states have strong reasons to avoid. It is a broader discussion than I can have here whether liberal states are ever justified, all things considered, in performing immoral actions.<sup>30</sup>

The instrument has four filtering questions for deceptive and/or manipulative communications and three for non-deceptive and non-manipulative communications. A negative answer to one of the latter three questions indicates a presumptively immoral operation. Affirmative answers to all the questions indicates a permissible influence operation.

<sup>28</sup> Christopher Andrew, *The Defence of the Realm: The Authorized History of MI5* (New York: Penguin Books, 2019), 286-287.

<sup>29</sup> Timothy McNulty, "Bush Warns Iraq on Chemical Arms," *The Chicago Tribune*, May 10, 1991, <https://www.chicagotribune.com/news/ct-xpm-1991-03-10-9101220384-story.html>.

<sup>30</sup> See Fabre's discussion of "dirty hands" exceptions to moral demands, chapter 1.



1. Is the content of the communication deceptive and/or liable to generate anti-social emotions?
2. Is the target audience liable to deception or manipulation?
3. Is the purpose just?
4. Are the secondary effects proportionate to the purpose?

*1. Is the content of the communication deceptive and/or liable to generate anti-social emotions?*

Communications that are deceptive or likely to cause anti-social emotions in the target audience are morally problematic and need to be scrutinized by senior officers. It is not unusual, with NATO militaries at least, that in certain combat theaters, certain very destructive weapons can only be used with a senior officer’s authorization. My contention is that influence operations are potentially very dangerous and so need significant oversight.

*2. Is the target audience liable to deception or manipulation?*

Deception and manipulation of a liable target or a target with diminished capacity can be permissible if it is the most efficient, effective, reliable, proportionate, and least rights infringing<sup>31</sup> means to an objectively just end. If the target is not liable to deception or manipulation, the action is likely immoral.

Deceptive communications are presumptively wrongful for liberal states since state coercion in such states is justified by the consent of the

<sup>31</sup> Skerker, *The Rights of Foreign Intelligence Targets*, 90-96.

governed and citizens cannot in principle consent without government candor about its actions.<sup>32</sup> Government deception may conceal and facilitate illegal, immoral, incompetent, and corrupt behavior. Still, government deception, be it through omission of pertinent information, refusal of comment,<sup>33</sup> or express falsehoods, can sometimes be justified when they are the necessary, effective, and proportionate<sup>34</sup> means of concealing just covert operations, diplomacy, espionage, and, at the level of unofficial communications by government actors, when employed in espionage and interrogation.<sup>35</sup> The deceptive means used to conceal such actions can be justified if the reasons for keeping these actions secret and doing so with deceptive means can be publicly justified.<sup>36</sup>

### 3. *Is the purpose just?*

Deceptive or manipulative communications appealing to anti-social emotions are illegitimate if aimed at an unjust purpose involving mass human rights violations like genocide, ethnic cleansing, mass rape, theft of property, or the subversion of just institutions.

### 4. *Are the secondary effects proportionate to the purpose?*

Non-deceptive and non-manipulative operations with a just purpose, deceptive and/or manipulative operations of liable parties for a just purpose, and (more rarely) deceptive and/or manipulative of non-liable parties for just purposes can be justified. Yet they should not be undertaken if their negative secondary effects are likely to be disproportionate to the just proximate purpose. The uncertainty regarding secondary effects will often be significant. Influence operators would need considerable analytical support to confidently forecast

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<sup>32</sup> Christopher Kutz, "Secret Law and the Value of Publicity," *Ratio Juris* 22, no. 2 (2009): 197-217; Dennis Thompson, "Democratic Secrecy," *Political Science Quarterly* 114, no. 2 (1999): 181-193; David Luban, "The Publicity Principle," in *The Theory of Institutional Design*, ed. Robert E. Goodin, 154-198 (Cambridge: Cambridge University Press, 1996).

