Covert Positive Incentives as an Alternative to War

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Covert action has always been highly controversial. From the Bay of Pigs invasion of Cuba, to the arming of the Mujahideen and the Contras, to extraordinary rendition in the so-called "war on terror," the history of covert force is littered with aggression, abuse, and rights violations. In this essay, however, I will defend a largely overlooked type of covert action: the use of covert positive incentives. I will argue that covert positive incentives are often a justifiable foreign policy tool and alternative to war by helping to tackle major international crises, such as intrastate conflicts and the spread of weapons of mass destruction (WMD). For instance, in the late 1990s and early 2000s, secret talks were held to persuade Qaddafi's Libya to part with its WMD. The United States put explicit positive incentives on the table: in return for acceptance of responsibility for the Lockerbie bombing and for the dismantling of WMD, Qaddafi was offered—and accepted—a return into the international community and an end to the painful sanctions regime.[1] More recently, in 2017 several commentators, including former U.S. Secretary of Defense Robert Gates, called for positive incentives to be used to tackle North Korea's attempts to secure nuclear weapons.[2]

More specifically, in what follows I will argue that covert incentives are often morally preferable to both (1) positive incentives in general and (2) covert force, and that as such there is a prima facie duty to use such incentives over these other measures.[3] In doing so, I will consider—and reject—the potential objection that covert incentives are undemocratic.

*I would like to thank Eamon Aloyo and Cécile Fabre for very helpful comments on an earlier draft of this essay.

Ethics & International Affairs, 32, no. 3 (2018), pp. 293–303.
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doi:10.1017/S0892679418000400

https://doi.org/10.1017/S0892679418000400 Published online by Cambridge University Press

What Are Covert Positive Incentives?

International relations scholars have generally given far less attention to the role of positive incentives (otherwise known as "inducements" or "carrots") in addressing crises than to the role of coercive measures.[4] Although often overlooked, positive incentives can play—and have played—a key role in tackling aggression, human rights abuses, and the spread of WMD. They can help to persuade an otherwise recalcitrant leader or rebel group to comply, and can avoid much of the resentment of coercive measures. For example, an important moment in the ending of the lengthy civil war in El Salvador was the prospective recognition by the United States of the Farabundo Martí National Liberation Front rebel movement in 1991.[5] Another notable example was the incentives used to help establish peace between Jordan and Israel following the first Gulf War, which included U.S. debt forgiveness of $4.3 billion, foreign aid, and a grant of $1 billion, much of which was used by the King of Jordan to buy off domestic opponents.[6]

Positive incentives in general include economic incentives, such as preferential trade deals, foreign aid, investment, and direct cash transfers. They also include political incentives, such as inclusion in a power-sharing agreement, appointment to a prestigious government or international position, and official recognition as a legitimate representative or a legitimate movement. Incentives are simply offers, although they are often partnered with other measures, including coercive ones. But unlike general financial support or humanitarian assistance, incentives have a clear quid pro quo attached, especially as the receiver often will not want to undertake the behavior that the sender encourages for any number of reasons, such as a lack of economic interest or a lack of capacity to do so.

Covert incentives, thus, are a specific form of positive incentive. They are offered to the receiver intentionally outside the public domain. As such, covert incentives are closely related to both quiet and secret diplomacy. The former concerns the secretive *content* of diplomatic talks, whereas the latter is secretive about the *very existence of talks or engagement*.[7] Covert incentives can be offered in both forms of diplomatic interaction, but may also be used where there is not a sizeable diplomatic effort before the incentive is offered and agreed upon. Although incentives are often offered to major political figures or the state in general, they can also sometimes be offered to other involved individuals, including as part of a broader coercive effort. For instance, in the 2003 war in Iraq, the United States covertly bribed Iraqi generals not to resist the invasion.[8] Furthermore, covert

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positive incentives may be given to encourage belligerents to begin negotiations in the first place, to take part in the diplomatic process.

