

The ethics of
governmental
monitoring and
surveillance
philosophy essay



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For many years nation's governments have been monitoring their citizens through the use of surveillance technologies. Technologies such as audio recordings, video recordings, databases, and other technologies are invading our privacy more and more with each passing year. As time passes, these technologies have become more and more advanced and rate at which they are advancing has been accelerating. And as technologies advance, so do the abilities of governments to monitor their citizens. While technology is neither bad nor good, it can and is used for both. Unfortunately for us, a majority of technological advancements seem to be used for more destructive purposes than positive purposes. Because of this, there are many ethical dilemmas that can result from the use or misuse of technology. One such ethical dilemma is should a government have the right to use technology to monitor its citizens without their knowledge or consent? In this paper we will examine the ethics of governmental monitoring from the perspective of a variety of ethical models such as the Kantian model, the social contract model, the act utilitarian model, the rule utilitarian model and the subjective relativism model. And from this examination, we will draw conclusions about the ethics of governmental monitoring based upon the previously mentioned ethical models.

For the last decade in the United States, the government drastically increased its ability to monitor its citizens due to both changes in its laws and due to advancements in surveillance technologies. Although this trend of advanced monitoring in the United States by its government had been increasing for years, in the aftermath of terrorist attacks on September 11, 2001, the United States has dramatically increased its use of surveillance

technologies and has modified its laws giving its law enforcement agencies and other governmental agencies nearly unchecked powers with regard to surveillance and monitoring. After the terrorist attacks of September 11, legislation such as the Patriot Act gave agencies of the government broad and loosely defined powers to do things such as monitor telephone and cellphone calls without a warrant. Governmental agencies also were also given unrestricted access to library records, medical records, financial records and a variety of other sources of information and databases. Internet activity were also monitored by governmental agencies at level never seen before in the United States. However, just because we are able to do something it is not always the best decision to do so. For instance, is it wise or even ethical for the government to use this level of surveillance on its citizens in its broad unrestricted searches for terrorists. In this paper, we will attempt to answer this question by examining the ethics of unrestricted governmental monitoring from the perspective of the above mentioned ethical theories.

Let's first examine the ethics of governmental monitoring from a Kantian perspective. The Kantian theory states that you should treat people as ends in themselves and not as only means to an end. It also states that a person may only break a rule of morality to escape a difficult situation. In order to examine if governmental monitoring is ethical from a Kantian perspective, we must examine why our government is monitoring us. One reason the government is monitoring us is to discover those people in the general public that are involved in major crimes or terrorism activities. It has been argued by those that support governmental monitoring that in order to discover

those people involved in major criminal activities or terrorist activities that the government must actively monitor all of its citizens through the use of surveillance. Because the government casts such a broad net of monitoring, they are using all of us as a means to an end. And this broad level of surveillance is used against all of the nation's citizens regardless of whether or not they committed a crime or are involved in terrorist activities. For this reason, it is unethical for the government to conduct broad surveillance on its citizens according to the Kantian theory because by doing this they not treating the citizens of the country as unique individuals, just as means to an end.

The Subjective Relativism theory that states that there are no universal rules of morality and that there are no universals truths of right and wrong.

Subjective Relativism includes the argument that even though answers to a moral dilemma can have opposite and opposing points of view that both points of view can be correct. Because the theory states that there is no universal rules of right and wrong, then by the definition of subjective relativism, it may be ethical for a government to monitor its citizens because there are those in the government and those outside of the government that believe that it is justified to use broad monitoring and surveillance techniques in order to protect the United States and its citizens against future terrorist attacks. Even though there exists other people that believe that the surveillance is unethical and not necessary for national security, subjective relativism states that this does not matter because the monitoring is ethical from the perspective of those believe that is ethical. This is due to the nature of the subjective relativism theory that it allows conflicting sets of

ethical rules to exist at the same time. So consequently, the governmental surveillance is ethical from the point of view of those that believe it is ethical and unethical from the point of view of those that believe it is unethical.

