ECHELON:ESPIONAGE WITHOUT ETHICS

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Abstract

In June 2013, Edward Snowden disclosed the extent of mass surveillance conducted across entire societies by five Western Governments. Snowden apparently hoped to generate a global debate on the appropriateness of these activities and the risk /reward trade-offs that society was being asked to make. Snowden seems to have either overestimated the concern of the average person or misunderstood their current level of understanding and acceptance of surveillance. Either way, the debate was short. In general, society seemed to register a level of disquiet but no specific concern. This paper seeks to determine if the disquiet is a consequence of human morality and to identify any specific moral concern.

Introduction

Throughout history, the value of having the right information at the appropriate time has always been given the holder an advantage. It is therefore not a surprise that information gathering has always played a significant role in society. The art of attaining information via espionage is an age old human endeavour. Since early civilisation, people have accepted that espionage should be conducted on their neighbouring states and that anyone attempting to steal the secrets from their society should be deemed a traitor and either imprisoned or executed.

This paper examines the primary objective of espionage and its objective of always achieving state security, both physical and economic. Much has been written over the years on the need for informational advantage and its function of maintaining power. Sun Tzu in his work *The Art of War* is a well-known advocate for military espionage (Creveld.M, 2002). Bentham took the concept much further in the 1790's by designing the Panopticon and the desire to expand surveillance across an entire population (Bentham J. , 1995). Fiction writers have often explored the topic depicting various reasons and consequences for the behaviour. Perhaps the most famous of these is George Orwell's novel *Nineteen Eighty- Four* and the creation of Big Brother and the active control of society written in 1949 (Orwell, 2008).

However, the depicted mass surveillance has not been a practical option for any state that might have had the aspiration, until now. In the digital age, mass surveillance has become not only a possibility but a practical reality. In June 2013, an intelligent agent in the U.S. broke ranks with his employer and his country by divulging the extent of surveillance that the U.S. and some of its allies were conducting on a global scale. The disclosures put an end to the speculation that the departments within governments had created a vast surveillance mechanism. The rumours that phone calls and all computer access and activities are being monitored were verified. However, the extent of the surveillance surpassed most people's expectations when they learnt that everything conducted via a digital medium was being accessed, processed and stored. The general public's view of privacy, confidentiality and personal security was suddenly called into question.

The outcry from civil rights groups and politicians across the world was instant but, perhaps not surprisingly, short lived. It was generally considered appropriate to focus surveillance on terrorists and criminals, but not on any law abiding citizens. There was possibly even a mild acceptance of international political espionage. However for the majority of people, it was seen as an unnecessary intrusion into what they considered being their right to privacy. The highest level of anxiety was among people who now populate the social communication networks often referred to as the infosphere, public sphere or third place. However, in general, the voiced anxiety disappeared and did not last.

While some people argued surveillance is somehow wrong, they failed to express exactly why. They used terms such as illegal, immoral, unethical and a breach of rights or privacy. In general citizens felt a sense of disquiet. This paper explores the possibility that the reason for the disquiet is based on a justifiable moral concern.

It may be that the general population simply trust that their state is undertaking the surveillance on their behalf. After all, in the conception of the state by contract theorists such as Hobbes and Locke, the State is an organisation constituted as a means to providing security for persons and property. Therefore, if the citizens consider that the state actions are designed to protect their way of life, then they might be happy that the end justifies the means. The paper explores the use of espionage in the potential objectives of reducing crime, achieving economic growth, countering terrorism and preventing or justifying war.

Alternatively, most citizens may have already been very much aware that surveillance was happening; they may have simply been happy to ignore it. So some people seemed to fain surprise at these revelations. However it is probable that most people are unaware of a range of negative impacts of surveillance which could impact society .This paper explores several potential consequences, trust, The Third Place, information accuracy, data security, profiling and privacy.

It is clear that in exchange for the laudable aims of security, society is being subject to a range of new and not fully understood risks. The key question then becomes how individuals will decide what is morally correct. One potential challenge for this is that large portions of society cannot clearly identify what precisely they consider to be wrong. There appears to be a range of often conflicting theories of how moral people should address these challenges. Resolution would be easier if there existed a priority ranking of moral consideration or as Rawls proposed a 'lexical priority 'that would help people decide (Rawls, 1971, p. 36).The closest found is Maslow's needs analysis that would suggest security is our priority concern (Maslow, 1954).However there is a school of thought that the appropriate allocation of Moral consideration is derived from the examining the problem from various view points and generating debate .

A key to forming society is social interaction, and Durkheim believes that human beings, when in a group, will inevitably act in such way that society is formed. "In particular, the emotional part of the collective consciousness overrides our egoism: as we are emotionally bound to culture, we act socially because we recognise it is the responsible, moral way to act". (Allen K. , 2005, p. 109) However, the openness and enthusiasm with which individuals have embraced the Internet are altering many people's perceptions of privacy and good old-fashioned reserve. Most interestingly digital data and the Internet, in particular, has created a change in the form of human interaction and communication. It has become a place for the ultimate in freedom of speech with actions reaching the largest number and broadest range of people faster than ever before. The people who have so far populated the virtual community have tended to value individuality, free expression, and free exchange of information, anarchy and nonconformity more than other groups. The Declaration of Independence of Cyberspace by John Barlow indicates this sense of entitlement (Barlow, 1996).

The real issue is that the advent of mass surveillance is not simply a matter of individuals not comfortable with the trading off privacy for convenience today, but the fact that it could have long-term adverse effects on society and how we interact as a social group. The more we accept perpetual government and corporate surveillance as the norm, the more we change our actions and behaviour to fit that expectation. Subtly but inexorably, we move away from the liberal ideal that each person should be free to live life as they choose. The governments have effectively brought Panopticon alive. Its full potential to assist in the execution of evil is latent but can be activated by a simple change in its application and follow up by those in control. The connection between a loss of privacy and dehumanization is a well-known and ancient fact, and one for which we do not need to appeal to science fiction to illustrate.

The key issue examined here is that if one finds something to be morally unsound, it is their moral obligation to do something about it, no matter how challenging it might be. Thoreau asserted that "the only obligation which I have a right to assume is to do at any time that I think right" (Thoreau, pp. 301-324) He considered complacency to

be one of the worst moral crimes. However, we cannot stand up to our responsibility as governor or citizen unless we suppose that the moral and other principles on which we act or vote are identifiable, objectively true, and enduring.

It is important to recognise that we do not need to make and instant decision as Habermas points out that society has an ability to self- correct overtime (Habermas, 1989).

However, individuals may simply not mind that the broader Internet content is being monitored. They may recognise that they do not necessarily own the data. Similar to companies owning their email systems, in the past only governments owned and operated telecommunications companies. In this way they had direct access to any individual call and as U.S. legislation has stated there was no expectation of privacy. This raises the question of just how rational is the desired position of receiving a free service, maximising security and maintaining privacy. As President Obama pointed out in a 2012 speech, the Internet did not get invented on its own. Government research created the Internet referring to the Arpanet project run by the Pentagon. While this may be controversial, it is clear that the Global Positioning Satellite (GPS) which provides the all sensitive locational data was a solely government sponsored creation. The government provided a service which it is now monitoring. At no time did it force uptake of the medium on the public. The expansion of digital data is basically customer driven. By simply making the service available governments are facilitating a major shift in society's form of interaction. However as Eric Schmidt pointed out "The Internet is the first thing that humanity has built that humanity doesn't understand, the largest experiment in anarchy that we have ever had ". (Schmidt, 2010, p. 1)

 Therefore, if the Internet is consumer driven then the responsibility for its safe and secure operation is not purely a government responsibility. The consumer has a responsibility that may be best viewed through alternative ethical frameworks such as virtue ethics. Aristotle maintained in *The Nicomachean Ethics* that the function befitting a good Human is the noble performance of the appropriate activities (Aristotle, 1996, p. 53). Virtue ethics shifts focus from the question of which actions

or rules are right to the question of which qualities of character are the best. The well-informed person both knows how to act rightly and will habitually choose to do so.

Snowden provided a warning that a complete Panopticon has been in operation for a number of years. It has many flaws in its creation, ranging from false data, negligent storage and inadequate security and governance. Yet the process continues. Each renewal of terrorist acts sees governments increase the range and depth of their surveillance and volume of data retrieved and stored. Society appears either unconcerned or incapable of finding alternative solutions. As Rousseau noted "Silence gives a presumption of tacit consent " (Rousseau, 1968, p. 135)

However if individuals cannot decide, governments clearly can and have. The actual extent of the Panopticon application is unknown, but it will be influenced on the one hand by national leaders and on the other, by the society enabling the leaders to remain in position. Society requires protection; mass surveillance via Echelon is currently part of the solution. However, there is a potential that in future mass surveillance may become something from which society needs protection. Society's current lack of action is reminiscent of the broken-window theory: tolerance of small crimes leads to tolerance of big ones.

Background

New computer technologies for gathering, storing, manipulating, and communicating data are revolutionising the use and spread of information to the extent that it now impacts how people live their lives. Everyone is now required to reconsider standards of conduct shaped before the advent of computers. The speed, capacity and efficiency of electronic information systems is forcing people to confront entirely new rights and responsibilities in their use of information. The application of this expanding information availability gives rise to ever increasing moral and ethical considerations.

Electronic systems now reach into all levels of government, into the workplace, and into private lives to such an extent that even people without access to these systems are affected in significant ways by them. Information is an increasing source of power and the key to prosperity among those with access to it. Consequently, developments in information systems involve individual, societal and political relationships—and so make moral considerations in how information is used all the more challenging.

 Ordinary people with relatively few resources can communicate ideas and information to millions of other people around the world, however strange, unpopular, or politically sensitive these ideas or information may be. For many that creates opportunities for equality, freedom of expression and liberty previously unattainable. For others, it is an unparalleled opportunity to conduct a crime and incite others to action.

Conversely, no government or hierarchical system exerting either benign or repressive influence has quite the same control they previously had over the flow of information as long as the networks continue to operate as they do currently. For many people and even governments, the networks have become a threatening, even subversive, new presence. While the technology makes many new things possible, it will be our social theory, which will provide the framework for how this technology will shape our future.

One new particular challenge is the ability for Governments to conduct mass surveillance on an unprecedented scale. At the start of June 2013, a large number of documents detailing surveillance by intelligence agencies such as the United States National Security Agency (NSA) and United Kingdom's Government Communications Headquarters (GCHQ) were disclosed to the public. The majority of the information was supplied by Edward Snowden, a' whistleblower' who was formally a member of the NSA. These disclosures are often referred to as 'The Snowden Files' and relate to at least 58,000 pages of classified documents. While the disclosures indicated the scale of the surveillance was concerning, it was not

exactly a groundbreaking revelation. Potentially the greater concern was the disclosure of who was being monitored.

Snowden's disclosures revealed a massive global surveillance program that included interception of email, other Internet communications and phone tapping on a scale few people had considered possible. They evidenced that all forms of electronic communication and storage were being monitored, analysed and stored on a global basis. This information is available to the spies in real time. While some of the activities appear legal, other revelations show the majority of the spying was illegal. In the U.S. and the UK, it was directed against its fellow citizens, other Government entities, friendly nations, and numerous international summits. This massive global program has been described as the largest program of suspicionless surveillance in human history.

While the extent of the espionage itself has alarmed many citizens, in many countries, the real concern appears to be the disruptive, damaging way it has been implemented. Two major concerns that have been disclosed that raise serious national and personal security issues. Firstly, Government agencies have been exposed conducting the mass interception of data from the fibre-optic cables that make up the backbone of global phone and Internet networks, and information stored by major U.S. technology companies, generally without the necessary legally warrants. Somewhat surprisingly, to facilitate their ease of access, the agencies have worked to undermine the very security standards upon which the Internet, commerce and banking rely. Hence increasing the ease of access by which enemies of the state and criminals can access the same information. Secondly, the intelligence agencies had inadequate data access and security controls, and neither knew which data Snowden had access to or what data he removed.

Therefore, while it could be argued that accumulating data for the benefit of the state and protection of its citizens may be appropriate. No one is even attempting to argue that it was appropriately conducted with adequate care and responsibility. There can be little support for the weakening of the core infrastructure systems on which the citizens rely and a general lack of security for citizen data attained.

In this way, the revelations have raised far greater concerns than growing domestic and international surveillance but questioned the very motives and trustworthiness of both the technology sector and government agencies. In an environment of poor government oversight, an apparent lack of accountability and integrity, the most fundamental human rights are being threatened.

Origins of Espionage

The act of surveillance was not a surprise. The scale has been rumoured for many years, and most people had access to information on the techniques and scale of activities if they had any interest in finding out. After all communication monitoring is not a recent phenomenon. It is well known that most nations have developed large, centralised, civilian intelligence communities that conduct operations in wartime and peacetime with ever-increasing technological sophistication.

