

Mass Surveillance

Ethical Arguments towards a Unifying Ideal

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PHI-240-102 (85431) Introduction to Ethics

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“It is sometimes morally acceptable for a society to monitor the communications and activities of all of its citizens if that information could be used to prevent violence against innocent people.”

In researching arguments for and against the use of mass surveillance, I find all these arguments based on the facts as they relate to the actual use of mass surveillance in the world today.

When looking to history for my guide, the facts I find there are one example after another about how some repressive and violent regime used mass surveillance against its own people in an attempt to control them. I could not find examples where mass surveillance had been used to the benefit of any society.

Finding examples put forth in a strictly theoretical sense was not working. At least not until I came across a pair of articles based along the same premise with the second one being remarks on the first that includes recommendations for modification, or enhancement if you will, to the first.

The first article:

"Just Surveillance? Towards a Normative Theory of Surveillance." (K.Macnish)

The Second Article:

"Conditions under which Surveillance may be Ethically Justifiable: Remarks on Kevin Macnish's proposed normative theory of surveillance." (E.Palm)

Whether one is to agree or disagree to the given statement, I can only assume their motivation would be in an effort to promote human happiness. For the sake of

this argument, I must require that it works in relation to a democratic or reasonably comparative government. With that in mind, our “promotion of human happiness” will, in the least, apply to a majority of individuals within the affected society and at most, to the benefit of all.

In the first article Macnish gleans seven points, towards his theory, from a long list collectively provided by his twenty different sources derived from sixteen different names. In doing so, he provides an ethical framework for the use of mass surveillance that is designed to do the least harm to the society it is used with. Those seven key points are: “authority, right intention, just cause, necessity, declaration of intent, reasonable chance of success, proportionality of both ends and means, and adds discrimination.” All these are points for accountability to the society. (K.Macnish)

Palm goes on to include “privacy, autonomy, equality, and liberty” as being additional moral and ethical considerations pertinent to surveillance. (E.Palm)

Authority applies primarily to that of the surveillant which would most likely be the government. *Right intention* refering the reasons that such a thing is proposed in the first place. *Just Cause* being set as a precedent that could otherwise expose any ulterior motives. *Necessity* can be stipulated as a means for imposing limits so as to reduce any amount of harm. *Declaration of intent* may be desireable, but at the same time can be self-defeating by nature because it will alert the target/s so with this the whole thing could potentially become overcomplicated. A *reasonable chance of success* is pretty much self explanatory and would still be a concern if the previous issue were satisfied. As such, the surveillance would need to provide the desired results which relates back to justification. To continue without the purported results would denote hidden agendas. *Proportionality* obviously means to what degree or extent the action

would be carried out and relates back to necessity thereby going further to impose limits. *Discrimination* is added as yet another form of limits that “narrows the focus” of the surveillance down to the intended target and away from collateral parties. *Privacy* is also an obvious concern which also reminds me of the Bill of Rights in the United States. Even though privacy is a legitimate concern unto itself, it “links directly to *Autonomy*,” something I personally view as even more important. If I cannot maintain autonomy then the most of the rest of it does not really matter anymore anyway. Once I stop having the ability to think for myself then I might as well be dead. (Kall-3) *Equality* is only mentioned once and without definition by Palm so, as Palm has complained about Macnish, so I will complain about Palm. “At the very least, an explanation should be given as to why the word “equality” was used as one the main points for modification. *Liberty*, being the final point in this list, is also not expanded on that I see with the exception of defining it as “freedom of movement.” Of course, freedom of movement still requires explanation since there is no context given for it. One could have plenty of freedom of movement within a system of surveillance and remain the subject of such.

As I will assume all concerned are motivated in an effort to promote human happiness in the manner I have described above in that it works in relation to a democratic or reasonably comparative government applied to at least a majority of individuals within the affected society and at most, to the benefit of all.... with the exception of the preferred target, of course, I offer the two, above described articles as the only possible, theoretical ideal that could be sought after by either side of the argument. I propose that anything else would have no chance of effecting “human happiness” to at least even the minimal amount required to make up a majority of

individuals and in lacking at least that by virtue of any deviation thereof could only work for a race of... Nevermind, I will spare the analogy.