The social contract theory states that rational people will agree to accept those moral rules that will mutually benefit all in the society on the condition that others will agree to follow those rules as well. In order to examine, if governmental monitoring is ethical according to the social contract theory, we must define what we as a society consider to be reasonable expectations of privacy. One such reasonable assumption is that it is reasonable to assume that when we speak on the telephone or a cell phone that our conversations will be private between only us and the party in which we are speaking. It is also reasonable for us to assume that we do not need to worry that someone will be listening to our conversations without our knowledge or consent when we are on our phones or cell phones. Thus, our social contract states that we are entitled to engage in telecommunications without fear of being spied upon. This is a reasonable assumption to make for a civilized free society. However, because our government is using techniques such as warrant-less wiretaps against its citizens where there are secretive and loosely regulated monitoring of telecommunications, our government has violated the social contract with regard our rights for a reasonable expectations of privacy. Therefore, from a social contract point of view, the governments broad monitoring of its citizens through the use of surveillance technologies is unethical and a violation of our social contract.

The Act Utilitarianism theory states that the rightness or wrongness of a moral decision is based on the extent to which the moral decision increases
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or decreases the total happiness of all affected entities. In order to determine if governmental monitoring of citizens is ethical from an act utilitarian perspective, we must look at both the positives and the negative consequences that may result as a consequence of the monitoring. First lets examine the potential positives events that can occur as a result of governmental monitoring and surveillance. It is possible that as a result of governmental surveillance, potential terrorists that wish to do harm against the United States and against its citizens of the United States will be uncovered and stopped. Its is also possible that this governmental surveillance will lead to the arrest of persons involved in major crimes within the United States. These are some examples of the positive things that occur as a result of the governmental monitoring. However, there are potential negatives consequences that can and have occurred in the United States as a result of governmental monitoring.

Now lets examine some of these negative consequences of governmental monitoring and surveillance. It is possible and there have been documented cases where there have been false positive leads where innocent citizens have been wrongly accused of crimes and terrorist activities. In some of these cases, American citizens have been detained without charge for fairly lengthy amounts of time. In these cases the citizens were all released, but not before being subjected to interrogation and incarceration. In all cases that I am aware of, the citizens were all released eventually without charge. But the psychological trauma of such an event is difficult to quantify and may be long lasting depending on the circumstances.

Another potential negative consequence of governmental surveillance is that if the citizens being monitored are aware that they are being monitored they may be psychologically harmed if they feel threatened as a result of the surveillance. Also, if the governmental leaders tell their citizens that they are not being broadly monitored, then it is later revealed that the government was indeed doing the very things that they just denied doing, it may undermine the faith of the citizens in their government. In other words, this may lead the citizens of a country to assume that their government is always lying to them regardless and as a result they will not want to work with their government out of fear and mistrust.

In order to determine if governmental monitoring and surveillance is ethical according to the Act Utilitarianism theory, we must calculate the total amount positive and negative consequences that may occur as a result of the governmental monitoring and surveillance and then determine if which value is larger. The larger of the two values determines whether or not the surveillance is ethical or not according Act Utilitarian theory.

The Rule Utilitarian theory is similar to the Act Utilitarian theory in that it is concerned with the calculation of the total amounts positives and negatives. However, the Rule Utilitarian is concerned with finding the rules that if adopted by every member of the society , will lead to the greatest amount of happiness. To evaluate if governmental monitoring of citizens is ethical from a Rule Utilitarian perspective, we must choose a rule such as the rule that all communications in the United States may be subjected to monitoring by the United States government. Then we must determine whether or not this rule leads to more positive or negative results. If this rule were to prevent a <https://assignbuster.com/the-ethics-of-governmental-monitoring-and-surveillance-philosophy-essay/>

massive terrorist attack on the United States, then it would produce a lot of positive results because it would save many lives and prevent the destruction of public and private property. However, if there is not a terrorist attack or the rule fails to prevent an attack, then the rule leads to a lot of negative results as the privacy of the citizens of the United States have been violated for no gain in protection. And determining which of these cases will occur in the future is difficult to determine.