It is important to remember that espionage is one of the oldest, and most well documented, political and military arts (Creveld.M, 2002). Historical and literary accounts of spies and acts of espionage appear in some of the world's earliest recorded histories. Egyptian hieroglyphs reveal the presence of court spies. In the era of democratic Greek city-states, espionage was chiefly employed as a political tool. Agents of espionage spied on rival city-states, providing information on military strength and defences. In the Middle East, and later Byzantium, civilian agents of espionage culled information about foreign militaries and economic practices from traders, merchants, sailors and other businesspeople. In China, Sun Tzu penned the comprehensive military treatise, *The Art of War*, which contained several chapters devoted to the use of spies both on and off the battlefield (Creveld.M, 2002).

By comparison, no civilisation in the ancient world relied more heavily on intelligence information, nor furthered the development of espionage more than the Ancient Rome. Over a millennium, the Romans created the largest empire of the ancient

world, necessitating the governance of the most extensive infrastructure, military, and bureaucracy of the period. Spies were engaged in both foreign and domestic political operations, gauging the political climate of the Empire and surrounding lands.

Competition for dominance over trade and exploration of the New World changed the political environment of Europe and forced regimes to adopt increasingly effective measures of protecting political, military, and economic interests. Niccolo Machiavelli in his famous work *The Prince* advocated that rulers routinely employ espionage tradecraft, engaging in deception and spying to ensure protection of their power and interests (Machiavelli, 1984).

 The Age of Empires, (from 1700 to almost 1900) saw the greatest development of espionage through the numerous conflicts and wars that occurred in Europe, and between rival colonial powers in Europe and abroad. Industrialisation, economic and territorial expansion, the diversification of political philosophies and regimes, and immigration all transformed the world's intelligence communities as information became steadily more valuable.

Imperialism, not only changed the world political balance but transformed economics. As a consequence modern industrial espionage was born in the pan-European revolutions of 1848. Many governments, especially those of England, France, and Prussia, employed spies to infiltrate political and labour organisations and report on any anti-government activities.

 In the seventeenth century successive English Secretaries of State assembled networks of spies when the country was particularly threatened, and from its establishment in 1782 the Foreign Office, using funding from the Secret Service Vote annually approved by Parliament, employed a variety of clandestine means to acquire information and warnings about Britain's enemies. These activities lead to the development of The British Secret Intelligence Service, popularly known as MI6, the oldest continuously surviving foreign intelligence gathering organisation in the world. It was only given a legal basis on the passing of the Intelligence Services Act of 1994.

On the whole, the story of human intelligence gathering is not one of exceptionally clever master spies. It is more the creation of a composite picture of a multitude of tiny fragments of information, gathered by many thousands of individual men and women that need to be collated to provide the big picture. Modern technology means that the information is now much easier to acquire, analyse and store thereby accelerating the available range of coverage and rate of penetration by espionage agencies. Spying is now much more efficient and far less expensive. In the end, it is just effective math, the higher the volume and the faster the processing, the lower the cost.

As Governments have spied on one another and their citizens since governments existed, the act of espionage in itself is not the revelation in the Snowden disclosures. While this does not suggest there was previously a view that espionage was morally acceptable, it could explain the apparent lack of global cessation of surveillance activities in the face of this exposure. The current concern would appear to be that previously, people or activities of interest had to be prioritised, due to limited espionage resources, and the majority of citizens would never be impacted. However recent disclosures prove that current espionage is significantly more extensive than anything seen before: governments are monitoring the activities of entire populations.

While mass surveillance may be something new in practice, the concept has been considered for over two hundred years. Bentham published his proposal for the Panopticon Penitentiary in 1791 (Bentham J. , 1995). While there may be a question of how far Panopticon provides a useful model for understanding electronic surveillance, it certainly raised the spectre of continuous social monitoring. It may be that Bentham was predicting a world in which spying became redundant as it became replaced by comprehensive, constant surveillance capability providing a mechanism for controlling human populations.

Essentially the Panopticon Penitentiary was a building on a semi-circular pattern with an 'inspection-lodge 'at the centre and cells around the perimeter. Prisoners, who in the original plan would be in individual cells, were open to the gaze of the guards,

but the same as not true of the view the other way. By an elaborate system of lighting and the use of wooden blinds, officials would be invisible to the inmates. Control was to be maintained by the constant sense that prisoners were watched by an invisible force. There was nowhere to hide, nowhere to be private. Not knowing whether or not they were watched, but obliged to assume that they were, obedience was the prisoner's only viable option (Bentham J. , 1995, pp. 29-95). Hence Bentham's Greek –based neologism; the Panopticon, or 'all seeing place".

Panopticon was a way of obtaining power "in hitherto unexampled quantity ", "a great and new instrument of government ….; its great excellence consists in the strength it is capable of giving to any institution it may be thought proper to apply it" (Bentham, 1970, p. 66).   Bentham dreamt of transforming the technique into a network of mechanisms that would be everywhere and always alert, running through society without interruption in space or in time. The panoptic arrangement provides the formula for this generalisation. It programmes, at the level of an elementary and easily transferable mechanism, the basic functioning of a society penetrated through and through with disciplinary mechanisms. By including the anonymous public servant, as part of the built-in architecture of surveillance, the disciplinary mechanism of observation is decentralised and its effectiveness improved.

 Foucault expanded Bentham's proposal with the central idea that panopticism concerns the systematic ordering and controlling of human populations through subtle and often unseen forces (Foucault, 1977, pp. 32-36). Such ordering is apparent in many parts of the modernised and now increasingly digitised world of information. Contemporary advancements in technology and surveillance techniques have perhaps made Foucault's theories more pertinent to any scrutiny of the relationship between the state and its population.

The panoptic theory has other wide-ranging impacts for surveillance in the digital era as well. Haggerty and Ericson have hinted that technological surveillance solutions have a particularly strong cultural allure in the West (Ericson, 2006, p. 17). Increasingly data made accessible to organisations, and individuals from data-mining technologies have led to the proliferation of "dataveillance ", which may be described

as a mode of surveillance that aims to single out particular transactions through routine algorithmic production. Building into Foucault's Panopticism and Bentham's original Panopticon, Shoshana Zuboff applies the panoptical theory in a technological context in her book *"In the Age of the Machine "* (Zuboff, 1988). Zuboff provides a very vivid portrayal of the Information Panopticon as a means of surveillance and discipline. The Information Panopticon embodies Bentham's idea in a very different way as it does not rely on physical arrangements, such as building structures and direct human supervision. Instead, a computer keeps track of an individual's every move. The Information Panopticon can be defined as a form of centralised power that uses information and communication technology as observational tools and control mechanisms. Unlike the Panopticon envisioned by Bentham and Foucault, in which those under surveillance were unwilling subjects, Zuboff's work suggests that the Information Panopticon is facilitated by the benefits it offers to willing participants. Zuboff's work shows the dual nature of the information Panopticon –participants may be under surveillance, but they may also use the system to conduct surveillance of others by monitoring or reporting other user's contributions. (Zuboff, 1988) This is true of many other information and communication technologies with panoptic capabilities –cell phone owners may be tracked without their knowledge through the phones "GPS" capabilities, but they may also use the device to track others. Thus, compared to Bentham's Panopticon, the Information Panopticon is one in which everyone has the potential to be both a prisoner and a guard. The information Panopticon diverts from Bentham's model prison by adding more levels of control.

Nineteen Eighty- Four is often taken to be about the power of technology for social control and about the loss of privacy resulting from living in such a transparent society. A significant feature of Orwell's "Big Brother" surveillance was the fact that it was imperceptible (Orwell, 2008). Those under being monitored were unsure whether there was any time they could relax. Like the Panopticon –and indeed as in other literary treatments of the surveillance theme, such as Franz Kafka's *The Castle* or Margaret Atwood's *The Handmaids Tale* –this model of undetected surveillance keeps the watched subordinate using uncertainty. People simply comply because

they never know when 'they' might be watching. Information technology enables surveillance to be carried out in ways even less visible than those in Orwell's imagination. What Orwell may not have foreseen was that technologies might eventually permit surveillance tending towards totalitarianism with democratic processes still neatly in place. As Gary T. Marx notes, the velvet glove may hide the iron fist (Lyon, 1994, p. 57).

 Dobson and Fisher lay out an alternative model of post-panopticism as they identify three panoptic models (Dobson J. a., 2007). Panopticism 1 refers to Bentham's original conceptualisation of the Panopticon and is the model of panopticism that Foucault responded to in *Discipline and Punishment*. Panopticism 2 refers to an Orwellian "Big Brother" idea of surveillance. Panopticism 3, the final model of panopticism, refers to the high –technology human tracking systems that are emergent in the 21st century. Panopticism 3 is affordable, effective, and available to anyone who wants to use it. Initial purchase prices and monthly service fees are equivalent to cell-phone costs. In less than five years, the cost of continuous surveillance of a single individual has dropped from several hundred thousand dollars per year to less than $500 per year. Surveillance formerly justified solely for national security and high-stakes commerce is readily available to track a spouse, child, parent, employee, or strangers (Dobson J. E., 2007, pp. 307-323).

May we think of today's electronic surveillance as a panoptic power? It could be that today we have created nothing less than the perfection of the capability of discipline by invisible inspection via information gathering. However, a key concern is that while the panoptic ability exists it is not overtly applied ---yet! The concern for many is that without appropriate consultation the disciplinary effect could be initiated at any time. Effectively society has permitted the design and implementation of the system. It is ready for beneficial purposes or misuse. We now live in a Panopticon. Through societies, apparent trust in Government, the virtual walls of the penitentiary are nearing completion. The crowd, a compact mass, a connection of multiple exchanges, individualities merging, a collective effect, is abolished and replaced by a collection of separated individualities. From *The Guardian*, it is replaced by a multiplicity that can be numbered and supervised; "from the point of view of the

inmates, by a sequestered and observed solitude" (Bentham, 1970, pp. 60-64). As Bentham points out Panopticon is about power (Bentham J. , 1995, p. 29).

> So to arrange things that the surveillance is permanent in its effects, even if it is discontinuous in its action; that the perfection of power should tend to render its actual exercise unnecessary; that this architectural apparatus should be a machine for creating and sustaining a power relation independent of the person who exercises it. (Bentham J. , 1995, p. 9)

Bentham laid down the principle that power should be visible and unverifiable. Modern governments now effectively have this in place. Visible: the inmate will constantly have before his eyes the outline of the central tower from which he is spied upon. Unverifiable: the inmate must never know if he is being looked at any particular moment, but must be sure that he may always be monitored. The existence of panoptic principles in contemporary society has been noted by those studying general trends in social control, such as Cohen (Cohen, 2003, pp. 1-8), and by others examining specific practices involve new technology policing.

Today, surveillance is both a globalising phenomenon and one that has as much to do with citizens as consumers. Citizens are enjoying the benefits of the digital age and through their increasing consumption of the product are effectively enabling governments to construct the most comprehensive panoptic mechanism ever imagined.

How modern mass surveillance is conducted

The disclosures have provided evidence of the previously only rumoured existence of a massive system designed to intercept virtually all email traffic in the world and subject it to automated analysis, despite laws in many nations barring such activity.

The laws intended to prevent these activities were circumvented by a mutual pact among five nations. It is illegal for the U.S. to spy on its citizens. Likewise for the UK. However, under the terms of the UK/U.S. agreement, Britain spies on American citizens and America spies on the British citizens and the two groups swap data. Technically, it may be legal, but the intent to evade the spirit of the laws protecting citizens of those two nations is clear.

The intelligence gathering system is called Echelon. It is the result of a treaty signed by the governments of U.S., UK, New Zealand, Canada and Australia. It was designed primarily for non-military targets: governments, organisations and businesses in virtually every country. This is supported by a range of other interception systems. According to Mike Frost (former agent of the Canadian Security Establishment) a voice recognition system called Oratory has been used for some years to intercept diplomatic calls. In 1991, a former British GCHQ official spoke anonymously to Granada Televisions World in Action programme about the agency's abuses of power. He told the program about an anonymous red brick building at 8 Palmer Street where GCHQ secretly intercepts every telex that passed into, out of or through London, feeding directly into powerful computers with a program known as Dictionary. Leading technology website, Ars Technica, also adds that the NSA runs a bugging program in more than 80 embassies and consulates around the world, under a program called the Special Collection Service.