In my case, I will disagree with the given statement. I merely need remind anyone concerned of some significant history of mass surveillance which is now commonly known fact. Once that is done, I can explain why I do not trust such a power to be handed over to anyone. I will offer a clue here at the beginning so it can be considered during my brief explanation. “You can’t have your cake and eat it too.” “Power Corrupts and absolute power corrupts absolutely.” Two statements to grasp while considering that the nature of mass surveillance is such that for it to be effective, it must be done in secret while circumventing the checks and balances set forth by the ideal. The very thing that we would all aspire to for the benefit of our society. It is my contention that for mass surveillance to be carried out successfully is, on the one hand, inherently illogical and on the other hand, by virtue of human nature, impossible. For it to be illogical would be to try and make it work while serving all those checks and balances. You cannot have both. You can do either one, but the other will not work.

It is my position that if given the power to carry out mass surveillance, our government and/or any combination of it and any large corporations will not be able to resist the temptations presented by such power. At some level, the public will perceive everything as being above board while in the background all manner of violation of our ideals will be committed to every growing degrees. (Giroux) Everyone, for the most part, will be ignorant of the process. Evidence will be around them, but it has all become “normalized.” (Giroux) Along with it, culture will change. Fear gives way to acceptance such that it is preferred. (Giroux) Society will have been reshaped through a system of fear, punishments, and rewards and so it will have failed.

If I were to argue in favor of using mass surveillance, I would be compelled to give my position such as the following. Rather than being in agreement with the likes of Henry Giroux, I would prefer Michelle Van Cleave.

The use of mass surveillance is a necessary tool in the fight against terrorism and all enemies, foreign and domestic, of the United States of America. In light of public outrage over the 9/11 tragedy and realizations that the enemies are among us, the use of available technologies were deemed appropriate for use in rooting out these enemies. It may not have been a very popular proposition, but in fact, it was made public knowledge to a degree within reason and the public demanded that the government do whatever was necessary to take out this enemy. (Cleave)

The FBI had been accused of not doing enough in the way of protecting this country and the imperative was to improve on this. Enter high technology, mass surveillance. We now had the capability to monitor the activities throughout our country and the world such that finding our enemies was now possible beyond anything we had done before. Terrorist ‘cells’ were and have been found to exist throughout the country thanks to the use of mass surveillance and protection has been afforded. Such should be common knowledge. (Cleave)

The process of computers sifting through untold amounts of metadata is basically impersonal and essentially nonintrusive. The computer systems only seek data related to anything that could be our enemies. Essentially, the government has no interest in any individual citizen’s information and is merely there to protect the citizens. This is, after all, what these intelligence agencies are there to do and it is their responsibility to do the best possible job in doing so. (Cleave)

Laws are in place to strike a balance between the business of these agencies and the rights of the citizens. This may complicate things to a large degree, but nevertheless are included with the responsibilities of the intelligence agencies. Of course there is reason for concern. Such information –or knowledge-- can represent great power and that is why the government agencies are accountable to the public, the politicians, the courts, and the law. (Cleave)

The advent of the Edward Snowden event has done nothing more than over-complicate the situation and has made the government's job much harder. The man does not deserve the title "Whistleblower" as he has simply aided the enemy and given them the awareness to retool their capabilities against us. (Cleave) Now that our enemies have a better understanding of what they are facing, they can put up a better defense and do a much better job of hiding their activities from us. It is inherent by nature that much of what the intelligence agencies must do needs to be done in secret for it to work and revealing these secrets can only harm their ability to do their job. (Cleave)

In spite of recent events, controversies, and problems such as Snowden, the work continues and the American public remains protected at unprecedented levels. The jobs of the intelligence agencies may have become somewhat thankless in the public view for now, but they yet continue to carry out their duty to the American public. (Cleave)

To me, either side sounds believable if you were to come to it having known nothing prior. One side promotes mistrust and one trust in those who might be in ultimate control of the tools for mass surveillance. For me, I might be a bit reminiscent of the "burned children" described by Friedrich Nietzsche in "Beyond Good and Evil." Those singed by the fire of reality become "burnt children," he wrote, eternal orphans

in empires of illusion” As stated by Chris Hedges in “The Myth of Human Progress and the Collapse of Complex Societies.” For the others, perhaps I should let them decide just who they are or who and what they may be like. Being “burnt” by reality should be enough for one man, to add the ‘fires of illusion’ might be the death of me.

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