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NO TIME TO DIE – SPY FICTION AND THE END OF THE LAW**| Abstract**

- ▶ *Goal* – the obligation to ensure internal security, constitutional order, and external security is a necessary condition for the development of any country. It is a condition that is not influenced by the state system. Only the mechanisms leading to the achievement of a given objective may be different. The vast majority of modern states in the international arena establish and maintain units called special services in order to protect their existence. The work of a given type of agency essentially involves activities aimed at guaranteeing the protection of the state. Therefore, it is necessary to compare the operations of current secret services and their officers against the backdrop of the history of the most popular secret service officer in the world. This work will answer the question of how far special services can go to ensure the protection of the state, and whether their actions break the law.
- ▶ *Research methodology* – many research methods were used to fully exhaust the topic of this dissertation. The analytical method enabled an accurate and multifaceted picture of certain phenomena found in the activities of the secret services, but most importantly, it made it possible to show extreme manifestations of law violations done by secret services officers that will never be met with negative consequences of the law. The main goal of any given method is to obtain certain empirical conclusions. The intuitive and critical methods were then applied. The former had the task of allowing the consideration of personal conjectures, concepts, and acquired knowledge while obtaining information necessary to write a given work. The latter was the perfect complement to the first one. The critical method had the task of logically justifying the hypotheses by constructive criticism and analysis of the literature on a given topic.

- ▶ *Score/results* – the fundamental aim of this article is to prove that the solutions of legal regulations concerning special services are extremely different from the actual practice of officers at given institutions. The above will help solve the main problem of this work, which is to present the opportunism of people who are supposed to protect and serve the people of their country. Special services, which are subject to public authority and controlled by supervisory bodies, should uphold the rule of law. Ultimately, the officers of these services are the lawbreakers. In light of the issues raised in the paper, this article is a good tool to use for lawyers that specialize in national security, as well as for officers at the institutions in question.
- ▶ *Originality/value* – the starting point of this work is to determine the essence of special service operations. Both intelligence and counter-intelligence services deal with secret tasks in different forms. The core function of the secret service is to protect the interests of the state, which is an important value for state security. The task of the secret service is to protect the legal order of the state in which they serve, but also to act within the limits of the law for the sake of international peace. Intelligence and counter-intelligence work usually assumes the form of classified and special operations. They are aimed at influencing, either directly or indirectly, a dangerous entity, thus causing a decrease in its political, economic, military, and moral capabilities. Special services are different from other organizations that have the task of protecting national interests. An important catalogue of rights and obligations for special services states that they are an important mechanism for preventing and destroying threats of all kinds with all possible tools. These tools can often violate fundamental human rights and the democratic rule of law. By using examples from spying fiction, it is possible to analyze the activities of secret services and assess how important or unnecessary the services may be.

| **Key words:** secret service, agent, license to kill, fall of the law.

1. Introduction

Spy fiction first appeared in the first half of the twentieth century as a separate genre, and despite many common features with the detective novel, it differs significantly from that style. Fiction, which relates to a criminal act or action aimed at detecting the perpetrator, can be a significant source of knowledge of cultural patterns before the law [Porter, 2005: 34]. Criminal fiction, although generic, is related to the narrative theme of detecting and punishing the perpetrators of crimes, and is constantly changing through the evolution of cultural norms. The authors of this genre have never doubted the certainty of solving a crime; the end of the story usually culminates in a clear and peculiar

explanation by, for example, the detective of the intricate story [Conan Doyle, 2018: 97]. The reader or viewer is often moved when unjustly suspicious characters are released. The reader is accompanied by a feeling of relief, and until then, he is constantly waiting for it. He expects certainty that the story will end successfully. This makes the previous tension not only bearable, but also desirable. The genre of spy fiction, like a detective story, gives rise to a view of contemporary and evolutionary attitudes towards the law. The story focuses less on the procedural aspects of a prohibited act and the sanctions associated with it and more on the nature of establishing facts and relations between the individual and the state, especially in the context of establishing the superiority of interests of one subject over another. Spy history gradually developed as early as the nineteenth century and became a popular narrative form during the First World War. A person interested in a novel or film from the spying genre is often faced with a shocking justification for the main characters' actions. Usually, special service officers in these stories have a so-called "license to kill", which allows them to commit the most serious crimes. These acts are even hailed as heroic, justified by necessity, and indeed deserve only condemnation and punishment from the point of view of the law. This article will indicate that legal sanctions constitute a social taboo, which is an important element of the spying genre, indicating that a given fiction offers a broader and much deeper analysis of the law in modern times than the genre itself, which concerns the detection of crimes [Cavallaro, 2000: 642–646].