The UK is connected to fifty-seven countries by fibre-optic cables, and the U.S. is connected to sixty-three. Combined this gives them unrivalled information access. Internet companies who are prime users of these cables have given assurances to their users about the security of communications. However, the Snowden documents show that the U.S. and British intelligence agencies have successfully broken or circumvented much of the online encryption. Much of this, the documentation reveal, was not done through traditional code-cracking, but instead by making deals with the companies to introduce weaknesses or backdoors into commercial encryption, and even working to undermine covertly the international security standards on which encryption relies. Computer security experts say that by doing this in their quest to access ever more data, the intelligence agencies have compromised the computers

of hundreds of millions of ordinary Internet users, and undermined one of their key priorities of protecting the U.S. and the UK from cyber-attack. The NSA has a $250million a year program working overtly and covertly with industry to weaken security software, hardware equipment, and the global standards on Internet security. Leading technology experts have warned that such actions leave all Internet users more vulnerable to hacking by foreign governments or criminal gangs. They have even gone as far as accusing the U.S. agencies of subverting the Internet and weakening national security.

These intelligence gathering mechanisms target mass capture of data, for strategic surveillance. They basically draw in data from everyone, everywhere: from phones, Internet use from email to websites visits, social networking, instant messaging and video calls, and even areas such as video gaming; in short, everything digital. This data is fed into a database called XKeyscore, which allows analysts to apply a selector to extract any compilation of information in real time, i.e. immediately, from this tremendous volume of hovered-up data. What this adds up to is a new thing in human history: with a couple of clicks of a mouse, an agent of the state can access anyone's home phone, mobile, email, passport number, credit card numbers, address, and logins to a web service. The state can gather information about anyone the target communicates with, can get a full picture of any individual's Internet use, and can track their location online and offline. In essence, it can know the entire electronic history of any individual. As they have the ability to look at a person's Internet searches – it has been suggested that they can know what's on your mind.

Before the digital age, a state had to bug phones manually, break into houses and intercept letters, and deploy teams of trained surveillance staff on the ground to get even the smallest fraction of what can now be achieved. Even then it was a rough and approximate process, vulnerable to all sort of human error and countermeasures. It can now have something much better than that, a historically unprecedented panoply of surveillance, which it can deploy in a matter of seconds (Lanchester, 2013, p. 13).

Anyone and anything a particular government agency is concerned about can become a target.

Reactions around the world differ

When the "Snowden Files" acted as a catalyst leading to many more disclosures of the expanding espionage structure and activities there were differing reactions around the world. More than five hundred of the world's leading authors urged the United Nations (UN) to create an international bill of digital rights that would enshrine the protection of civil rights in the internet age. They said the extent of surveillance revealed by Snowden had challenged and undermined the right of everyone to remain unobserved and unmolested in their thoughts, personal environments and communications. This fundamental human right has been rendered null and void through abuse of technological developments by states and corporations for mass surveillance purposes.

While the UN have not as yet fulfilled the authors request the UN's human rights committee has conducted an assessment of how the U.S. is complying with the International Convention on Civil and Political Rights, which has been in force since the mid-1970's. It concluded that the collection of the contents of communications from U.S.-based companies under the Prism program had an adverse impact on the right to privacy. PRISM is the title for the US programme to access the data from nine different Internet providers. The UN added that the legal oversight of such programs had largely been kept secret and failed to protect the rights of those affected. The UN committee urged the U.S. to overhaul its surveillance activities to ensure they complied with U.S. law and conformed to U.S. obligations (Weaver, 2014, p. 1).

Within the U.S. one of the major concerns has been how members of the U.S. Congress themselves were not aware of how extensive the activities were. Indeed, many on Capitol Hill and beyond were forced to conclude that the political and legal mechanisms applied to hold the NSA accountable within the functioning of the U.S. democracy were no longer fit for purpose.

> How can anyone think that it's remotely healthy in a democracy to have the NSA building a massive spying apparatus about which even members of Congress, including Senators on the Homeland Security Committee, are totally ignorant and find astounding when they learn of them (Greenwald, 2013, p. 2)

For some, like U.S. Congresswoman Zoe Lofgren, it is a vitally important issue, one of the biggest of our time: nothing less than the defence of democracy in the digital age (Macaskill, 2013, p. 1). Two U.S. congressmen introduced a bill compelling the Obama administration to declassify the secret legal justifications for NSA surveillance.

According to a recent survey, the majority of Americans believe that preserving the rights of U.S. citizens is now more important than preventing terrorists (Macaskill, 2013, p. 10).

The German justice minister Sabine Leutheusser-Schnrrenberger commented that "if these [Snowden] accusations are correct, this would be a catastrophe". In general, the Germans are highly sensitive to government monitoring, having lived through the Stasi secret police in communist East Germany and with lingering memories of the Gestapo under the Nazis. "the government must clarify these accusations and act against a total surveillance of German citizens" (Urquhart, 2013).

In contrast, significantly fewer people in Britain, seem to care. Lancaster suggests that this is because in the rights –based tradition, the flagrant abuse of individual privacy is self-evidently a bad thing, a (literally) warrantless extension of the power of the state." However while some countries are interested in rights, in Britain we are more focused on wrongs" (Lanchester, 2013, p. 4).

Would be defenders of these programs such as the British Prime Minister, have often tried unsuccessfully to argue-- that if you have nothing to hide, then you should not worry about this invasion of privacy.

> If the innocent have nothing to fear from disclosure, then why did his (William Hague) own government demand an unprecedented system of secret courts in which evidence of UK intelligence complicity in illegal kidnapping and torture can be heard? Privacy, it appears, is totally essential for the powerful and completely worthless for the rest of us. (Shah, 2013, p. 4)

Three UK privacy groups equally disagree and are currently mounting a legal challenge to GCHQ surveillance in the European courts.

"Man is born free but is everywhere in chains " (Rousseau, 1968, p. 49). This certainly seems to have a justification if we consider if a person under regular surveillance is free. When it is an entire society that is under surveillance can it truly be a democracy. Freedom and democratic rights need to exist in both the physical and virtual space. For others surveillance is an extreme form of theft. They contend that the data is not public property, it belongs to the individual. When it is used to predict an individual's behaviour, they are robbed of something else: the principle of free will crucial to democratic liberty.

For some, such as Shah, the idea of nation states and citizen rights have not evolved quickly enough to cater for the changes being brought about by the Internet-----perhaps the real issue is that democracy and people's rights in the new world are fundamentally at stake (Shah, 2013, p. 7).

A pathetic round of false outrage and finger pointing was enacted by many Governments, accusing others of spying on them only to be caught and denounced for undertaking their espionage on the accused. This only served to undermine their perceived political lack of morality even further.

The head of the U.S. intelligence in Berlin was returned to the U.S. as Chancellor Angela Merkel condemned spying on allies as a" waste of energy "and stating that

"spying between friends is simply unacceptable ". However, even as Berlin was scolding Washington, it appears that the U.S. knew Germany's foreign intelligence service was itself spying on a NATO ally and eavesdropping on calls made by senior U.S. politicians. Also, it has become clear that Germany, home to the largest Turkish migrant population in Europe, has been spying on Turkey for years. Equally, Bolivia openly accused the U.S. of breach of faith as a result of evidence of U.S. spying. Within a week, it was found the Bolivians were actively spying on the U.S. Closer to home a cyber-attack on the Australian parliamentary computer in 2011 may have given Chinese intelligence agencies access to lawmaker's private emails for an entire year. As a member of Five Eyes, the Australians have been and continue to participate actively on spying on the Chinese.

In general, the Western countries sought a moral high ground only to have it crumble below them. If the rule of thumb for secret activities is supposed to be the motto "don't get caught" then it would appear they have failed on a global basis. Everyone knew everyone was spying on each other. While no one made an issue of the fact nothing needed to change. Nagel believes that these conventions of reticence result from a kind of implicit social contract, one that of course reflects the relations of power among elements of the culture, but that serves to some degree the interests of all—as social conventions tend to do. 'The fact remains that this is something as a society that we have come to accept tacitly for the most part, and it is only going to get worse over the coming decades' (Nagel T. , 1998, p. 7). Some recent discussion that International moral pressure is what is needed to ensure politicians address the mass invasion of our privacy by the intelligence services in the UK and U.S. would appear to be misguided. International governments actively encourage the status quo and merely seek competitive advantage in how to improve espionage activities. This paper will argue that a more compelling pressure can only come from the very populace that the respective Governments and their agents are elected to serve.

Is mass surveillance a moral issue?

While many people and indeed governments raised an outcry on learning of the disclosure, few have determined precisely the nature of their discomfort. It is clear that much of the activity is illegal and contravenes state legislation. It is also clear that the surveillance systems have been established and augmented by exclusive members of successive governments without full democratic support. It is equally apparent that the many private companies have been coerced to permit government interference and have had their liberty and freedom denied. However, few people seem seriously concerned with these issues.

The people interested in this issue seek to express their feelings using phrases such as, it is against our moral standards, and it is unethical, it breaches the rights to privacy, undermines democracy, liberty and freedom. Whichever approach is taken the basic theme is a feeling that it is not a legal issue but that in some other way it is somehow "wrong". But not sufficiently wrong to cause a deeply held desire for change. Anita Allen suggests that the growing popularity of surveillance makes us all feel –with justification –disquieted (Allen A. , 2103). The intent of this paper is to explore the application of morality as the explanation for the sense of "wrong "and assess the justification for the disquiet.

As a starting point, it is then important to determine what is it that people are appealing to when they seek an answer based on morality. Some people argue that morality and ethics are different (Diffen, 2014, p. 1). They argue that ethics refers to the series of rules provided to an individual by an external source, e.g. their profession or religion. Morals refer to a person's principles regarding right and wrong. This is difficult to justify as the main reason companies set up "code of ethics is in recognition of the fact that there are moral norms that people need to be encouraged to comply with. But it is important to note that the NSA employees comply with NSA code but many people may view that code to be unethical. The default position assumed for this paper is that they are synonyms. Thus, an understanding of moral issues could help explain individuals feeling of "wrongness" or disquiet while explaining the lack of desire for change.

In general, people are more comfortable with dichotomies. However, in morality, the issues are multifaceted, and the best-proposed actions address many different areas concurrently. In moral decisions, the answer is almost never an agreed definite "yes or no", "right or wrong" statement. People look to morality as a set of norms and evaluations directing us to behave in some ways and not others. They assume that objective moral values exist and that they contain the appropriate guidance for the determining of the correct answer to all the questions that confront us.

One possess moral knowledge when, but only when one's moral opinions are true and held justifiably (Mc Cory, 2005, p. 697). Whether anyone actually has moral knowledge is open to serious doubt, both because moral opinions are so hard to justify and because there is reason to think that moral opinions are not expressions of belief which might be evaluated as true or false. A successful defence of the view that people do have moral knowledge necessitates the removal of these doubts.

> Attempts in this direction standardly emphasize the respects in which our
> moral opinions, and the evidence we have for them, are analogous to the
> opinions and evidence, we have concerning non moral matters such as logic,
> mathematics, science psychology and history .In the process they attempt to
> show that we do have good reason to think some of our moral opinions are
> true. (Mc Cory, 2005, p. 696)

Therefore, it is important to consider how morality obtains its status as a decision-making mechanism. What is the evidence that objective moral values exist and that we can intuitively perceive them? For many but by no means all, there is a view that:

- There exist the same basic standards of morality almost universally across all human cultures. Also, there exist in all cultures truly altruistic acts that lead to no personal or collective benefit. Adam Smith starts his *Theory of Moral Sentiments* with the simple observation that we all enjoy making other people happy (Smith, 2009 , p. 2).

-there exists a nearly universal human intuition that certain things are objectively right or wrong.

-many naturalists affirm the existence of objective moral facts, despite the problems inherent in grounding these facts in the natural world.

-the majority of people who explicitly deny the existence of objective morality still act as if objective morality exists.

-the majority of philosophers recognise the existence of moral facts. (Do Moral Values Exist, 2014, p. 7)

This general level of agreement surrounding objective moral values is further reinforced by the fact that many moral standards have been codified in law, and their review and compliance is relatively easily monitored. However, an extensive range of perceived moral standards that most people acknowledge are not codified in law and, therefore, have been interpreted differently by different people. In this way, morality can be seen as an informal pubic system applying to all rational persons, governing behaviour that affects others but which lacks specificity. Therefore the first lens of moral standards, concerning behaviour, can be regard as in place. This would indicate that there is an agreed standard of appropriate behaviour which mass surveillance is considered by many to be threatening if not breaching.

The underpinning of decent human conduct must be a consistent and easily understood code of morality. The basis for ethics must be morals, not the other way around. As a consequence, unless there is a strong and consistent basis, founded on something substantial, ethics will be subject to convenience.

> How selfish so ever man may be supposed, there are evidently some principles in his nature, which interest him in the fortunes of others, and render their happiness necessary to him though he derives nothing from it, but the pleasure of seeing it. (Smith, 2009 , p. 3)

An alternative perspective provided by Joel Marks argues that morality was a useful evolutionary adaption for early humans because it enabled them to live cooperatively in groups. For this reason, we can and do intuitively perceive moral standards.