Overall, positive incentives in general are often a desirable foreign policy tool since they do not *do* harm directly, and so are preferable in deontological terms to coercive measures (that is, they fare better in regard to the doing/allowing distinction). They are instrumentally justified since they tend to avoid undermining international order, are often cost-effective, and are somewhat efficacious.[9] This is because, unlike coercive options, which often engender resentment and result in the rally-round-the-flag effect, incentives can amend the motivation structure of the target regime "in a process of political transformation, producing an effect opposite to that of threats and punishments and increasing the likelihood of improved behavior."[10]

Covert Incentives versus Overt Incentives

Despite the overall case for positive incentives in general, they have an obvious drawback in that they may be domestically unpopular since they can involve giving benefits to supposed adversaries and those who have engaged in human rights abuses and aggression. Consequently, they can face significant domestic hurdles. In one of the best-known cases, the attempts by Henry Kissinger and Richard Nixon to propose political and economic incentives to the Soviet Union in return for restrained behavior in the strategic arena were blocked by the U.S. Congress.[11] Such domestic constraints may themselves be morally problematic: they may be based on an overly retributivist and potentially reactionary sentiment that it is always impermissible to give a benefit to those who do not deserve it, even if the incentive would save thousands of innocent lives in the long term. In addition, accepting the incentive may be unpopular with some members of the receiving country or group—particularly when the incentive is offered by a perceived enemy—given a fervent mistrust of any offer made by the sender, even if the offer is genuine. This provides a strong prima facie reason in favor of covert positive incentives: They can enable policymakers to eschew the shackles of public opinion and, as a result, help to achieve morally important foreign policy goals.

There are other worries about overt positive incentives in general. First, there is a potential moral hazard problem: positive incentives could encourage others to engage in aggressive or abusive behavior to obtain a reward. Second, there is a risk that incentives will corrupt international society by undermining the sense

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that norms concerning human rights, aggression, and WMD are not really expected to be complied with. Rather, actors need only comply with them for financial or political benefit. Ruth Grant (who focuses on the domestic case) labels this the "Spillover Effect":

> If you pay your child to mow the lawn, he or she is less likely to willingly do the dishes for free. Relying on incentives in one area can affect attitudes and behavior in other areas. By introducing payment in a family setting, you introduce the norms of the commercial domain, or the market, into a realm previously governed by different, more cooperative norms of family or community responsibility.[12]

According to this objection, then, the offering of incentives undermines the compliance pull of morally valuable norms. It can give the impression that such norms should be complied with not because this is the expected standard of behavior, but rather out of narrow self-interest. As a result, the seeking of narrow self-interest can be legitimated and, consequently, various state and nonstate actors may no longer see the international norms in question as demanding compliance, but rather a means by which they can enrich themselves. To be clear, the case for using positive incentives in general often outweighs these problems, given that they can help address conflicts and human rights abuses, and potentially save many innocent lives. But, in more marginal cases, these concerns provide significant constraints.

By contrast, covert positive incentives avoid, or at least mitigate, these problems. First, if the incentive is covert, and remains so, it can reduce the problem of moral hazard, given that other agents will not be aware that problematic behavior has been seemingly rewarded. Second, such incentives will not corrupt the sense that moral norms should be complied with. The aggressor or abuser will *appear* to comply with the norms. They may even potentially add to the sense of expectation of compliance and in fact *increase* the compliance pull of the relevant norms. It may seem, for instance, that a rebel leader is giving up arms because she feels compelled to do so by normative pressure. Although not true, this may impress on others that there is a demanding standard of behavior with which they are required to comply in order to be seen as legitimate members of international society.

Again, and importantly, these advantages rely on the incentives *remaining* covert. Otherwise, they may be vulnerable to the problems facing overt incentives, although like overt incentives they may still be all-things-considered justified.

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They will, though, often be *more* justified when they remain covert since they do not face these problems. They also will not need to achieve as great a benefit in order to outweigh these problems, and so may be justified in a greater number of cases.