2. The fall of the law

There are many important differences between detective fiction and spy fiction. Detective fiction focuses on solving a specific crime of one person against another, usually a murder. In contrast, spy fiction has its roots in narrative international conflicts, which can include crimes against individuals who are merely ancillary to political, national, or other types of conflicts [Marquez, 1983: 15]. We observe that detective fiction attempts to explain in principle the events that have taken place, while spy fiction shows the reader how to bring the events under control. Often the evidence must be read backwards, deducted from events. Spy fiction is at the other end of the continuum of traditional mystery fiction, which begins with the scene, the depiction of characters, and the customary killing of one of them. The novels about murderers and spies are

tricky and brutal stories with death in the background and characters waiting to prevent damage, but criminal fiction looks back and provides evidence of the extraordinary knowledge, skill, and intelligence of the person solving the criminal mystery [Buhan, 1916: 34].

This article will analyze Ian Fleming's novel about the most popular "secret agent of the secret services" today. James Bond, agent 007, is the superhuman, two-dimensional hero of the genre, who lives a constant adventure that can only take place in fiction. Bond is exceptionally handsome, a gentleman refined in his tastes, invincible, but also an amoral and sometimes even cold-blooded killer. This article will examine the laws presented in a spy novel to finally show that espionage is the fall of the law [Fleming, 1959: 12].

James Bond himself indicates that killing people was and is part of his profession [Fleming, 1958: 66]. Although he never liked to kill, he "did it well" and quickly forgot about it. As an intelligence officer who had the rare pseudonym of a double "0", i.e., "license to kill" in the secret service, it was his duty to remain calm about death like a surgeon during surgery. The title "007" is the number that gave the agent an official right to kill. It should be noted that Bond acts like a killer; he fully exercises his privilege and we see in both books and films how he personally kills his antagonists without showing them a shadow of mercy. He does not catch them in order to bring them to justice, he simply liquidates them. The only time Bond hesitates to kill his captured enemy is to force the enemy to testify or provide necessary information. There is not even the slightest moral dilemma here to torture or break other inviolable human rights. There are two traditions in spy history. The first is conservative, supportive of authority, and makes the implicit claim that agents are fighting to protect something valuable in society. The second is radical and critical of authority, claiming that special agents perpetuate or even create false barriers between society and themselves. Fleming belongs unquestionably to the authors of the first tradition. At every step, he justifies the necessity of his protagonist's actions; Bond's actions are always morally explained by the vested interest of the state in his service [Carre, 1963: 15, 17].

One of the basic premises of the law is that the state may entrust an individual or a group of persons, such as a judge or jury, with the task of establishing the truth about past events, so that appropriate legal consequences can be ascribed to the offender. In these cases, the guilty parties may be punished, the perpetrator may be forced to compensate for the past events, or both. The basis for the imposition of sanctions, the application of the relevant legal provisions

is the institutional belief that the facts on which the rules are based constitute a fact that can be established with a certain degree of certainty, which makes the imposition of the legal consequences in question justified. In this respect, a significant and perhaps even central function of the legal system is that it is a mechanism for determining facts and preventing the dissemination of alternative narratives for a particular event. In order to accept the legitimacy of the law, the community within which the law operates must absolutely accept the truthfulness of the facts of the event. Public perception of inaccuracies, of which there are more and more, creates scepticism about the validity of the results of legal procedures and the properties of substantive law provisions, which in turn leads to the creation of social instability. Rationality and the attempt to create catharsis suggests that these may be the rules governing what happens in the courtroom. This is understood only in the context of behaviour outside the courtroom that encourages a certain action or omission as an example of an approach to seeking the truth. This can lead to illusion, illogicality, and even injustice in the courtroom. Ultimately, it will become impossible to prove or even distinguish between prohibited and permitted behaviour [Panek, 1981: 215]. A trial is designed to rebuild an event that took place in the near past. It is not possible to bring about a situation where the aim of the trial decision is to pass judgements that are acceptable to a society with curved perceptions.