We evolved to believe in morality because we have to live with others in order to survive, and moral rules regulate how we get along together. A shared sense of morals makes for group cohesion, and those who live in cohesive groups survive and reproduce better than those who don't (Marks, 2014, p. 42)

In this approach, the development of modern morality is a process closely tied to the sociocultural evolution of different peoples of humanity. Some evolutionary biologists believe that morality is a product of evolutionary forces acting at an individual level and also at the group level through group selection. They contend that the set of behaviours that constitute morality evolved because they provided possible survival and/or reproductive benefits. On this understanding, moralities are sets of self – perpetuating and ideologically driven behaviours that encourage human cooperation. Moral codes are ultimately founded on emotional instincts and institutions that were genetically selected for in the past because they aided survival and reproduction. Bekoff and Pierce have argued that morality is a suite of behavioural capacities likely shared by all animals living in complex social groups. They define morality as "a suit of interrelated other –regarding behaviours that cultivate and regulate complex interactions within social groups "This suite of behaviours includes empathy, reciprocity, altruism, cooperation, and a sense of fairness (Bekoff, 2009). The brain areas that are consistently involved when humans reason about moral issues have been investigated by large-scale quantitative meta-analysis of the brain activity. The neural network underlying moral decisions overlapped with the network pertaining to representing other intentions and the network pertaining to representing others emotional states. This supports the notion that moral reasoning is related to both seeing things from other people's perspectives and to grasping others feeling. Thus addressing lens three a moral identity or one who is capable of right or wrong action.

It is possible that these proposed emotional instincts are the source of the sense that mass surveillance is somehow wrong. The level of disquiet is a warning sign that this issue could undermine human co-operation. So regardless of the origin of objective moral standards, we can intuitively understand when something is contrary to the benefit of humanity.

The second lens of moral responsibility, referring to our conscience is addressed by Francisco Ayala. Evolution has given us the moral capacity either by universal intuition or adaptation, but the specifics of moral codes may vary, just as we all have the capacity for language, yet we do not all speak the same language. Therefore biological evolution is compatible with the existence of a moral conscience. Ayala referred to Charles Darwin's idea that any intelligent social animal will have morality (Is Biological Evolution Compatible with a Moral Conscience?, 2014, p. 2). Ayala proposed three elements for the existence of a capacity for moral conscience. First, we need to be able to predict the consequences of our actions—this is a capacity we have because of tool making. Second, we need to be able to make judgements about good and bad; we can do this because of our ability to categorise, which relates to language. Third, we need the ability to choose between courses of action – which again relates to our ability to envisage the future (Green B. , 2013, p. 2).

Each of these elements has a direct relationship with people's interpretation of mass surveillance. Their prediction of the consequences of mass surveillance on existing and future generations is a core consideration.

In complete contrast, for others, if a particular viewpoint is not codified in law there is a good reason. Namely that there is no widely held support for this particular view, and it is simply a guideline of social behaviour. Many critical philosophers of the nineteenth and twentieth centuries were less convinced that universal moral values could be upheld. For Marx, morality and ethics were part of bourgeois ideology: sets of ideas that ignored the exploitative economic arrangements of society and contributed to False Consciousness. As we will see later, some people are suggesting a similar rationale supports mass surveillance. It is focused on the security of the capitalist elite at the direct expense of everyone else. When Nietzsche looked at the origins of morality, like Marx, he saw moral systems as arising from the interests of social grouping. He thought that each needed to create their moral system, the point of morality being to enable each to sublimate and control their passions, to emphasise the creativity inherent in his or her being. Like Nietzsche, Sartre believed that individuals have no objective way of formulating morality. He believed that it is the person who needs to create their moral code as considered the

need to free higher human beings from their false consciousness about morality (Nietzsche's Moral and Politcial Philosophy, 2004 , p. 1) Sartre believed that individuals should act authentically, making choices based on the understanding that we are responsible for creating ourselves. A third possibility is the frequently repeated patterns of judgement can come to have the appearance of moral duties or even commandments from on high while patterns that recur with less frequency will enjoy commensurately less confidence. It is in the messy empirical word of human experience that we find morality." Moral philosophers observe what we do; they do not invent it" (Ridley, 2015, p. 27).

In general, many Anglo-American philosophers have wondered whether philosophy could say anything meaningful at all about what is right or good, as they put it moral statements have no "truth value". For these analytic philosophers, the role of philosophy is to analyse how we use moral concepts, rather than say what morality should be. Ayer suggested that moral statements simply express the moral sentiments or attitudes of the individual, and that philosophy has no way of evaluating which set of moral statements is best (Ayer, 1982, p. 18).

Looking back through history provides no clear answer. We can observe that moral attitudes change and what was once considered morally acceptable with society now appears barbaric.This often leads people to consider that humanity is achieving moral progress. However as Ridley points out moral progress is painfully slow and fitful, and often theory outruns practice (Ridley, 2015). Viewed a hundred years from now, or two hundred, or a thousand, we may be seen as cruel, as vicious –as barbaric –for reasons we are blissfully unaware of now. There's no way to rule out this possibility ahead of time. There is no reason to think our society, has achieved moral perfection, and we'd have no obvious way of knowing if it had. It is even possible that we are not making progress at all. Maybe Foucault was right: what we think of as truth, including moral truth, is nothing more than a product of the current power regimes of our society. It would be no wonder, then, that the past seems backward to us because we are judging it from standards that are designed to justify and perpetuate the system we have right now.

Other philosophers, such as Charles Taylor, rejected that view, and even Foucault seems to have backed away from it. Maybe we can make sense of moral progress regarding advancement towards a goal, albeit an imperfectly defined one: an external, non-historical view of the Good against which we can evaluate different eras, different societies. It is possible that we know however vaguely, what sort of things are good, at least well enough to enable us to judge different configurations of society in ethical terms.

In science, today's leading edge is tomorrow's routine and next week's old fashioned, and it seems highly likely that our current moral knowledge may look primitive to future generations. However, we do not stop using science just because it is not finished. Neither should we abandon current morality just because the application may alter in the future.

 Therefore, while there may not be agreement on the objective truth of morality, there does appear an underlying realisation that somehow morality is connected to the need for rules to help us get along in complex social situations. Morality helps us to make value judgements in governing how behaviours and actions affect others. In this way Elders view on morality is probably a reasonable position to hold for this paper. Elder defines morality as a set of concepts and principles that guide us in determining what behaviour helps or harms sentient creatures (Elder, 2006). As mass surveillance impacts on a broad range of people, across multiple nations, ethnic groups and religious beliefs and, therefore, impacts our ability to get along in complex social situations it should certainly be viewed as a moral issue.

State Objectives

If morality addresses the question of how ought we to live at the individual level, it has been argued that politics can be seen as answering how do we want to live as a society.

Kant argues that to act in the morally right way people must act from duty. Secondly, that it is not the consequences of the actions that make them right or wrong but the motives of the person who carries out the action. Such a view is important in assessing the morality of mass surveillance. It is important to understand why it is being undertaken. Which duty is it that people are seeking to address and what are the actual motives for conducting surveillance? While Kant was focusing on the individual, it is proposed that the questions be equally relevant to governments and the individuals who comprise them and work for them.

> It is an important requirement of each state to deliver on its obligations to its
> citizens. The law of majority –voting itself rests on an agreement, and implies
> that there has been on at least one occasion unanimity (Rousseau, 1968, p. 59)

 The heads of government of most Western democracies would declare their rational as being to; protect their people, economy and infrastructure, territory and way of life from all significant risks that can affect them directly.

According to Roth these aspirations form part of three basic criteria for a legitimate government. Firstly, the state must be recognised as legitimate by its people and by the international community. Second the state avoids violating the rights of other legitimate states. Finally, but of most relevance for this paper, legitimate states make every reasonable effort to satisfy the human rights of their citizens, notably those to life, liberty and subsistence. Achieving these criteria establish minimally just political communities. If a government fails any of these criteria, they have no right to govern (Roth, 2001)

 In the discipline of international relations, there are contending general theories of state behaviour and how it might deliver on its obligations. Realism or political realism is a view of international politics that stress its competitive and disruptive side. The negative side of the realist's emphasis on power and self-interest is often their scepticism regarding the relevance of ethical norms to relations between states. This is usually contrasted with idealism or liberalism, which tend to emphasize co-operation.

Classical realism is a state level theory that argues that all states seek power. This is the first and last principle of state behaviour. The classical realists do not reject the possibility of moral judgements in international politics. Rather, they are critical of moralism, an abstract moral discourse that does not take into account political realities. They assign a supreme value to successful political action based on prudence; the ability to judge the rightness of a given action from among possible alternatives by its likely political consequences.

International relations realists emphasise the constraints imposed on politics by the nature of human beings,

1) Human nature is the starting point for classical political realism. Realists view human beings as inherently egoistic and self-interested to the extent that self-interest overcomes moral principles. They propose that considerations of right or wrong have never turned people aside from the opportunities of aggrandizement offered by superior strength.

2) The lack of a common rule making and enforcing authority means that the international arena is essentially a self-help system. Each state is responsible for its survival and is free to define its interests and to pursue power.

3) In so far as realists envision the world of states as anarchic, they likewise view security as a central issue. States should try to increase their power and engage in power–balancing for deterring potential aggressors as a method of attaining security.

4) Realists are sceptical about the relevance of morality to international politics. This can lead to the claim that there is no place for morality in international relations, or that there is a tension between demands of morality and the requirements of successful political action.

Machiavellianism is a severe type of political realism that is applied to both domestic and international affairs. It is a doctrine that denies the relevance of morality in politics, and claims that all means (moral and immoral) are justified to achieve certain political ends. Machiavelli justified immoral actions in politics, but never refused to admit that they are evil (Machiavelli, 1984). He operated within the single

framework of traditional morality. It became a specific task of his 19th Century followers to develop the doctrine of a double ethics: one public one private. Hegel gave an ethical sanction to the state's promotion of its interest and advantage against any other state.

Perhaps the greatest problem with realism in international relations is that it has the tendency to slip into its extreme version, which accepts any policy that can benefit the state at the expense of other states, no matter how morally problematic the policy is. Thomas Hobbes contributed to some of the basic conceptions fundamental to the realist. In his work *Leviathan,* he notes that human beings are extremely individualistic rather than moral or social and are subject to "a perpetual and restless desire of power after power, that ceases only on death " (Hobbes, 2008, p. 66). Accordingly the quest and struggle for power lie at the core of the Hobbesian vision of relations among states. The same would later be true of the model of international relations developed by Hans Morgenthau. Similarly, Kenneth Waltz would follow Hobbes lead, regarding the fact that sovereign states are not subject to any higher common sovereign as the essential element of international relations.

The denial of the existence of universal moral principles in relations between states brings Hobbes close to the Machiavellians and the followers of the doctrine of raison d'état. His theory of international relations, which assumes that independent states, like independent individuals, are enemies by nature, asocial and selfish, and that there is no moral limitation on their behaviour, is a significant challenge to the idealist political vision based on human sociability and to the concept of international jurisprudence.

Carr regards morality as something that is constructed by the particular legal system that is enforced by a coercive power (Carr, 1964). Carr observes that politicians often use the language of justice to cloak the special interests of their countries, or to create negative images of other people to justify acts of aggression. The existence of such instances of morally discrediting a potential enemy or morally justifying one's position shows, he argues that the moral ideas be derived from actual policies. Policies are not as the idealists would have it, based on some universal norms,

independent of interests of the parties involved. Carr claims that those who refer to shared interests are in fact acting in their interests. They think that what is best for them is best for everyone, and identify their interests with the universal interest of the world at large (Carr, 1964, p. 72). President Bush believed that American morality is genuinely universal. His statements on Iraq left little doubt about how he viewed the appropriateness of spreading those values, even though coercion (Ferraro, 2003, p. 6). The U.S. wants to preserve its dominance and, therefore, crushes all challengers. The key variable in the international system is the power of a state within the system. Some states are powerful; others are weak. State level analysis examines the foreign policy behaviour of states in terms of state characteristics. The U.S. has always had an idealist streak in its foreign policy and sees bad guys out there in the international system. The U.S. is compelled by nature of the international system the nature of its political system and its belief that someday all states will be like the U.S. If this view is correct, then the U.S. leadership of Five Eyes will result in the delivery of very U.S. centric objectives.

According to the philosophy of political realism, moral behaviour is risky because it can undermine a state's ability to protect itself. Leaders may be moral, but they must not let moral concerns guide foreign policy. International organisations and law have no power or force; they exist only as long as states accept them. Machiavelli wrote that Moral goals are so dangerous that to act morally will bring about a disaster. Hence it is necessary for a Prince who wishes to maintain his position to learn how not to be good, and to use this knowledge or not use it accordingly (Machiavelli, 1984, p. 57).

