

THE ETHICS OF SECRECY

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The formal and deliberate concealment of information presents inherent dangers to a free society. It would, of course, be completely absurd to argue that foreign policy or military planning could occur without the extensive use of classified information. However, the practice of classifying information has at times become excessive and has become a tool for misinformation in both the public and private sectors. The fact is that confidentiality is sometimes being used to evade accountability. This paper will explore these implications, and indicate solutions.

As we come to the close of the 20th century there are several major crises that face our society: the growing epidemic of AIDS, malnutrition and hunger in large segments of the world, a dangerously unstable international political and financial situation, especially in the Third World. Granted, we are also witnessing enormous scientific and technological advances. The amount of information and intelligence that is generated in all these areas is staggering. Indeed, as I have indicated earlier,^{1,2,3} we live in an "Age of Intelligence". What is not so well understood or appreciated is the fact that our society is infected by another disease which is growing steadily, and like AIDS, has no remedy in sight. The disease, which has reached the level of a plague, is the formal, conscious and deliberate concealment of information.

The consequences are many and touch on the whole fabric of our society. For example, there are the inherent dangers to a free society. How deep should a security system be interwoven in a free society? Is a "free" and "open" society only a myth in the latter part of the 20th century? Are we developing a new social and political disease; the disease of confidentiality?

Perhaps the classic free society of Plato, John Stuart Mill, Milton and Jefferson is nothing more than a political myth, as the high technology of the present security systems are continuously imposed on our society and made more efficient. Throughout history it seems to have been a human instinct to cover up things and make secrets. Secrecy is established to protect information, or to conceal knowledge of acts or relationships that outsiders have an interest in acquiring. The governments of various nation-states, and our business corporations could not survive without their special brand of secrets. This poses a most interesting and important dilemma. The only answer is a generally accepted value system that does not permit special interest groups to employ secrecy to protect themselves by covering up their own mistakes and/or their illegal actions.

This is an issue that is of vital interest to youth, not only of the United States, but to the intellectual youth of the world.

At the present time, secrecy of information casts a spell over our whole society - not only within the United States, but internationally. Secrecy and the various names given to classified information, such as: "confidential", "company confidential", "secret", "top secret", "restricted data", "eyes only", "code red, blue" and many other names including some nomenclatures that even the existence of their names is classified "secret" is pervasive not only in the legal public governmental structures of our society, but also in the private sector, including business corporations, tax exempt organizations, and churches. One must also include another category, the illegal private governments of our society: gangs of all sorts, including terrorists and drug dealers. The problem of governance, as it relates to secrecy of information, is a basic problem of our time, both philosophically and practically.

With the improved technology of the 20th century, including the highest technology in communications and codes and surveillance techniques, it has become almost impossible to "keep a secret". This generalization of "the secret" is true whether the information might range from personal, private, information such as personal economic disasters, alcoholism, compulsive gambling, a spouse's infidelity, and many similar anti-social activities, to secrets in the Federal Government, the private sector, business corporations, foundations, prisons, hospitals, churches, and, as justified, the illegal structures of our society.

Within the last few years we have seen the stamp of government secrecy employed not in the interests of rational and efficient administration but to circumvent existing laws and subvert democratic values, either in the interest of political ambition or in the guise of "protecting national security". In recent Hearings we have seen political secrecy used to enable governmental agencies to operate as semi-autonomous bodies, actually as a kind of private government, no longer responsible to the American people and their governmental supervisors. Here again is the classic problem of governance in contemporary dimensions.

There is also a vast body of cases which reveals that large business corporations have not just concealed "trade secrets" from their competitors, although trade secrets are not violations of the law, but have engaged in violations of anti-trust laws that enabled such corporations to increase their profits. There is also some evidence that giant businesses at times conceal vital economic information from their own

government.

Even more startling, from the point of view of a stable world society, is the fact that both governmental agencies and private businesses have, on occasion, been secret collaborators in political intrigue aimed at overthrowing foreign governments considered hostile to their common interests. This is a fascinating ethical question which can be argued persuasively, both for and against.

In exploring this subject one must distinguish between secrecy in government and secrecy in business, because secrecy in business is an integral part of competition, whereas secrecy in government can, under certain circumstances, become hostile to democracy. Our nation, ideally has open government and competitive business (with trade secrecy). It is a dilemma of major proportions to merge the concepts and uphold the traditional concept of capitalism.

There is also the question of how much "vital" private information is the government entitled to have (within a business setting) because when the government obtains such information, do the competitors also obtain it? Basic questions arise from this discussion: what is the necessary balance between governmental secrecy and openness in a democratic society? What is the appropriate role of intelligence agencies in national and international affairs?

There are also theoretical and conceptual issues that underlie this emerging tendency of confidentiality: Are there different forms of secrecy and do they have different social and political functions? Who collaborates in keeping secrets, and why? What are the dangers of disclosure? How is espionage carried out? What security procedures are used to protect secrets? How can they become more effective?

All complex organizations, whether large or small, generate a bureaucracy to deal with internal secrecy. This applies, as previously stated, to all groups whether public or private. These groups all have in common the use of secrecy to protect themselves by covering up their mistakes or inefficiency, avoiding punishment, and defending their technical or administrative performance from outside criticism. Thus, regardless of what is concealed, for whatever purpose, without security devices, secrecy would be impossible.

On the other hand, it is obvious that organized society cannot exist without secrets. It would be completely absurd to argue that foreign policy, or military planning could exist without the extensive use of classified information and covert activities. It is true that there are those who argue that the United States should not engage in covert operations, especially after the disastrous Iran-Contra affair. But, it would be a fatal mistake for the United States to renounce covert action as a foreign policy instrument. But the practice of classifying information has become excessive in many cases and has become a tool for misinformation. Classified information in some cases can become a serious threat to the very concept of a free society. A number of recent Hearings have indicated the Federal Government's tendency for hiding its errors and mistakes in judgments by stamping things "secret". The bottom line is the alarming fact that confidentiality is being used to evade accountability.

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