<sup>33</sup> Mitt Regan, "Secrecy, Deception, and Covert Action," in *Justice at the Margins of War: The Ethics of Espionage and Gray Zone Operations*, ed. Edward Barrett, 68-82 (Annapolis, MD: Naval Institute Press, 2021), 73.

<sup>34</sup> Cecile Fabre, *Spying through a Glass Darkly: The Ethics of Espionage and Counter-intelligence* (Oxford: Oxford University Press, 2022), 3.

<sup>35</sup> Michael Skerker, "A Two Level Account of Executive Authority," in *Sovereignty and the New Executive Authority*, eds. Claire Finkelstein and Michael Skerker, 161-186 (Oxford: Oxford University Press, 2019); Skerker, *An Ethics of Interrogation*, ch. 7.

<sup>36</sup> Luban, 189.

secondary effects. Influence operations should not be undertaken in novel situations if sufficient analytical staffing is not available for operators.

Finally, even accurate communications designed to violate people's rights are immoral. Accurate communications delivered for a just purpose can still be wrong if their secondary effects are disproportionate to the purpose sought.

Let us analyze some of the cases presented above. The Voice of America communications are largely unproblematic. A self-identified quasi-government agency, the VOA broadcasts accurate information throughout the world. One concern is that the VOA broadcasts may present a risk to citizens of repressive countries who choose to listen to the broadcasts on banned radios. In a way, the existence of the forbidden VOA broadcasts in repressive countries could present a temptation to some citizens. Unlike a typical temptation though, the object of the temptation – accurate knowledge – is good, which is only made risky because of the repressive state in which the tempted citizen lives. I think presenting the “temptation” is ultimately permissible because it is not forced on the citizenry of repressive states. Instead, they can weigh the risks and decide for themselves if they want to seek out a radio able to receive the broadcasts. A final note, relevant for what follows: the fact that many of the socialist countries the US government would have liked to have penetrated with broadcasts during the Cold War, blocked the signals because of their American source explains why many influence operators wish to deceive the target about the attribution of the communications.

Depending on the stage of the war, truthful offers of surrender can also, interestingly, be a kind of temptation for soldiers. If their side is hopelessly overmatched or if their leadership is callously ordering suicidal tactics, a sincere offer of surrender is akin to a rescue, assuming that POW privileges will be honored. Otherwise, encouraging surrender can be akin to encouraging treachery, albeit in a mild form since the surrendering soldier's primary motivation, presumably, is saving himself rather than harming his side's war effort. Treachery against an unjust war effort can have good short term effects, though could undermine the relevant state's possible longer term just operations by undermining military discipline. If both sides of the war are permitted to fight, as those supporting the moral equality of combatants allow,<sup>37</sup> then influence operators on both sides of a war are permitted to encourage surrender as a less destructive way of achieving victory.

There are two cases mentioned above involving threats: *nuclear threat* and *reprisal*. Generally, threats are morally problematic as they

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<sup>37</sup> E.g., Yitzhak Benbaji and Daniel Statman, *War by Agreement* (Oxford: Oxford University Press, 2019); Uwe Steinhoff, “Rights, Liability, and the Moral Equality of Combatants,” *Journal of Ethics* 16, no. 4 (2012): 339-366; Skerker, *The Moral Status of Combatants*.

are attempts to force a person to do what the threatener wants. However, threats can be permissible if the party is liable to coercion. One can threaten someone to force him to do something he has a duty to do if one is also permitted to use violence to force him to do his duty.<sup>38</sup> That said, threats are risky because of their uncertain outcomes. What if the liable party escalates his behavior in the face of a threat or acts in some unpredictable and destructive way? This prudential concern picks up moral content for the agent who is responsible for averting the danger the liable party originally posed.

One may not threaten to do X if one lacks a right to do X. An occupying power may not murder uninvolved civilians to punish insurgents. Even if they are providing non-lethal aid to insurgents, they are not liable to death. So the Nazis were neither permitted to execute civilians in reprisal nor to threaten to do so. If US officials threatened Saddam Hussein with a nuclear attack on populated areas of Iraq, the threatened action was impermissible, as such an attack would be indiscriminate, unnecessary, and disproportionate.<sup>39</sup> The threat would also then be impermissible.