 The international system, according to this school of thought, is a moral and value-free environment. Stemming from their pessimistic view of human nature, the only way to achieve security in the international system, according to political realism, is by creating a Balance of Power among the most powerful states of the system. It suggests that without a world government, the system is subject to a state of anarchy. For Hobbes, the situation is not quite so bleak, there are what he calls "general rules of reason" that apply to everyone in the international system, and this creates some form of moral standard to adhere to. As far as the individual is

concerned, realism holds a very pessimistic view of human nature, regarding people as power hungry and capable of evil. Thucydides mostly shared this negative view of human nature as he saw "fear, the desire for glory, and the pursuit of self-interest" as being core human characteristics. Again Hobbes disagrees, arguing that men have a strong and constant desire for peace and thus, they will always use their power to "obtain some future apparent good ". He also claims that peace and security in an international system without an overarching authority can only be achieved through cooperation between states and between individuals. However according to political realism, this is destined to fail and therefore, war is inevitable in an international system where anarchy is the rule. As power–hungry individuals lead their states in pursuit of the national interest, fulfilment of the latter can sometimes only be achieved through the conflict or use of force. Hobbes seems to regard war as justified when there is no other way to achieve one's ultimate goal:

> Every man ought to endeavour peace, as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps and advantages war. (Hobbes, 2008, p. 89)

Surveying the tradition of international political theory, Martin Wight, commented that it is marked "not only by paucity but also by intellectual and moral poverty " (Wight, 1966).

 In affairs of state, there was no natural law no code other than expediency and power, and no universal standard of right. It is a separation of private from public morality that political realists justified their actions. Therefore, the primary interest of the state was to accumulate power and any action that secured that objective was morally justifiable. More importantly, any statesperson who refused, on grounds of personal morality, to take actions necessary to defend the state was morally derelict. If however, the citizens of a state demanded that those interests be articulated in moral terms, the realists would be obliged to accept the charade. As the French foreign minister Walewski told Bismarck in1857;' it is the business of a diplomat to cloak the interests of his country in the language of universal justice (Carr, 1964, p. 72). The world of the political realist, therefore, is one of constant conflict. All states

engage in a process of testing the balance of power, and this process ultimately determines the most powerful states. The internal morality of the "winners' then becomes the standard for the entire system. From this perspective, morality is an outcome of a political struggle. It is not a legitimate basis for the fight. Nonetheless, the interests of a state cannot be defined without explicit reference to the ideal state, and if that objective seems secure, to other ideals espoused by the state. Therefore mass surveillance capability in the hands of political realists is an important tool to maintain and advance their power.

Fortunately, in the 1970's some scholars began arguing that realism was outdated and proposed liberalism. Increasing globalisation, the rapid rise in communications technology, and the increase in international trade meant that states could no longer rely on simple power politics to decide matters. The liberal approaches to international relations are referred to as Theories of Complex Interdependence. They are focused on the need for the balance of power system to be replaced with a system of collective security. One version of post-liberal theory argues that within the modern, globalised world, states, in fact, are driven to cooperate to ensure security and sovereign interests. It could be viewed that Five Eyes is confirmation of this theory being put into practice.

Liberalism adds values into the equation and is often called Idealism. This particular school of liberalism stresses the need for States to pursue moral goals and to act ethically in the international arena. Idealists believe that behaviour considered immoral on an interpersonal level is also immoral in foreign policy. Their primary spokesman, Immanuel Kant, was clinically rational in his defence of idealism. Properly understood, idealism in these terms is not wishful thinking, nor does it posit a utopian future: it is an assessment of how rational people would interpret their "interests" if they were allowed both to understand and act upon these interests freely.

There are issues upon which realists and idealists would agree; self-defence against an armed attack would likely be supported by both perspectives, even if the act of self-defense were to change the character of the attacking country somehow.

Beyond this, however, the consensus erodes. Therefore, if mass surveillance were considered primarily as a security measure focused on self-defence both schools of thought would support its development. Realists ask only the question "will surveillance enhance the interests of my state?" If the answer is yes, then the realist is prepared to pay less attention to the ideals or interests of others, even if the surveillance will violate personal prohibitions. If the answer is no, then the realist is not prepared to undertake surveillance, even if non-action leads to demonstratively immoral acts committed by others. Idealists ask a slightly different question; "will surveillance enhance the interests of not only the members of my society but which are also common to all humanity?" If the answer is yes, then the idealist will support surveillance as long as it does not violate these shared interests and ideals. If the answer is no, then the idealist will not support surveillance, even if it overwhelmingly favours the selfish interests of the state. Thus, the difference between realists and idealists is not a question of whether interests or ideals should motivate state behaviour, but rather over whose interests and ideals should be defended. The frame of reference, whether the ideals are exclusive or inclusive, is the crucial difference between realists and idealists. Realists consider that ideals are hashed out through a process of struggle and that at some point in the future, a common morality will merely reflect the morality of the "winning "power. Equally, realists question that if there is a universal morality, how could it be recognised. Because agreement on moral standards can never be reached, realists would prefer that moral claims never enter into discussion on policy because historically wars over morality have been more open-ended and devastating than the more restricted wars over specific interests.

In short, most people do not believe that morality is simply the outcome of a struggle, but rather something deeper and more transcendent. The idealists, however, have not been able to identify what that universal framework might be. All attempted empires were and are founded on the pretence that the morality of the dominant state is transferable to and reproducible in others. The key to understanding idealism is accepting that its distinctiveness rests not on its moral content, but rather on the claim of universality. The realist's framework is exclusive and idiosyncratic. They can

both agree on moral content but disagree on its applicability. There is no sharp separation between realism and idealism. Cohen noted that "in this day and age, I cannot conceive of policies that do not contain some elements of both".

> To an alarming degree, the history of international relations is a history of selfishness and brutality. It is a story in which spying, deceit, bribery, disloyalty, ingratitude, betrayal, exploitation, plunder, repression, subjection, and genocide are all too conspicuous. For some people, the moral quality of international relations from the Athenians at Melos to the Soviets in Poland is so deplorable that they question whether moral standards, in fact, apply to the international realm. (Cohen, 2003, p. 1)

Benedetto Croce proclaimed that in the realm of international politics lies are not lies or murders murderers. Moral categories and judgements are simply out of place in the realm of international affairs (Croce, 1945, p. 3). An extreme form of moral scepticism questions, is the world stage a space reserved only for the struggle for power with morality nothing more than the interest of the strongest disguised by soothing and fulsome rhetoric?

Therefore, from a realist perspective, the mass surveillance conducted by members of the Five Eyes and other governments agencies would be seen as not only permissible but essential for any government to fulfil its designated role. Five Eyes through their dominance will set the moral standard of what is correct. For the idealist, the answer to the appropriateness of mass surveillance is not so clear. Will mass surveillance enhance the interests of not only their state but of all humanity, is far harder to answer. As we will see shortly, some benefits and problems are clear in the short-term, but the longer-term benefits and consequences are potentially highly influenced by what humanity decides to do with this new found power.

The developments of constructivism or social constructivism have been described as a challenge to the dominance of neo-liberal and neo-realist international relations theories provides a more positive outlook. Constructivism argues that international reality is socially constructed by cognitive structures that give meaning to the material world. The theory criticises the static assumptions of traditional international

relations theory and emphasises that international relations be a social construction. Whereas realism deals mainly with security and material power, and liberalism looks primarily at economic interdependence and domestic level factors, constructivism most concerns itself with the role of ideas in shaping the international system. By "ideas "constructivists refer to the goals, threats, fears, identities, and their elements of perceived reality that influence states and non-state actors within the international system. Constructivists believe that social norms shape and change foreign policy over time, rather than the focus on security which realists cite. Moral considerations can and do play a significant role in shaping state behaviour and that despair about the possibility of improving the systems and institutions within which we live is unwarranted.

Global citizenship is fundamentally concerned with individual moral requirements in the world frame, and the cosmopolitan moral orientation should be viewed as a primary component. Therefore, there is no universal view. People who consider themselves political realists will see mass surveillance as their obligation to their country. The voice of moderation will come from the political idealists and political constructivism .Currently, the political realists are in the majority and setting the future agenda. Given the apathy, tacit support and direct support by the citizens of most states mass surveillance is likely to continue to develop and expand.

Delivery of State objectives

The UK's GCHQ was founded in 1919 with the remit to spy in the interests of national security, preventing serious crime, or defending the UK's economic interests. It is arguably on a similar basis that the members of the Five Eyes have directed their surveillance activities on three core activities, safeguarding their citizens from crime, achieve competitive economic advantage and countering terrorism.

Crime

An enormous portion of social and economic life takes place on the internet, which is both less well ordered than we think, and more actively contested than we realise. Nearly two billion people have "migrated "onto the internet as their preferred means of interacting with the world around them. This has driven the rise of mobile payment systems to the extent that they now provide the biggest single challenge to the banking industry in five hundred years. Where the money goes, crime will follow.

The INTERPOL Environment Scan 2013 noted that technological developments have improved the mobility of many individuals, both in the physical and virtual world. One key issue is rising electronic crime. These crimes are often nothing more than fraud, larceny, and embezzlement carried out by more sophisticated means and impacting a much greater number of people at once. In short, they are old-fashioned crimes using high technology.

A basic policing assumption was that crime in cyberspace and crime on the streets are two separate, independent matters to be dealt with by different skills and police profiles. However, current trends in innovation are undermining that assumption, by making connectivity a constant element in real daily life and making cyber anonymity a major facilitator of physical crime. The virtual is now believed to be conducted in conjunction with the physical.

Research shows that people in our society are increasingly willing to share their data online, but mistrustful of the organisations, public and private, with which they share their information. The paradox of privacy and security and trust remains unresolved at the level of the individual as well as the level of the community. The key point about crime, espionage and conflict on the internet is that, compared to previous methods, it is easy, cheap and much less risky. A black economy has grown up providing people with the hacking tools they might want to intrude into systems and steal data, and it is clear that technical barriers to cyber-crime and espionage are falling rapidly. Sophisticated malware is now increasingly easy to obtain, at reliably low prices, with a good deal of technical support. What used to be

the preserve of the state is increasingly within the reach of criminal groups and even individuals with enough determination to go and seek it out.

 The internet known to most of us has been considerably outgrown by the dark net that is now five times bigger than the regular model. In the dark net, there is nothing that cannot be acquired. This is a digital world where the black side of humanity has found a flourishing home.

If both the public and criminals have "migrated to the internet" then the state, under its protection obligation must follow and join the migration. To leave criminals access to an unprotected portion of society would undermine liberty, freedom and equality. To put this in perspective cybercrime costs the UK economy over a billion pounds a week, with seven people being defrauded each minute. Add to this the physical harm crimes of human trafficking, enforced prostitution, gratuitous violence, drugs, arms dealing and terrorism the web is facilitating crime at an alarming rate. Electronic crime currently represents fifty percent of crime in the UK

Therefore the question of should the state access available electronic data to protect its citizens can only produce a positive answer. The key question then becomes how the state can access the data to protect its citizens and itself while minimising the perceived intrusion in citizen's lives and loss of privacy. Currently, individuals are willing to make a trade-off. They are prepared to favour the ease and convenience of the internet knowing this is not private and not secure. However, they potentially don't truly understand the consequences of not private and not secure.

Economic

In the post-cold war period, globalised world economic competition has become an important national security priority. Economic intelligence is defined as economic and fiscal information about the decisions and activities of foreign governments. Closely aligned, but more legally defined is international industrial espionage; the acquisition of the secrets of foreign businesses established for the benefit of the state. Policy makers consider economic intelligence to be critical for their formulation of policies

towards foreign governments. Unfortunately economic intelligence often degenerates into espionage against private industrial companies.

Some of the largest and most successful companies on earth now make their money through the management and monetisation of data, creating the rapid emergence of what is being called the data economy. Both of these issues have huge implications for the way we think about the role of the state and the nature of privacy and security of electronic data.

In the early electronic era of the 1990's, during a five-day Asia- Pacific Economic Co-operation, conference in which the leaders of fifteen nations gathered to discuss the future trade and security issues involving the U.S. and their Pacific partners, electronic listening devices were placed in over three hundred locations. Beyond the politicising of the alleged operation, the very nature of such an intelligence undertaking on American soil came as no great surprise to many and generated very little attention. " successful snooping on a grand scale is familiar stuff in the Washington area " (Maier, 1997, p. 2).

Twenty years on it has been claimed that Washington has exploited the 'War on Terror" as the pretext for increasing its spying operations on rivals and allies alike. A former Intelligence Officer explained that the main focus of surveillance at the embassy in Jakarta was political, diplomatic and economic intelligence. Similarly, Brazilian President Dilma Rousseff dismissed the U.S. argument that espionage activities were for counter-terrorism. Instead, she argued "Corporate information – often of high economic and even strategic value was at the centre of the espionage activities " (Shah, 2013, p. 7).