One of the fundamental functions of the law is to establish the truth through mechanisms such as trials. The consequences of establishing the truth, i.e., guilt, innocence, compensation, and punishment, cannot enjoy a kind of public trust and acceptance if judgments are made with a high degree of uncertainty. Condemnation or justification becomes much more difficult when good and bad heroes can be mistaken for each other and the deeds of one can be attributed to the other. Thus, the inability to establish facts certainly poses fundamental questions about the legitimacy of the law, since errors in establishing facts underlying legal consequences thereby invalidate them. There can be no doubt as to the truthfulness of the facts, limited only to the episodes. Instead, the need arises to transfer the legitimacy of the law to the larger international political arenas to clarify moral and cultural norms. The inability to know the absolute truth of the event or the true identity of the people part of it also reveals this terrible consequence. That is, understanding that we are essentially alone. There are no clear indications about who is trustworthy and who is two-faced. Living in this perspective becomes a journey with a constant risk of betrayal and further negative consequences. Man's life in modern times begins to resemble the

life of a fictional spy – isolated, distrustful, suspicious, and most importantly, lonely in his community. The implication is that there is a small difference between a contemporary man and the hero of a spy novel. Namely, in the life of a James Bond-type hero, after the mission is over, there is an end to alienation and isolation, whereas in modern social life there is no relief, intimacy, inner sense of security, and privacy [Fleming, 1953: 12]. In the modern world, we are still torpedoed with information about the constant surveillance of every human being. Most of it is false information, but where does the individual's privacy, his or her inviolable rights and freedoms, begin? Only the heroes of this genre know how to gain privacy and intimacy. A contemporary man becomes defenceless to isolation; he becomes more and more alienated from life. He loses the most important of the feelings needed for life – a sense of security and usefulness. The negative consequences of this loss may be the fall of his faith in the law and even his choice of death [Leonard, 1986: 38–43].

The state, as a political organization of society, can take various forms. By bypassing totalitarian states, which know everything about their citizens, authoritarian states apply a regime in which citizens are cut off from the convenience of knowledge and certainty. Living in a circle of democratic states, we see colossal differences in the way states are run. We are able to imagine a regime of prerogative states and an abstract treatment of citizens that is open, where they cannot hide even the most intimate emotional details of their lives from the omniscient knowledge of bureaucracy. Intimacy is impossible because privacy is unattainable. This image, although impossible in democratic countries from a theoretical point of view, creates doubts whether it does not exist in contemporary states of law [Moore, 2009: 13]. Modern technologies and the latest economic struggles of modern states force us to look at the aspect of national security, of which the state economy is an indispensable part. The intrusion into our intimate life is already a modern occurrence and does not require outdated procedures and means of obtaining information. Nowadays, it is trivially simple, because each of us uses means that allow the opportunity for constant surveillance, such as a mobile phone or laptop. This is very common and increasingly used in Western countries. Ian Fleming presents the secret services and their knowledge of intelligence bureaucracy as an independent, emotionless, and ideal organ. Their activities are always justified by the interests of the whole society, but ultimately, they put into practice the methods and all the means to trigger general and terrifying authoritarianism. For James Bond, the game of identity does not generate fear, but amusement. Fleming's spy is not

tormented by doubt and confusion. Bond is an impossible paradox of an actual intelligence officer – a set of qualities that no true individual has. His adventures with identity do not cause anxiety, because the tone of the novel assures us that no unpleasant surprises will happen. Indeed, everything in Agent “007”’s identity is transparent and even blatant, including his expensive taste in branded clothes, cars, and food, as well as his superhuman strength and unusual appeal to the opposite sex – all unwavering aspects of his cult character [Fleming, 1954: 59]. His identity is created to oppose contemporary experiences, providing comfort to the audience if they fear a changing and ambiguous identity. The certainty of his character is a cornerstone and counterpoint to the existential doubts that have emerged to define the spy fiction of the late twentieth century and its philosophy. Unfortunately, this certainty can only work in a fictional world. Bond could act and he could destroy, as he was free and unlimited in his choices. The extraordinary clarity of James Bond’s self only serves to highlight the reality of our experience. When the above agent is allowed to briefly doubt his role as a professional assassin, he is quickly imprisoned and is assured that there is a clear and absolute good against evil [Fleming, 1955: 34].