Amongst deceptive operations, those targeting liable persons for just purposes are the most acceptable. In Operation Mincemeat, British authorities deceived a liable target, the German Intelligence agency, the *Abwehr*. *Abwehr* operators waived rights to honest-dealing by engaging in deceptive operations themselves. Deception and concealment are characteristic of the intelligence and counter-intelligence trade; operators are trained both to deceive and be wary of deception. The ruse concerned military maneuvers and was aimed at Britain's military and intelligence opponents, not civilian populations. The targeted recipient of the disinformation would want to keep the document and the nature of its discovery secret, lest it reveal to the British that the Allies' invasion plans had been intercepted. Even if the disinformation leaked into the public, it would not, like disinformation regarding public figures or religious groups, have much effect on people's behavior during the war. It is possible that some Greek civilians would flee, anticipating an invasion. Many would likely not be able to do so, or would linger, anyway, until the future was clear. Anxiety about a possible future invasion would likely be felt with or without a leaked document.

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<sup>38</sup> Fabre, 99.

<sup>39</sup> Paul Ramsey writes extensively about the morality of threatening nuclear attacks in the context of deterrence, *The Just War: Force and Political Responsibility* (New York: Charles Scribner's Sons, 1968), 147, 250-251.

Red on red operations are also permissible. Military actors are liable to deception. In this case, they are deceived about the position of the allied units they are trying to destroy via electronic, means they know are subject to manipulation. Civilians are not at risk of intercepting and acting on the signals, which are on military frequencies. Fires are redirected by the agent to permissible enemy military targets. Ultimately, this kind of operation will pick up moral content from the military/political ends it is serving.

LC-Cassock has curious dimensions. Clearly, the problem the CIA wanted to avoid was exemplified in the VOA's ban in certain Eastern Bloc countries. Citizens of totalitarian states would never get a chance to hear accurate information about the West and their own governments – which they would presumably want to hear – if the CIA was honest about its authorship of the magazines. Deceiving a non-liable audience about attribution is normally wrong, even if it is for a just purpose. With LC-Cassock, CIA forgers were subverting propagandistic publications by publishing accurate information in them. CIA actors had a good purpose in trying to penetrate the pall of socialist propaganda with accurate information about corruption in certain Eastern bloc governments and to counter lies about the West. Subverting honest media is wrong, but subverting deceptive media is not necessarily wrong. I am inclined to say that false attribution for this purpose is justified since deception was used to undo unjust deception. Regarding secondary effects, reduced confidence in a deceitful totalitarian government is good. Still, CIA operators could not forecast with any kind of certainty what long term effects might follow from their operation. How would the East German government respond if some citizens protested after reports of corruption in the Transport Ministry? Would CIA officers protect them from Stasi reprisals?

This issue of the safety of the deceived parties is not relevant to the same degree in cases where accurate and unflattering information about officials or the war effort is presented to enemy troops in the form of spoofed official communications. Service personnel are already in great danger and have the means, perhaps, to protect themselves from commissars. This form of deception is also then probably permissible since it otherwise conforms to the LC-Cassock case of using deception to communicate the truth in an environment deformed by deception.

There are interesting parallels between LC-Cassock and Neptun. The Neptun documents detailing Nazi war crimes and *abwehr* surveillance of Mussolini were genuine; as with the CIA operation, the deception

lay in the presentation of the information. Had the Czechoslovak or Soviet governments made public Nazi documents just before the sunset of the German statute of limitations for war crimes, the move would have been seen as the politically opportunistic maneuver it was and the authenticity of the documents may have been rejected out of hand. Here, the gravity of the deception regards the concealed motive. The Czechoslovak and Soviet were not acting out of genuine outrage over Nazi war crimes, but in an effort to weaken Western opposition to their own totalitarian states. The operation had fairly broad and vague goals: to remind the world of Nazi war crimes in order to generally diminish the reputation of West Germany. The subsidiary concrete goal of extending the war crimes statute of limitations had the same purpose of lowering West German standing in the global community. Influence operators may legitimately engage in deceptive operations against liable targets in order to protect their national security, but not by undermining just foreign institutions. Since the operation had the vague goal of diminishing the international reputation of the West German government, we have to conclude that the operation was unjust, but not as egregious as others involving disinformation meant to undermine democratically elected leaders or sap trust in specific citizen-facing just institutions.