The breakup of the Soviet Union has not only resulted in substantial cuts in the U.S. defence spending but has also caused the CIA's overall mission and budget to be carefully scrutinized. Many people are asking whether the CIA resources should now be focused in ways that more directly enhance American economic competitiveness. Some members of Congress and business leaders have targeted the CIA to spy on behalf of American corporations, much as the governments of France and Japan are doing for their national companies. Unless U.S. firms can "fight fire with fire ", the

argument goes, they will be at a decided disadvantage in the global market (Fort, 1993).

There seems to be little negative public interest in this espionage activity. Most citizens seem comfortable to have their economy protected, for them to maintain – jobs, wages and way of life. In theory for some, economic espionage is a victimless crime. In reality, it damages entire communities by ensuring the political balance of power and existing ideologies are maintained.

Terrorism

When democracies fight terrorism, they are defending the proposition that their political life should be free of violence. But defeating terror requires violence. It may also require coercion, deception, secrecy, and violation of rights. How can democracies resort to these means without destroying the lesser evil, values for which they stand (Ignatieff, 2005, p. i).

 Fortunately it is important to realise that when compared to other types of serious crime, terrorism, thankfully, remains a relatively rare occurrence, but the cost is high when attacks succeed. Terrorism, therefore, continues to demand a determined response. The history of terrorism in the UK reveals with alarming regularity that terrorist plotters achieve their intended objectives, defeating all of the state's security measures put in place at the time. The police and intelligence agencies will do all they can to prevent further terrorist atrocities, but there is a high probability that they will not stop them all. The recent terrorist attacks in Paris illustrate the point. In light of that conclusion, all in authority must dedicate themselves to increasing counter-terrorism capabilities and developing new approaches to improve public protection. To ignore or dismiss the positive benefits of big data as a tool for increasing protection would be both misplaced and unwise." Harnessing the full power of big data analytics would be a game changer for counter –terrorism policy makers,

professionals and practioners, but it should not be progressed without the consent of the public whose support is essential to tackle the current threat from Islamic state" (Staniforth, 2014).It is not a crime to kill the enemy during wartime. Equally, it should not be regarded as a crime or a morally reprehensible act when a nation seeks out and destroys terrorists outside its borders who have committed or are planning to commit atrocities on its territory or against its citizens (Livingstone, 1982, pp. 174-175). This can only be achieved through extensive espionage to determine the source and location of the threat.

In the recent publication *Terrorism in cyberspace: the next generation* Gabriel Weimann analyses the content of 9,800 terrorist websites surveying their content regarding kind and intensity, the groups and prominent individuals involved, and the effects. While Weimann discusses the efforts to monitor, manipulate and disrupt terrorists' online efforts against financial, governmental, and engineering infrastructure he warns against the threat to civil liberties posed by ill-directed efforts to terrorist activities as generating some worrisome trends (Weimann, 2015).

Military intelligence

There are quite significant volumes of intelligence collected about potential terrorists but by far the top priorities continue to be military intelligence to assist the allies to pursue their political interests around the world.

The U.S. Secretary of State, John Kerry, claims America has obtained intercepted phone calls that prove Moscow is deliberately trying to destabilise Eastern Ukraine. Kerry said:

> it's not an accident that you have some of the same people identified who were in Crimea and in Georgia and who are now in East Ukraine…. our intelligence community tells me that Russia's intelligence and military intelligence services and special operators are playing an active role in destabilising Eastern Ukraine with personnel, weapons, money, operational planning and coordination. (Weaver, 2014, p. 2)

Likewise, the Ukrainians have intercepted and publicised command and control conversations from known Russian agents with their separatist clients in Ukraine (Weaver, 2014, p. 1). Clausewitz famously suggested that war is "the continuation of policy by other means" This concept is both powerful and plausible: war is about governance, using violence instead of peaceful measure to resolve policy matters. This is the crux of Kerry's issue.

However, per John Locke, governments are instituted by society to realise the fundamental rights of people. If governments do so they are legitimate, if not they have neither right nor reason to exist. This is vital from the moral point of view; only legitimate governments have rights that include the option of going to war. To support such a powerful position, a Theory of Just Cause has been developed to legitimise this perceived right. The key to discerning morality in such cases revolves around the idea of legitimacy. An important issue in a 'just cause' is whether, to be justified in going to war, one must wait for the aggression actually to happen, or whether in some instances it is permissible to launch a pre-emptive strike against anticipated aggression. To determine the threat of potential aggression, the states must gather the military intelligence on which to base their decision. States must strive to define the exceptional criteria stressing the seriousness of the anticipated aggression. Then report the kind and quality of evidence required and the speed with which one must decide are the critical components to address the issues of fairness and the duty to protect one's people.

Just War Theory is only one of three traditions of thought which dominate the ethics of war. The others are realism and pacifism. The core and controversial propositions of Just War Theory are that sometimes states can have a moral justification for resorting to armed conflict. This suggests that to fulfil the moral obligation they have a right to gather the relevant information. War is sometimes, but of course not always, morally right. Realism, by contrast, sports a profound scepticism about the application of the moral concepts, such as justice, to the key problems of foreign policy. Power and national security, realist's claim, motivated States during wartime and thus moral appeals are strictly wishful thinking. Ethics has got nothing to do with the rough and tumble world of global politics, where only the strong and cunning

survive. A country should tend to its vital interests in security, influence over others and economic growth –and not to moral ideals. In which case intelligence gathering must also be without moral consideration.

Pacifism does not share the moral scepticism of realism. For the pacifist, moral concepts can indeed be applied beneficially to international affairs. It does make sense to ask whether a war is just: that is an important and meaningful issue. However, the result of such normative application, in the case of war, is always that war should not be undertaken. Where Just War Theory is sometimes permissive about war, pacifism is always prohibitive. For the pacifist, war is always wrong: there's always some better resolution to the problem than fighting. Hopefully, this would permit the gathering of data that could be used to avert war.

From this perspective of positive benefits, governments are not only encouraged but obligated to conduct mass surveillance. It is, therefore, possible that legitimate governments have a just cause in undertaking mass surveillance. While an obvious strategic issue for the realist it could be potentially supported by the pacifists if it represents a better resolution to a problem than war. So it would seem that this historical trend of espionage continues and is advancing in line with the opportunities presented by the new digital era. Mass surveillance is simply the next logical progression in the evolution of espionage. The governments' obligation to provide security leads directly to the requirements to achieve the optimal outcome for economic growth and reductions in crime and terrorism. It is, therefore, possible that mass surveillance is being undertaken with the best of intentions to protect society.

Some people take the view that it is weak reasoning to decide the rightness or wrongness of an act by looking at the intention of the person who carries it out. They think that some acts are objectively right or wrong and that the intention of the person, who does them is irrelevant. Machiavelli while proposing espionage never sought to argue that it was morally correct (Machiavelli, 1984). However as Hoy notes, the requirement for security imposes an enforceable obligation on Governments

The ethical resistance of the powerless others to our capacity to exert power over them is therefore what imposes unenforceable obligations on us. The obligations are unenforceable precisely because of the others lack of power. That actions are at once obligatory and at the same time unenforceable is what put them in the category of the ethical. Obligations that were enforced would, by virtue of the force behind them, not be freely undertaken and would not be in the realm of the ethical. (Hoy, 2005, p. 184)

Principle of Double Effect

If the occurrence of mass surveillance is simply a series of positive moves by the government, there would be no need for anyone to have a sense of moral unease. Unfortunately, there are also some less favourable consequences to surveillance of entire societies. The Doctrine of Double Effect suggests that when an action has two consequences (a double effect), the ethicality of that action depends on which of the effects was intended. This doctrine says that if doing something morally right has a morally bad side-effect, it is ethically appropriate to do it providing the bad side effect was not intended. This is true even if it was foreseen that the bad side effect would probably happen. This might seem counter-intuitive, but the principle is used in serious arguments about issues in ethics. There is an intrinsic moral distinction between intended and foreseen harms. The Doctrine of Double Effect shows that for which the moral agent is responsible, by explicating the relationship between the act directly intended and the consequences of that act (Bole, 1991, pp. 467-473). Double effect originates in Thomas Aquinas's *Summa Theologiae* (Aquinas, 1988, pp. 226-7) The Doctrine has received significant attention in the 20th Century ,Gury and Mangan (Mangan, 1949), Foot (Foot, 1967), Bennett (Bennett, 1981)and Mc Intyre (McIntyre, 2001) . An agreed criteria states that an action having foreseen

harmful effects practically inseparable from the good effect is justifiable if the following are true: firstly -the nature of the act is itself good, or at least morally neutral. The agent intends the good effect and not the bad effect either as a means to the good or as an end itself (this means –end condition is an application of the more general principle that good ends do not justify evil means). Secondly that the good effect outweighs the bad effect in circumstance sufficiently grave to justify causing the bad effect and that the agent exercises appropriate diligence to minimize the harm. Thirdly the right intention condition that states that the intention must only be the achieving of only the good effect, with the bad effect only being an unintended side effect.

 In their use of the distinction between intent and foresight without intent, advocates of double effect make three arguments. Firstly that intent differs from foresight. Second that one can apply the distinction to specific series of cases found in military ethics. Third, that the distinction has moral relevance, importance, or significance. Because advocates of double effect propose that consequentially similar acts can be morally different, double effect is most often criticised by consequentialists who consider the consequences of actions entirely determinative of the action's morality. We are responsible for all the anticipated consequences of our actions –if we can foresee the two effects of our action then it is up to us to take the moral responsibility for both effects –we cannot get out of trouble by deciding to intend only the effect that suits us. However, most legal systems regard the intention of a person as a vital element in deciding whether they have committed a crime, and how serious a crime, especially in cases of causing death. Consequentialists reject the notion that two acts can differ in their moral permissibility, if both have the same consequences, or expected consequences. Mill, argues that it is a mistake to confuse the standards for right action with a consideration of our motives to perform a right action. Mill argues our moral analysis should ignore matters of intention, and so we should reject the Doctrine of Double Effect.

Therefore, as the intended action of surveillance is certainly positive, it is now important to consider the foreseen harm that arises in the following areas: trust, the third place, misinformation, data security, profiling and privacy.

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Trust

In Western societies Police and law enforcement agencies, in general, are only effective when they have the trust and confidence of the societies they work for. Therefore, the observation by Mason that tension between the need for surveillance and the public's desire for privacy is eroding trust in law enforcement agencies as they try to keep up with criminals is a serious matter (Mason G. , 2104). Tyler argues that when Police (or other figures of authority)treat other people fairly and with respect, they gain trust and their authority is legitimate, with the result that people are increasingly likely to comply readily with police demands and conform to rules and laws willingly, even in the absence of an authority figure (Tyler, 2009, p. 213). Not only is it right to treat people fairly and respectfully but it is also prudent to do so since it facilitates policing. At the heart of the issue is the question of perception and interpretation:

> Motive –based trust envisages that when treated fairly and respectfully people infer that the authority figure is acting on the basis of trustworthy motives, for instance, acting for the general good and not for personal gain. Once this inference is made, it enhances the authority with which the figure acts, for even when mistakes are made in future encounters, attribution of trustworthy motives blunts any negative conclusions that may be drawn. This implicitly transfers the conceptualisation of the police –public encounter from an isolated exchange bounded in time and space to take into account a series of encounters occurring over time. (Tyler, 2009, pp. 307-326)

 The discovery of increased surveillance, especially when the party being monitored is innocent, may lead to decreased personal levels of trust. Trust is often reciprocal: why should I trust you, if you do not trust me? The discovery of surveillance could well threaten relationships, between society, police and governments. Consent is a major consideration in any justification of surveillance. While consent can justify surveillance, the lack of consent does not automatically invalidate it. Law enforcement does not seek the consent of criminals it wishes to monitor to

accumulate evidence against them, nor does the state need to gain the consent of those who are genuine threats to its security. As such, we must look to justifiable causes for non-consensual surveillance. One justification often given for large-scale surveillance is the consequentialist appeal to the greater good. In contrast, deontologists are likely to resist this justification as it implies that the rights of the few may be overridden by the interests of the many. In practice, justifications for surveillance often include both consequentialist and deontological considerations. State surveillance of genuine enemies of the state is one of the less controversial elements of surveillance. In each case, the ethical authority to carry out surveillance is intimately linked to the justifying cause of that surveillance. This would appear to be a point being overlooked by Government. At no point have they explained their actions and gained the trust and confidence of society. The weak response of "if you have nothing to hide you have nothing fear" is a phrase that applies both ways. Governments have clearly attempted to hide their activities, so the question then becomes what is it that Governments fear? With the question reversed and no answers forthcoming from Government –trust can only erode.