Covert Incentives versus Covert Force

Let us now turn to the comparison to covert force. There are several serious concerns about covert action, which are most obvious for kinetic operations conducted by military or intelligence services, such as targeted strikes, coup d'états, and assassinations. But other covert forms of coercion are also often highly problematic, including the destabilization of a state economy, such as the United States' devastating disruption of Chile's lines of credit in the early 1970s.[13]

What exactly is wrong with such covert operations? First, and perhaps most obvious, their covert nature can make it too easy to use force (and coercion more generally). Governments can deny that such operations have occurred and can circumvent domestic and international constraints on the use of force. The covert nature of the operations makes it hard to know that the law has been violated and that normative constraints on the use of force (for example, those stemming from just war theory) have been transgressed. In short, it is too easy to use force when covert operations are permitted. In doing so, covert action can often undermine the target state's sovereignty, and more generally undermine international norms of sovereignty upon which current international order is largely based.

Second, there are often problems in *how* covert force is used. Given its secretive nature, it is easier for those using force to do so disproportionately, without fear of repercussion for abuses. This problem, along with the first, is reinforced by the fact that covert coercive action is often carried out through intermediaries, such as private military and security companies, which lack sufficient accountability mechanisms. For instance, the Russian firm Wagner has played several secretive roles in the Syrian conflict, including fighting to reclaim Palmyra, and was reportedly involved in a bungled 2018 attempt to gain domination of oil and gas fields under control of the U.S.-supported Kurds (and suffered heavy casualties as a result of U.S. strikes).[14] Though the control over such intermediaries is notoriously problematic and accountability for *in bello* and *ad bellum* transgressions

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is often very weak, their use is appealing as it can increase the ability of aggressors to hide involvement.[15]

Covert incentives avoid these problems. First, since covert incentives do not involve kinetic force, their use will not make it easier to undertake military action. Of course, they might make it easier to offer incentives generally, but this may well be beneficial—assuming, as we should, that positive incentives are often morally justified. Related to this, covert incentives avoid much of the worries about unduly interventionist foreign policies. Since positive incentives must necessarily gain the receiver's approval, they are not so interventionist, and, as such, do not undermine international order to such an extent.

Second, covert incentives do not involve problematic methods. Of course, they may be given, mistakenly or intentionally, to someone who does not deserve a benefit, such as a rebel leader who has engaged in serious human rights abuses. But the wrongness of giving a benefit to those who do not deserve it is comparatively minor compared to human rights abuses, aggression, and the spread of WMD, and can be outweighed, other things being equal. For instance, suppose a country offers a secret bribe to a brutal rebel leader to give up arms. Although, in terms of desert, it is *pro tanto* wrong that the rebel leader is rewarded for his aggression, the potential to end the conflict is clearly far more morally weighty, all things considered. Indeed, more generally, it seems far less important to hold individuals accountable for wrongly benefiting the culpable than to hold them accountable for wrongly harming the innocent directly (in the case of covert force). It would seem bizarre, for instance, to punish a leader who mistakenly or egregiously rewards an aggressor, such as if they incompetently give the reward to the wrong person. Accordingly, there is not such a serious worry about the accountability for those who use covert incentives.

These comparative advantages of covert incentives vis-à-vis (1) overt incentives and (2) covert force mean that there is a prima facie duty to use covert incentives over these alternative measures. The existence of this duty in a particular case is, of course, dependent on these advantages being present in the situation at hand. In addition, the duty to use them more generally will depend on how they compare to other measures (for example, overt coercive measures, such as sanctions) and the likely proportionality of their use, compared to not launching them.[16]

It might be replied here that there can be no such duty because covert positive incentives are exploitative. Let us follow Allen Wood in holding that the reason

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why exploitation is wrong is because "proper respect for others is violated when we treat their vulnerabilities as opportunities to advance our own interests or projects."[17] The objection then is that the sender exploits the weak bargaining position of the receiver by offering, for instance, a financial incentive to an impoverished state. Indeed, incentives often work best when the receiver lacks the ability to resist the request (and when the receiver would otherwise resist the quid pro quo).[18]

What should we make of this objection? To start, the covert incentive in such a context might not be problematic since the sender does not intend to exploit its increased bargaining power. But even if it did intend this, this does not seem to be a major moral failing in a somewhat anarchical international system that clearly involves competition among states and the taking advantage of another's weaknesses. In addition, coercive and kinetic measures also routinely involve exploitation. Military strikes can intentionally take advantage of the weak military capacities and porous borders of the target state, and sanctions can rely on the target's dependence on a few main imports/exports. It does not seem, then, that covert incentives are wrongful—and certainly not comparatively worse—because they might be exploitative.