Fleming does not present a discrepancy between the main character’s goals and the missions set forth by his superiors. Fleming’s British Intelligence works consistently on the side of good, and evil is presented equally clearly and transparently. The villains in Bond novels are often depicted in a rather cartoon-like way, and all of them are as polite and elegant as the main character. As a rule, the villain has exaggerated physical characteristics such as obesity, alopecia, or other grotesque physiognomic elements. Often, the villain also has a characteristic background in sharp contrast to James Bond’s pure English personality, which shows the main character even more plainly as a flawless hero whose worst actions are explained by necessity. Agent “007” leads a treacherous, amoral, and angry life with all the associated neurotic threats. He does not consider truth and justice, life and death, except for rare moments of boredom, usually in a bar at the airport, but always in the form of a mere dream in plain sight and never giving himself the opportunity to become infected by any doubts. And despite all these antisocial attitudes, he is presented as a fully devoted hero ready for any sacrifice. It is easy to see that the villains of Fleming’s novel are more organized gangsters than political antagonists. In all of Ian Fleming’s novels about the most popular secret agent of the British Intelligence services, no one has done anything wrong “in English” [Fleming, 1964: 243]. It is not surprising that foreigners are used as villains. To sum up,

these contrasting caricatures from the world of spy fiction, whose ambiguity and duality are always present, in reality have very few or no differences between the protagonist and the alleged villain. As a result, it puts the guardians of law, public order, and security on equal footing with the criminals [Liptak, 2008: 19]. Not surprisingly, there is a lack of confidence in state bodies and institutions that are supposed to protect the fundamental rights and freedoms of their citizens. Breaking the law is morally justified and reveals an inequality of the law that discriminates against ordinary citizens and favors a few individuals. In the context of the above considerations, it can be concluded that the boundaries between authoritarian and democratic states have become blurred, which ultimately means the fall of the law [Cavallaro, 2000: 647–666].

Noteworthy in spy fiction is the very relationship between the main character and the country he serves. The relationship is on a completely different level than the one shown in crime novels. One of the central functions of law is to subordinate the relationship between an individual or a collection of individuals and the state. Crime stories have strongly emphasized a given aspect of law. Detective fiction made it possible to investigate the expectations and attitudes of the public towards the legal institutions that have been created. In stories about law and justice, the law is a benevolent force that reliably restores order and satisfaction in society whenever the villain tries to undermine it. The state is an orderly construction by law that allows everyone to develop under its protective cloak because no one will be overlooked or discriminated against. Members of the community may be expelled from the community only through the institutions and procedures of prosecution and the justice system. In a world that is firmly governed by large intelligence and counter-intelligence agencies, there are many clashes between an individual secret service officer and corrupt bureaucracy [Cavallaro, 2000: 667–673]. This problematic relationship reflects a growing distrust between legal entities and state institutions. Each of these institutions is developing rapidly and has become increasingly involved in many aspects of the social order. Individuals like Bond do not trust both the bad and the good people. This relationship deepens the presentation of the state and its organs as a terrifying being, detached from the individual and his or her needs. Even a smart player like James Bond, a professional spy, is often a vulnerable victim. A hero full of value and devotion to the state and its affairs is marginalized, forgotten, and even sacrificed despite such sacrificial and fruitful service. When he falls into captivity, the state forgets about him and even renounces him. A hero like agent “007” is deeply skeptical about

the motives and goals of the state [Fleming, 1963: 89]. He performs all tasks with clear cynicism because he witnesses those in power commit the most serious wrongs, even against his most serious opponents, under the cover of protecting the alleged public good. The attitude of the organs of the state and of our main character's superiors often awakens in him the attitude of an offended rebel who escapes injustice. In this narrative, the state has failed to provide a protective coat for its elite defender. This creates a sense of use and disposal of individual citizens, raising anxiety and questions about the purpose of the law. The long accepted liberal premise of the law, i.e., acting through state institutions to preserve and protect individual rights and autonomy, is reversed. The state in this presentation is created and strengthened by law. It has all the information, and does not disclose it to individuals on the basis of protecting classified information. In addition, the state in this representation shall individually and mechanistically separate the enforcement of unrelated norms from fundamental human moral norms.