 Mill observed that society can exert a significant tyranny over the individual via issuing its mandate. This leaves fewer means of escape, penetrating much more deeply into the details of life (Murray, 2014). Mill defended freedom of expression on all matters realising that unquestioning obedience and blind faith will produce the detrimental effects of a narrow-minded society. Even if we think society has a sound position, it is important that partial truths or mistaken views can be expressed. This permits the stress testing of norms by withstanding the expression of false viewpoints and offers the potential to fill gaps in society's knowledge.

Therefore, Governments have a great balancing act to deliver. If they are to succeed in delivering in the security obligation, they need the trust and support of their citizens to remain a legitimate power. To achieve that security they are now drawn to the benefits offered by mass surveillance and yet this potentially leads government to exert a significant tyranny and basic mistrust. Governments and the societies need to find the optimal delivery point between the competing forces. It is equally important to both society and their representative Government that as John Stuart

Mill noted "there is no such thing as absolute certainty, but there is assurance sufficient for purposes of human life" (Mill, 1909).

The Third Place

Certainly one may say, "Freedom to speak or write can be taken from us by a superior power, but never the freedom to think!" However, how much, and how correctly, would we think if we did not think, as it were, in common with others, with whom we mutually communicate (Kant, 1948). What we need to understand, then, is that our thoughts are not the product of purely solitary activity on our parts. True, thinking is something we do in our minds, but our thoughts are products of our socialisation and the information we receive from others. Thus, the breadth and depth of our thoughts are closely connected to the breadth and depth of ideas, opinions, and concepts we are exposed to socially. The more free public expression of ideas is, the more freedom we will have in our thinking; the more regulated public expression is, the more narrow our thinking will end up. (Cline, 2014, p. 2) The Internet has been a great contributor to the freedom of interaction that in itself attracts the interest of mass surveillance.

Digital networks have become social places, where people discuss issues, and find others who share unusual interests, argue, form groups, and freely express themselves. Ray Oldenburg has referred to the networks as a new sort of "Third Place where people gather for conviviality, apart from home and work" (first and second Places) (Lynch M. , 2014). The lack of face–to–face contact has a levelling effect for those who participate. Race, class, gender and physical appearance are hidden, allowing interaction that is relatively free from all the subtle biases that usually accompany more direct human relations. In contrast, this virtual anonymity allows interaction without any commitment; the sense of shared responsibility that people must have in a real community does not necessarily exist on the internet.

Habermas perceives the human species unique communicative competence as general rationalisation, humanisation, and democratisation of society. He argued the coming of the capitalist stage of development marked the appearance of 'The Public Sphere' (Habermas, 1989). This sphere was an area in which individuals exchanged views and knowledge outside of the control by the state. Habermas argued that the essential characteristic of the public sphere was its critical nature (Habermas, 1989, p. 14). In his opinion, the activist public sphere was needed for debates on matters of public importance and as well as the mechanism for that discussion to affect the decision-making process.

Habermas moves Kant's categorical imperative beyond its original reflection by demanding that we emphatically take into consideration the viewpoints of all who would be affected by the adoption of a particular moral action or normative claim. Equally, Rawls Veil of Ignorance demands that we participate in a discourse where all are fully aware of the other's perspectives.

However cultures and individuals may vary from one another regarding religious convictions, traditions, and sentiments, reason stands as a universally shared capacity of humanity. Reason is characterised first of all by an autonomy or freedom. It is a freedom that Locke and Kant believe is capable of giving itself its universal laws and norms in the moral and political domains. However true freedom requires that others respect these choices by not attempting to override them and make use for their purposes.

This norm of respect then issues in the political demand for democracy: only democracies, as resting on the consent of the governed, thereby respect and preserve the fundamental humanity of its citizens. A related condition is an equality that was taken to mean that all participants have an equal voice in the discussion regarding proposed norms and procedures. In particular, a consensus emerges here as a requirement ---non-coercive agreement of all who are affected by a proposed norm or procedure. Thus, the need for the freedom to speak or write is essential to support democracy.

Finally, Habermas acknowledges that these procedural rules enabling communication must be complemented by a sense of solidarity among participants. Such solidarity involves concern for the wellbeing of both one's fellow human beings and of the community as a whole.

As Habermas put it

> Under the pragmatic presuppositions of an inclusive and non-coercive rational discourse among free and equal participants, everyone is required to take perspective of everyone else, and thus project herself into the understandings of self and world of all others; from this interlocking of perspectives there emerges an ideally extended we –perspective from which all can test in common whether they wish to make a controversial norm basis of their shared practice; and this should include mutual criticism of the appropriateness of the languages in terms of which situations and needs are interpreted. In the course of successfully taken abstractions, the core of generalizable interests can then emerge step by step (Habermas, 1989, p. 267)

The Governments effective monitoring of all these interchanges in the Public Sphere /Third Place removes the sense of freedom of speech and liberty for many. It also potentially weakens the solidarity of communities as a whole.

The fact that we are under surveillance as we walk the streets visit public places and use public transport strengthens the argument that there is no longer a place where we have our Privacy. It is far more difficult find places to relax and be free in our conversation and our behaviour without having to worry about other people engaging in acts of surveillance.

Information

When perceived information is, in fact, false data, it has a way of damaging people's lives. This is especially the case when the party with the inaccurate information has

an advantage in power and authority. There is an escalating threat inherent in merging data files to create "big data ". Invariably some of the data may be in error. For example, more than 60,000 state and local agencies in the U.S. provide information to the National Crime Information Centre. This is accessed by law officers nearly 40,000 times a day. Studies show that over 4 % of stolen vehicle entries, 6% of the warrant entries and perhaps as much as one-half of the local law enforcement criminal history records are in error. At risk, is the safety of the law enforcement officers who access it, the effectiveness of the police in controlling crime, and the freedom of the citizens whose names appear in the files. This leads to a concern for the accuracy of information and the interventions that are generated to respond to the issues found. Also, much of the information collected is only accessible by people with a certain level of education and wealth. This creates a large group of information poor people who have no direct access to the more efficient digital technology and who have little training in its use. They cannot even access some of the routine data to review its accuracy. In effect they become information "drop outs' and it is predicted that in the long run will become the source of many social problems. Our moral imperative is clear. We must ensure that information technology, and the information it handles, are used to enhance the dignity of humanity. To achieve these goals, we must formulate a new social contract, one that ensures everyone the right to fulfil his or her human potential. In the new social contract, information systems should not unduly invade a person's privacy (Mason R. , 1986).

Data security

Another concern arises from the centralisation and storage of information. Government agencies, banks, and businesses use computers to collect information on individuals and groups as part of their everyday business. It is estimated that the U.S. Federal Government has on average fifteen files on each American. Nothing is inherently wrong with collecting information when it can be kept confidential and is not used for immoral actions. Unfortunately, this is often difficult to guarantee.

Therefore, as thousands of government workers have access to this accumulation of data, it is reasonable that citizens question just how secure their information is. The NSA and GCHQ had no idea that Snowden had copied and removed more than fifty files and apparently did not know what is in them even when they were aware that their security had been compromised. So if the agencies involved didn't know that Snowden had copied it, how could they possibly be sure that someone else hasn't also taken a copy and provided it to the enemies of the Five Eyes?

Many might argue that drawing such a conclusion based on one incident with Edward Snowden demonstrates the potential but is not a probability. If it was only one incident that might be correct, however in January 2015 Germany reported a major intelligence leak involving the loss of a file containing the names of thousands of intelligence staff working for the German Federal Intelligence Service. The file included the actual identity of agents posted overseas. The data may have been provided to some buyers including Russia. However, unlike Snowden, the motivation seems to have been financial rather than ideological.

Thus, in a similar way to the weakening of the worlds' electronic infrastructure governments are placing individuals at risk through ineffective data security measures. They are producing a virtual electronic dossier on individuals that can be accessed, and adjusted without detection.

If governments cannot maintain the data they recover and keep ever expanding databases accurate, this will seriously undermine effectiveness and trust and confidence. This potentially raises a big ethical question for governments about can they do things that, as long as they control them, have perfectly good ethical justification to believe will be fine, but where they really cannot be sure they will retain control of them, does the ethical justification deteriorate.

Profiling

One powerful new capability the computer gives us is the ability to compile large amounts of data from disparate sources to create a detailed composite picture of a person or to identify people who meet some criterion or stand out in some way. This has numerous uses and abuses. Out of this mass of seemingly innocent details an enterprising analyst can assemble a revealing portrait of a person and his or her activities. Large data brokers draw on many sources of data to build massive databases with detailed records of hundreds of millions of consumers. They then sell the information, quite legally, to a broad range of marketers. This has prompted one critic to claim "Google knows more about you than your Mother" and that the company "is expecting consumers to trust it with the closest thing to a printout of their brain that has ever existed" (Mitchell, 2009). Polls have shown that while consumers continue to expand their use of these services and, therefore, entrust more and more personal data to them, they are growing uneasy with that information being used to build profiles of them, even if just to provide more personally relevant ads and services. In some countries, including France, Germany, and Norway, data on the early childhoods of children who later show problematic behaviour has been studied to identify characteristics of the high-risk child. Children who show these characteristics were then subject to social and medical interventions. These programs force conformity on the entire population. Everyone is subject to examinations: there is no place to hide for someone who chooses to be different. Apart from the obvious potential for error and prejudice, this use of profiling is unacceptable because it dehumanises those being judged, as well as those making the judgements. It substitutes calculation for human judgement on what should be very sensitive human issues, and thus treats those profiled as objects, as collections of facts rather than as persons (Solove, 2004).For those more prone to the extreme the UK Science and Technology Committee have accused the government of a continuing lack of transparency over the scientific advice it had been given on biometrics. The committee criticised what it considered to be an inexcusable failure to publish a strategy dealing with the emerging technology, including concerns over the potential for its misuse as well as security issues. It warned of a worrying lack of clarity about how the government intended to use biometrics for identification purposes and what consideration it had given the ethics and legal implications.

George Orwell perhaps encapsulated this best when he wrote

> Thoughts and actions which, when detected, mean certain death are not formally forbidden, and the endless purges, arrests, and tortures, imprisonments and vaporizations are not inflicted as punishment for crimes which have actually been committed, but are merely the wiping-out of persons who might perhaps commit a crime at some time in the future (Orwell, 2008, p. 220)

Society needs diversity, freedom, dissent, creativity, even a certain amount of mischief. It hurts society as well as individuals when control is too rigid and all-encompassing. Rather ironically the internet itself can play a role in this area. When it comes to mischief, the emergence of public shaming is becoming an important part of our digital lives, as two new books reveal. *So You've Been Publicly Shamed* by Jon Ronson and *Is Shame Necessary? New Uses for an Old Tool* by Jennifer Jacquet. In their account of how we use the internet unofficially to police one another, shame is not so much a feeling as a crime scene. Everyone is a suspect; everyone is a victim. Jennifer Jacquet, a social scientist, based at New York University, partly illuminates this by citing a neurological basis for the compulsion to shame "studies show that humans find satisfaction in the punishment of norm violators " (Jacquet, 2015). As Jacquet distinguishes, while we can incubate guilt on our own, shame depends on our awareness of other. It is, therefore, unsurprising that these books appear now with digital technologies intensifying the feeling that we are being observed.

Privacy

One of the purposes of privacy is to maintain a balance between individual freedom and institutional dominance. While governments, businesses, and other large institutions may have legitimate needs for information, without privacy protections, they can encroach on the personal space individuals need to flourish. One of the

dangers of the information processing power of the computer is that it can be used to upset that balance.

Therefore, a major focus of concern which frequently arises when intelligence gathering is discussed is the concept of a right to privacy for individuals.

The privacy landscape has shifted dramatically in today's world largely the result of politicians, rather than society. When politicians and lawyers begin controlling a society's view of privacy, it can only lead down the road to an inevitable totalitarian government (Zdziarski.J, 2013, p. 3)

Bick argues that the Internet has dramatically diminished people's expectations of privacy and by doing so has simultaneously reduced privacy rights. As Internet content continues to expand in volume and scope, privacy rights in personal data will diminish (Bick, 2000, p. 2). However, part of the challenge of protecting privacy is that it does not have a single meaning. It is a spectrum that reflects the different levels of trust and intimacy that we have with various people. Different individuals and different groups have different definitions and expectations of privacy. What some cultures, for example, may see as an invasion of privacy, others may see as positive social interaction. "The very fact that there are multiple definitions of privacy increases the importance of our ability to maintain control over who has what information about us, and for what purpose" (Raicu, 2014, p. 1).

So to assess the impact of mass surveillance, it is important to answer four fundamental questions. Firstly, what is meant by privacy? Secondly, why is privacy important? Thirdly what is meant by a right and fourthly is there such a concept as a Right to Privacy.

What is meant by privacy?