All this is not to say that covert incentives are a panacea. They may sometimes not work—the receiver may refuse them or accept them and not change their behavior—and in some instances they may even be counterproductive. They may also be discovered, and so the benefits of their being covert are lost. But, as we have seen, compared to overt incentives and covert force, the risks are lower and the overall case is stronger.

Are Covert Incentives Undemocratic?

As noted, a key reason for launching covert incentives is to avoid scrutiny by a skeptical public. But a corollary is that there will seemingly be a lack of democratic control over foreign policy in such instances. In general, democratic control over foreign policy is morally significant because, first, it is intrinsically important that the public has a say over foreign policy goals since the policy is launched in its name. This, in turn, matters because it is a necessary aspect of enabling individuals to freely self-govern. Such control may also be valuable instrumentally since foreign policy under public influence may be more likely to be constrained and to be less warmongering, given that the public ultimately must bear the costs of

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launching an operation, such as through higher taxation, weakened public services, and ultimately the loss of life.[19] Covert positive incentives, and covert action more generally, might therefore be objected to because they are not sufficiently subject to democratic control.

At first glance, this objection might seem fallacious since it is, of course, sometimes necessary that democratic leaders act outside the public gaze. Without this flexibility, diplomatic negotiations would often be impossible. So too would any other form of covert action, such as spying, which may be necessary to promote the state's legitimate interests. The objection risks taking with it quiet diplomacy (and potentially "Track II" diplomacy, that is, diplomacy through back channels) and all forms of covert action. As Charles Beitz argues, democratic citizens have good reason to remove certain domains "from popular control or even popular review," including criminal justice, macroeconomic policy, and national security policy.[20] Yet, as Beitz also notes, some covert action is problematic because it is insufficiently accountable. What is key is how we decide which areas of covert action can be justified (for example, because of the problems of overt action) and the procedural oversights necessary to avoid abuse. This is what, more broadly, Dennis Thompson calls the basic dilemma of accountability: "democracy requires publicity, but some democratic policies require secrecy."[21]

One potentially helpful way of resolving the dilemma is the distinction between "first-order" secrecy (in our case, secrecy about the identity of the person who is offered incentives within a general open policy on offering positive incentives) and "second-order" secrecy (in our case, secrecy about the general policy of offering positive incentives). Whereas the former can be justified, the latter cannot: second-order publicity is typically required for democratic control.[22] This can, I think, offer a defense of the permissibility of covert action in general, against the worry that it is undemocratic (although it may still face the other worries outlined above).[23] But what if a public does not support a policy of incentives in general? Although they might support the general aims of reducing aggression, tackling terrorism, or preventing mass atrocities, they may support only certain measures to achieve those aims. They might, for example, oppose a second-order policy of offering positive incentives to terrorists, aggressors, and murderers.

There are various replies to this objection. The first is empirical: it is not clear that the public generally rejects incentives *tout court*. Instead, as documented in a recent study, the surveyed public opposed *unsuccessful* incentives; if they work, positive

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incentives faced little opposition.[24] Moreover, although a public may vehemently oppose incentives in particular cases where there is abhorrence about rewarding an *identified* particular potential receiver (for example, Qaddafi, Bashar al-Assad, or Kim Jong-un), the same public may well be less opposed to a *general* policy where the future beneficiaries are not yet identified (leader X or future aggressor state Y). As we know from the social psychology literature on the Identifiable Victim Effect, when there are *identifiable* victims, rescuers feel more inclined to rescue, in part because of emotional attachment.[25] Conversely, it seems plausible—although, as far as I am aware, untested—that when there are unidentified aggressors, the public may well be less opposed to rewarding them, in part because of a lack of (negative) emotional attachment.