Although the state is ridiculed for its control of employment, housing, and even food or medical supplies, it is, after all, the elite of power and the secret services that control information and cynically manipulate human feelings of love, and apply protectionism, which seems devastatingly inhuman, amoral. Bond is an ideal representation of a person who does not come from the state elite. His likes, dislikes, and his way of being are very common for the ordinary people of the world. Yes, he is an outstanding individual, but in the hands of his superiors, he is only a tool – a means to achieve a goal [Fleming, 1965: 213]. It is in the interest of the state to perpetuate this schism between the elite and the working classes in order to facilitate paternalistic control. It is not a benign social hierarchy, which is the source of comfort in a multifamily home where people happily occupy and know the limits of their place and willingly play the role of servant or benefactor, but a vision of a darker, divided, and destroyed community. If the law is intended to organize relations between citizens, that is respect. There is no room for mobility between classes, and those at the bottom of the hierarchy are not encouraged to participate in the social enterprise. As with identity, this aspect of the law promotes alienation, isolation, and despair. Although often surrounded by luxury goods and beautiful women, Bond cannot change or improve the social order. Our protagonist is sometimes allowed to enjoy peaceful breaks between tasks or meet with his boss and receive broad appreciation for fulfilling his special missions [Fleming, 1956: 104]. Very little of this autonomy and glamour is combined with the experience of a typical

reader generation Ian Fleming. Instead, his novels act as an escape antidote to a post-war society, reducing divisions and stinginess to pleasure [Cavallaro, 2000: 674–679].

Another aspect of the function of law is to express the morality of the norm. The law is understood as the occurrence of these norms within a specific culture or legal order. The classic crime novel reinforces the law and its hierarchy in social life, as well as confirms norms that are essentially derived from the Decalogue. The Ten Commandments of God include, among others, the prohibition of theft, adultery, or killing. The detective novel strongly consolidates the given biblical norms, showing the violators of the given norms as amoral, unethical types under a dark star with no future prospects. As with the other aforementioned aspects of the law, it expresses itself in spy fiction through deep cynicism about a given aspect of the law, concisely captured in the cult phrase “licensed to kill”, which is absolutely connected with James Bond himself.

An oxymoronic juxtaposition of the term meaning formal legality, or under license, of the right to kill is a shocking satire of the most popular cross-cultural prohibition. Bond is a fancy individual, a spy free from legal restrictions, who has unusual access to hedonistic and consumeristic pleasures as a consequence of his unlimited freedom. The character must operate in the land of fantasy, as no person can be entitled to kill. The idea of such an illegitimate privilege is destabilizing and frightening, which implies that there may be others in society acting illegally or criminally or corruptly to achieve their own political goals. When James Bond is licensed to kill, the law is thus cut off from morality and ceases to have any authority. Everything is allowed, including lies, theft, adultery, and other prohibitions mentioned in the Decalogue, because the realization of the home country’s political program becomes of the utmost importance. Also, the imagination of the writers of the genre in question seems to have lost its moral authority and has become at best a joke and at worst a nightmare. In the course of his narrative, Fleming paints a picture of moral reversal, which is facilitated by the law. Beginning with a strict morality, the “bad guys” attacked or killed the “good guys” in Britain, and it is these “good guys” who must avenge evil. The question of identity and knowledge presented above reappears in the consideration of a given aspect of the law, and so it is inextricably linked to the ability of the law to act as the embodiment of moral norms. When a person like Bond is asked to abandon his true identity and carry out his mission under falsehood, he loses his own ability to judge and implement a satisfactory morality. In this way, identity errors infiltrate other areas of legal concern [Fleming,

1957: 123]. When identity cannot be reliably known, the usefulness of the law as an expression of society's moral attitude is greatly reduced. The ultimate act of illegality, morally and ethically, is that Bond is deprived of his own autonomy and used as an instrument of murder and other criminal activities. This constitutes a moral decline in the law itself, in its trust and purposefulness, and in the need to observe it when a social individual is treated instrumentally [MacCormick, 1978: 53–54].

3. Conclusion

Ian Fleming, in his fictitious adventures of the most famous “secret agent 007”, created a hero who, for the safety and protection of his country, is ready to do anything, to break every rule of law and every moral and ethical norm, without suffering any negative consequences or even receiving a moral warning [Fleming, 1961: 10]. There are no rules. One cannot distinguish between good and evil if one rejects the narrative put forth by the novelist [Carre, 1963: 212]. The activities of the secret service in the context of the facts presented in the spy fiction genre clearly break of law [Cavallaro, 2000: 680].

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