The US military engaged in manipulative content with their comic books, no doubt using evocative images and exciting story lines to dramatize the danger and immorality of jihadist groups. This action is not impermissible since a stark informational pamphlet would likely fail to engage the poorly-educated teens who were at risk of jihadist recruitment.<sup>40</sup> The military operators, along with local authorities and the teens' parents, have a natural duty to prevent children from engaging in extremely risky and morally ruinous behavior, like joining jihadist groups, and the informational content of the comics was presumably true, that the jihadists do immoral things like murder civilians. They may therefore actually have a duty to use evocative means to get their message across. A consideration of secondary effects however, should give us pause about this operation. Would persuasive comic books simply discourage vulnerable teens from seeking out insurgent groups or would they prompt teens to stand up to recruiters in the madrassahs? Would the American or Philippine authorities be there to protect brave teens from insurgent reprisals? Unless influence actors have carefully studied

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<sup>40</sup> Richard E. Mayer and Valerie K. Sims, "For Whom Is a Picture Worth a Thousand Words? Extensions of a Dual Coding Theory of Multimedia Learning," *Journal of Educational Psychology* 86, no. 3 (1994): 389-401.

the local situation, they ought not to engage in even wholly accurate, non-manipulative communications, much less manipulative ones.

The other cases noted above involve deception or manipulation of anti-social emotions of non-liable audiences. In Operation Devastation, the Stasi deceived non-liable audiences both as to the motivation of the defecting scientists and the content of their work. The West German public reacted with revulsion not only because of the nature of the supposed WMD program, but the fact that the government had lied about its existence. The purpose of Operation Devastation was to undermine a liberal democratic state for the benefit of an illiberal totalitarian state. The secondary effects of operations of this sort are grave. Government institutions in liberal states are ideally designed to protect the rights of citizens. They depend to a degree on citizens' trust, support, and cooperation. Institutions that relied completely on coercion would not be liberal. So by undermining trust in basically just government institutions, disinformation campaigns like Operation Devastation, weaken the ability of institutions to protect people's rights. Moreover, disinformation campaigns like Devastation are comprehensive: they aim to undermine trust in the government as whole rather than in a particular institution.

The modern disinformation campaigns sought to stir up anti-social emotions and defame politicians in order to create social disruption and bolster political parties whose agenda was congenial to the influence operators' government. The anti-social aim is illegitimate. Influence operators can amplify accurate, unflattering information about politicians, but they will violate their rights if they slander them. Spreading disinformation about politicians weakens trust in the media, creating an environment where people do not know what to believe. Not only may they believe appealing falsehoods about favored politicians but they will discount accurate, unflattering information about them as well.

The Rwandan case is obviously the most despicable of those discussed here. It involved deception and the manipulation of anti-social emotions of a non-liable audience for the purpose of triggering a genocide. The horror of the resultant slaughter makes the discussion of secondary effects otiose, but lies about ethnic groups can persist in an information ecosystem well past the initial purpose of the lies is met. Anti-Tutsi sentiments would likely have lingered after the genocide had the Kagame government not so harshly banned discussion of ethnicity in Rwanda.

#### IV. Conclusion

I presented an instrument here for assessing the morality of influence operations for national security purposes. Deceptive communications

and communications triggering anti-social emotions, are fraught and deserve special scrutiny. Such operations usually should not be targeted at non-labile groups. Rare exceptions are where the reasons for engaging in deception can be justified to the target audience. No communication, deceptive or accurate, should be undertaken for unjust purposes. Finally, otherwise permissible communications should likely not be undertaken if the secondary effects are disproportionate to the proximate purpose.

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