The second reply is normative: even if the general public does reject incentives, they would be wrong to do so. Policymakers should be free to implement the policy objective (if it is justifiable) as best they see fit, providing that they do not do so in an extremely harmful manner. Why should we adopt this view? It seems far less important for the public to have control over noncoercive foreign policy tools than over coercive ones. Although there still might be some intrinsic and instrumental value of public control over noncoercive actions, this is far less than with coercive action, and, other things being roughly equal, its import is far more easily outweighed by the importance of tackling the situation justifiably. The "not in our name" claim by publics such as in the 2003 demonstrations against the war in Iraq—and the underlying point about the representativeness of foreign policy—is a lot more pressing for coercive measures since these involve *harming* others in one's name. Instrumentally, the risks of abuse and mistake are far smaller with noncoercive foreign policy tools, and the need for them to be rigorously controlled by accountability measures is less pressing.

Third, any potential public skepticism about positive incentives should also take into account the general public support for the *objectives* that the incentives aim to achieve. They may well be used for morally valuable foreign policy goals that enjoy significant public support. Any public skepticism about a policy of incentives in general may figure as only a secondary concern, where what is viewed as far more important by the public is the achievement of general foreign policy goals. For instance, it might matter far more to the public that international terrorism be addressed than that positive incentives be used. This might, of course, also be true of covert coercive measures, but, again, the need for accountability

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over coercive measures is far greater, even if coercive measures will secure foreign policy goals that have public support.

Conclusion

Covert incentives are, then, a potentially useful and justifiable measure to help tackle aggression, conflict, and mass atrocities. They are more justifiable than overt positive incentives and covert coercive measures, and are not undemocratic. Accordingly, there is a prima facie duty to employ such methods as opposed to overt incentives and covert force. Publics might balk at offering secretive benefits to murderous leaders, vengeful rebels, and terrorists, but politicians and leaders should use the potential covertness to help to tackle aggression, human rights abuses, and WMD in one of the least harmful and most underappreciated alternatives to war.

NOTES

[1] Flynt Leverett, "Why Libya Gave Up on the Bomb," *New York Times*, January 23, 2004.
[2] "Robert Gates Advocates Carrot-and-Stick Approach to North Korea," *Euronews*, September 16, 2017; and Harry G. Broadman, "Time to Try an Economic Carrot Approach with North Korea," *Forbes*, September 30, 2017.
[3] Note that I will focus largely on the issues specific to covert incentives; I consider the general case for positive incentives in James Pattison, *The Alternatives to War: From Sanctions to Nonviolence* (Oxford: Oxford University Press, 2018), pp. 135–66, including worries that they are coercive.
[4] Notable exceptions include David Baldwin, *Economic Statecraft* (Princeton, N.J.: Princeton University Press, 1985); David Cortright, ed., *The Price of Peace: Incentives and International Conflict Prevention* (Lanham, Md.: Rowman & Littlefield, 1997); and Miroslav Nincic, *The Logic of Positive Engagement* (Ithaca, N.Y.: Cornell University Press, 2011).
[5] Geoff Thale, "Incentives and the Salvadoran Peace Process," in Cortright, *The Price of Peace*, pp. 181–204.
[6] Jean-Marc F. Blanchard and Norrin M. Ripsman, *Economic Statecraft and Foreign Policy: Sanctions, Incentives, and Target State Calculations* (Abingdon, U.K.: Routledge, 2013), pp. 37–49.
[7] William Maley, "Quiet and Secret Diplomacy," in Pauline Kerr, Paul Sharp, and Costas Constantinou, eds., *The SAGE Handbook of Diplomacy* (London: Sage, 2016), pp. 451–61.
[8] Andrew Buncombe, "US Army Chief Says Iraqi Troops Took Bribes to Surrender," *Independent*, May 23, 2003.
[9] Pattison, *The Alternatives to War*, pp. 135–66.
[10] Miroslav Nincic, "The Logic of Positive Engagement: Dealing with Renegade Regimes," *International Studies Perspectives* 7, no. 4 (2006), p. 338.
[11] Richard N. Haass and Meghan L. O'Sullivan, "Conclusion," in Richard N. Haass and Meghan L. O'Sullivan, eds., *Honey and Vinegar: Incentives, Sanctions, and Foreign Policy* (Washington, D.C.: Brookings Institution Press, 2000), pp. 178–79.
[12] Ruth Grant, *Strings Attached: Untangling the Ethics of Incentives* (Princeton, N.J.: Princeton University Press, 2012), p. 116.
[13] Jennifer Kibbe, "Covert Action," in Renée Marlin-Bennett, ed., *Oxford Research Encyclopedia of International Studies* (Oxford University Press and the International Studies Association, 2017).
[14] Adam Taylor, "What We Know about the Shadowy Russian Mercenary Firm behind an Attack on U.S. Troops in Syria," *Washington Post*, February 23, 2018; and Neil Hauer, "Russia's Mercenary Debacle in Syria: Is the Kremlin Losing Control?" *Foreign Affairs*, February 26, 2018.
[15] See James Pattison, *The Morality of Private War: The Challenge of Private Military and Security Companies* (Oxford: Oxford University Press, 2014); and James Pattison, "The Ethics of Arming Rebels," *Ethics & International Affairs* 29, no. 4 (2015), pp. 455–71.