In this paper, we have examined the ethics of the government's electric surveillance and monitoring of its citizens. We have examined the ethics of the governmental surveillance from the perspective of the Kantian theory, subjective relativism theory, social contract theory, the Act Utilitarian theory and the Rule Utilitarian theory. From the Kantian perspective, we have found the governmental electric surveillance to be unethical. Because of the broad reaching nature of the governmental surveillance, most of the citizens being monitored are innocent and thus are being used as a means to an end in order to catch a few terrorists and other major criminals that may or may not exist. And looking back retrospectively over the last decade there have been few terrorists activities in the United States itself that have been prevented as a result of the internal monitoring and surveillance of United States citizens. There have been a few attempted terrorist acts, however these attempts were few and far between and in most cases had little chance of success. Those involved in these cases, mostly appeared to be misfits that in some cases looked as if they may have been entrapped by law enforcement in sting operations or enticed into attempting terrorists activities. This leads to the question of if these individuals were not placed in these situations

would they have attempted to commit terrorists acts in the first place. Nearly anyone if placed in the right set of circumstances could potentially be enticed into committing a crime. And the fact remains that no major acts of terrorism within the United States have been uncovered as a result of the government's internal monitoring of United States citizens by electronic surveillance.

From the point of view of subjective relativism, governmental surveillance was found to be both ethical and unethical. The surveillance is ethical from the perspective of those that believe that the use of the surveillance is justified in order to prevent terrorist attacks or to stop major crimes. At the same time, the governmental surveillance was found to be unethical from the perspective of those that believe that the surveillance is not justified and is an invasion of privacy of innocent citizens. In other words, with subjective relativism whether or not the surveillance is ethical depends on your point of view and that no point of view is right or wrong.

Governmental surveillance was found to be unethical from a social contract point of view. Because within a society there are certain rules that are expected to be followed by everyone and in the case of governmental surveillance, the rules of expectations of privacy have been violated by the government due to their use of techniques such as warrant-less wiretaps on their own citizens. For this reason, governmental surveillance was found to be unethical according to the social contract theory.

From the Act Utilitarian point of view, both the positive and negative consequences of governmental electronic surveillance are determined and

compared. Positive things such as preventing terrorist attacks and stopping major criminal activities potentially can result from the governmental monitoring. And negative things such as innocent American citizens being accused of being involved in terrorism can occur as a result of the monitoring. Then the degree of rightness or wrongness of the surveillance can be calculated by determining if more positive or negative events occur and only then can we determine if the government surveillance is ethical from the Act Utilitarian point of view.

And finally, the Rule Utilitarian perspective examines if rules such as the rule that all telecommunication within the United States are expected to be monitored by the government in order to prevent future terrorist attacks will lead to increased happiness or misery for the citizens of the United States. And if the rule leads to more happiness than misery then it should be adopted by all the citizens of the nation. However, to calculate this for future events is difficult to say the least and is usually easiest determined only in retrospect.

In our examination of the ethics of governmental electronic monitoring, most of the examined theories seem to find the monitoring to be unethical. And also as a result of the increased governmental monitoring few terrorist plots have been uncovered within the United States since the terrorist attacks of September 11, 2001. And fewer yet, actual terrorist attempts have been stopped since then. However, the levels of governmental monitoring are increasing no matter which political party is in control the United State's legislative and executive branches.

During the end of the Bush administration, there were several hundred governmental lawyers working for homeland security that needed to be reassigned to work to combat medicare and medicaid waste and fraud because there was literally nothing for them to do with regard to terrorism. This all begs the question of why are we continuing to use laws and monitoring that have produced little positive benefit? All that has been accomplished by these laws and monitoring is that our privacy has been invaded in ways that we will never know because the information is classified. Also, there is the question of how is all of this information being stored and used and what safeguards are in place so that the information is not being used in ways that it was not intended. In an age where wiki-leaks and identity theft have become common place, these are serious issues that could negatively impact our lives.