https://doi.org/10.1017/S0892679418000400 Published online by Cambridge University Press

[16] The existence and content of the duty also depends on the justification of the sender's holdings. For instance, an incentive might be unjustified because the sender should be offering *more* to the receiver since it owes rectification after past rights violations. On such issues, see Cécile Fabre, "Conditional Sale," in Michael Gross and Tamar Meisels, eds., *Soft War: The Ethics of Unarmed Conflict* (Cambridge: Cambridge University Press, 2017), pp. 63–76; and Cécile Fabre, *Economic Statecraft: Human Rights, Sanctions, and Conditionality* (Cambridge, Mass.: Harvard University Press, 2018).

[17] Allen Wood, "Exploitation," *Social Philosophy and Policy* 12, no. 2 (1995), pp. 150–51.

[18] Blanchard and Ripsman, *Economic Statecraft and Foreign Policy*. Note that this objection would also apply to overt incentives.

[19] James Pattison, "Representativeness and Humanitarian Intervention," *Journal of Social Philosophy* 38, no. 4 (2007), pp. 569–87.

[20] Charles R. Beitz, "Covert Intervention as a Moral Problem," *Ethics & International Affairs* 3, no. 1 (1989), p. 58.

[21] Dennis F. Thompson, "Democratic Secrecy," *Political Science Quarterly* 114, no. 2 (1999), pp. 181–93.

[22] Ibid. Also see David Luban, "The Publicity Principle," in Robert E. Goodin, ed., *The Theory of Institutional Design* (Cambridge: Cambridge University Press, 1996), pp. 154–98.

[23] However, this might only be helpful as a rule of thumb for most—but not all—cases because, for instance, first-order secrecy may occasionally require second-order secrecy (as Thompson, "Democratic Secrecy," p. 185–90, notes).

[24] Graeme A. M. Davies and Robert Johns, "The Domestic Consequences of International Over-Cooperation: An Experimental Study of Microfoundations," *Conflict Management and Peace Science* 33, no. 4 (2016), pp. 343–60. To be sure, this still places a notable constraint on policymakers since, first, the incentive may be opposed until it is successful and, second, the probability of the incentive being successful may be low or unclear.

[25] See Seyoung Lee and Thomas Hugh Feeley, "The Identifiable Victim Effect: A Meta-Analytic Review," *Social Influence* 11, no. 3 (2016), pp. 199–215.

Abstract: Although often overlooked, positive incentives can play a key role in tackling aggression, human rights abuses, and the spread of weapons of mass destruction. In this essay, I focus on one form of positive incentives: covert incentives. First, I argue that covert incentives are preferable to overt incentives since they enable policymakers to eschew the shackles of public opinion and avoid worries of moral hazard and the corruption of international society. Second, I argue that covert incentives are often more justifiable than covert force since they do not involve problematic methods and do not make it easier to undertake military action. Accordingly, I conclude that there is a prima facie duty to employ covert positive incentives as opposed to overt incentives and covert force.

Keywords: positive incentives, covert force, democratic control, covert incentives, moral hazard

https://doi.org/10.1017/S0892679418000400 Published online by Cambridge University Press