While privacy has many meanings, the most general is freedom from interference or intrusion, the right "to be let alone", a formulation cited by Louis Brandeis and Samuel Warren in their 1890 paper on privacy (Warren, 1890). This recognises that each person has a sphere of existence and activity that properly belongs to that

individual alone, where he or she should be free of constraints, coercion, and even uninvited observation. Most people would recognise the protected sphere to include personal opinions, personal communications, and how one behaves behind closed doors, at least as along as these do not lead to any significant threats to society. Rather interestingly the cause behind their work was that the Kodak camera had just been invented, and it was being used to photograph celebrities in unflattering situations. Warren and Brandeis worried that technology was negatively affecting the individual's right to control access to private information.

 For example, in personal communication a reasonable scope of privacy for most people would be that their conversation is heard by the individual, they are speaking to, no one else. Reasonable privacy expectations do not permit for a hidden microphone. The current system of mass surveillance allows the government to "Switch off" one's actual privacy for nearly any reason in the public interest without notice or disclosure. While the Brandeis and Warren formulation may be accepted by many a key consideration that is the extent of privacy provided under the law, as any expectation above this will be heavily influenced by our moral approach.

In the U.S., legislation has recognised four types of actions for which one can be sued in civil court for invasion of privacy. Prosser refers to these as

- Intrusion upon the plaintiff's seclusion

-Publicity which places the plaintiff in a false light in the public eye.

-Appropriation, for the defendant's advantage, of the plaintiff's name or likeness (Prosser, 1960, pp. 338-423)

The first category is the most relevant here and is also the broadest and the hardest to interpret. Intrusion can mean physical presence and unauthorised observation. A second problem is defining what constitutes "plaintiff's seclusion". The one thing these actions have in common is that can each be triggered by the collection and /or use of personal information about someone. Information has a significant role to play in defining the meaning of privacy. It is this narrower aspect of privacy, which James Moor calls "informational privacy" that concerns us here, Moor defines the right to

informational privacy as the right to control access to personal information (Moor, 1989, pp. 57-70). This is a common definition in the literature and one that we shall adopt here as well. The definition contains four essential elements. First, it is about information. It focuses on the quest for knowledge about someone, rather than, say, physical proximity or constraint, or any other type of interference. Second, it refers to personal information. Thirdly the knowledge intended gives some access to the subject's person, whether it is his or her identity, thoughts, aspiration, passions, habits, foibles or transgressions. Fourth, the issue is one of control. It is not how much or how little is known about the subject, but whether the subject can choose how much of the information is revealed and to whom (Moor, 1989).

So why is privacy important?

Having decided upon a meaning of privacy, the next question is why privacy is important, or conversely why is the removal of privacy viewed as a significant loss. According to Brandeis, privacy is one of the "conditions favourable to the pursuit of happiness" (Warren, 1890). Other scholars and thinkers have identified privacy as one of the conditions necessary for the development of individual identity, for the establishment of intimacy, and for the function of democracy.

According to Altman if we effectively control the openness and closedness of self to others in response to our desire and the environment, we can function better in society than those who cannot (Altman, 1977, pp. 66-84). Although Altman proposed a theory to regulate privacy well before the digital age, recent studies have applied the theory to suggest new ways of thinking about privacy in sociotechnical environments. With information technology, privacy extended from the physical space to virtual space. Privacy management is a dynamic mechanism of balance between boundaries as the context changes. The virtual space has created a new context (Altman, 1977, pp. 66-84).

Focusing in particular on informational privacy, computer scientist Michael McFarland has written

Reverence for the human person …as an autonomous being requires respect for personal privacy. To lose control of one's personal information is in some measure to lose control of one's life and one's dignity. Therefore, even if privacy is not in itself a fundamental right, it is necessary to protect other fundamental rights. (McFarland, 2012)

As Judith Wagner DeCew puts it, "Privacy functions, then to limit external and inappropriate social control" (Raicu, 2014, p. 1).

Privacy is therefore intimately connected to what it is to be an autonomous person. What makes your thought your thoughts? One answer is that you have what philosophers sometimes call "Privileged Access" to them. This means, at least, two things. First the individual can access them in a way that no other person can. Second the individual can at least sometimes control what others know about their thoughts. The idea that the mind is essentially private is a central element of the Cartesian concept of the self. However, while Descartes overall view has been rejected, there is something profoundly right about the connection between privacy and the self, something that recent events should cause us to appreciate. What is right about it would appear to be that it is necessary for a person to be autonomous they have to be capable of having privileged access to the information about their psychological profile –their hopes, dreams, beliefs and fears. A capacity for privacy is a necessary condition of autonomous personhood.

In making the connection between autonomous personhood and the privacy of thought in this way, a Cartesian view of the mind is not essential. The connection is not metaphysical. It is a presupposition of understanding and communicating with one another; mutual communication is about sharing. When communicating freely in this way, people see one another as subjects, as persons whose thoughts are their own –thoughts to which they have privileged access and are attempting to communicate. This does tell us that the concept of psychological privacy and one centrally important notion of personhood –that of an autonomous person –are deeply linked.

For Rachels privacy is rather a matter of relationships (Rachels, 1975, pp. 323-333). In defining our relationships with others, we use a varying degree of privacy. With a stranger, we uphold a high level of privacy, while, with a close family member, we may have and expect much less privacy. Despite the disagreements, most would agree that on an individual level, privacy affords us the space to be ourselves, giving us a degree of autonomy and protecting our dignity. In our interactions with others, we may define the intimacy of our relationship with the amount of privacy we relinquish in that relationship. As we engage with society at large, we gain confidence and secure privacy, safe that those we do not know do not, in turn, know all about us. We fear the stranger and what they might do if they know our vulnerabilities. Through keeping those vulnerabilities private, we maintain a level of personal safety. This privacy is of value to society as a whole. It is important in the social context of democracy. There is also a tension between the safety of the individual as granted by his or her privacy, and the safety of the community gained by denying the individual his or her privacy. The balance suggests what it may mean to deny one person's privacy in the interests of the security of the community. Although it is not always clear when the threats arise.

A change in our ontological perspective, brought by digital information and communication technologies, suggest considering each person as being constituted by his or her information and hence regarding a breach of one's informational privacy as a form of aggression towards one's personal identity (Springer, 2005).

Therefore clearly the ability to control the information one reveals about oneself over the Internet, and who can access that information, is part of a growing concern about mass surveillance. These concerns include whether email can be stored or read by third parties without consent, or whether third parties can continue to track the websites someone has visited. Another concern is websites that are visited collect, store, and possibly share personally identifiable information about users. Location data is among the most sensitive data currently being collected. These boundaries between what is publicly exposed and what is not exist for a reason. So conventions of reticence and privacy serve a valuable function in keeping us out of each other's faces. The boundary between what we reveal and what we do not, and some control

over that boundary, are among the most important attributes of our humanity. This particular problem is part of a larger topic, namely the importance of concealment as a condition of civilisation. There is an analogy between the familiar problem that liberalism addresses in political theory, of how to join individuals with conflicting interests and plurality of values, under a joint system of law that serves their collective interests equally without destroying their autonomy.The purely social problem of defining conventions of reticence and privacy that allow people to interact peacefully in public without exposing themselves in ways that would be emotionally traumatic or would inhibit the free operation of personal feeling, fantasy, imagination, and thought is a classic example. All interpersonal contact goes through the visible surface, even if it penetrates fairly deep, and managing what appears on the surface –both positive and negatively—is the constant work of human life (Nagel T. , 1998). The first and most obvious thing to note about many of the most important forms of reticence is that they are not dishonest because the conventions that govern them are known. The point of polite formulae and broad abstentions from expression is to leave a great range of potentially disruptive material unacknowledged and therefore out of play. Part of growing up is developing an external self that fits smoothly into the world with others that have been similarly designed. The idea that everything should be out in the open is childish and represents a misunderstanding of mutually protective function of conventions of restraint, which avoid provoking unnecessary conflict (Nagel T. , 1998).The real issue is how much of each person's life is everybody else's business, and that is not settled by a conception of equality alone. The decline in privacy brings on the rise of hypocrisy. What we can tolerate having out in the open between us depends on what we think we can handle jointly without crippling our relations for other purposes. Sometimes the only way to find out is to try, particularly when an unacknowledged fact threatens to be crippling in any case. However, in general, it is not a bad idea to stick with the conventions of reticence that have developed to govern social, commercial, and professional interactions in normal circumstances. It is best not to overload the field of interaction with excess emotional and normative baggage (Nagel T. , 1998).

As online communications and social media connect us to more and more people, and as various entities collect (and reveal) more and more information about us, a chorus of commentators proclaim that we need privacy now more than ever. Priscalla Regan writes,

> I argue that privacy is not only of value to the individual but also to society in general….Privacy is a common value in that all individuals value some degree of privacy and have some common perceptions about privacy. Privacy is also about a public value in that it has a value not just to the individual as an individual or to all individuals in common but also to the democratic political system. Privacy is rapidly becoming a collective value in that technology, and market forces are making it hard for any one person to have privacy without all persons have a similar minimum level of privacy (Regan, 1995, p. 213)

For Anita Allen privacy is about dignity, it is about modesty and reserve, and it is very much a matter of protecting ourselves from harm –in a utilitarian sense –harm of lost opportunities and harm of lost reputation for our future (Allen A. , 2103). They are all important issues that help to explain why privacy is important.

What is meant by a right?

A right is a justified claim on others. An individual's legal rights are enshrined in law. These legal rights are sometimes called civil rights or statutory rights and are culturally and politically relative since they depend on a specific societal context to have meaning. The application or contravention of these rights is easy to assess. In contrast, moral rights are justified by moral standards that most people acknowledge, but which are not necessarily codified in law. The justification of a right is dependent on some standard that is acknowledged and accepted, not just by the claimant, but by society in general. These are often referred to as Natural Rights as in the sense that they are not artificial, not man-made. They exist necessarily and are inherent in every individual. For example, if a person has a right to freedom, then it follows that they have a positive justified claim to be left alone by others. This implies that others have a duty or responsibility to leave the person alone. These rights are called

negative rights because such rights are a claim by one person that imposes a negative duty on all others—the duty not to interfere with a person's activities in a certain area. The right to privacy imposes on us a duty not to intrude into the private activities of a person. Whenever we are confronted with a moral dilemma, we need to consider whether the action would respect the basic rights of each of the individuals involved. How would the action affect the basic well-being of those individuals? How would the action affect the negative or positive freedom of those individuals? Would it involve manipulation or deception –either of which would undermine the right to the truth that is a crucial personal right? Actions are wrong to the extent that they violate the rights of individuals (Velasquez, 1990, p. 2). Kant maintains that each of us has a worth or a dignity that must be respected. Negative rights, such as the right to privacy are rights that protect some form of human freedom or liberty. This belief is reflected in Article 8 of the Human Rights Act

> Everyone has the right to respect for his private and family life, his home and his correspondence. When we call anything a person's right, we mean that individual has a valid claim on society to protect them in the possession of it, either by the force of law or by that of education and opinion. If the individual has what we consider a sufficient claim, on whatever account, to have something guaranteed to them by society, we say that they have a right to it.

"If we desire to prove that anything does not belong to them by right, we think this done as soon as it is admitted that society ought not to take measure for securing it to him, but should leave him to chance or to his own exertions" (Mill, Utilitarianism, 2001, p. 53).

The right to privacy

Having determined a meaning for privacy and discussing the basis of rights, it is necessary to consider if the two can be logically combined to create an argument for the right to privacy. Judith Jarvis Thomson argued that the right to privacy consists of a cluster of rights which overlap with both property rights and rights of the person.

> Private life is not something given by nature from the beginning of time and is
> therefore not a natural right. It is a historical reality, which different societies
> have constructed to assist in social interaction. The boundaries of private life
> are not laid down once and for all; the division of human activity between public
> and private spheres is subject to change. (Thomson, 1977, p. 297)

On the most fundamental level, people feel safest if others know nothing about them, but they, in turn, know everything about others, leading to the tension of balancing privacy against security. There is a revealing comment included in the most recent piece written for The Guardian by Sir David Omand, former head of GCHQ. He said that

> The real debate we should be having ….is about what privacy in a cyber-
> connected world can realistically mean given the volumes of data we hand over
> to the private sector in return for our everyday convenience, and the continued
> need for warranted access for security and law enforcement (Lanchester, 2013,
> p. 13)

Omand seems to think that just because we hand data over to Goole and Facebook, the government automatically has the right to access it (Lanchester, 2013, p. 9). This point of view could, in fact, be supported by law. Meaning that an individual has no legitimate expectation of privacy in information provided to third parties. In Smith v. Maryland, 442 U.S.735 (1979), the Supreme Court held individuals have no "legitimate expectation of privacy "regarding telephone numbers they dial because they knowingly give that information to telephone operators when they dial a number.

In recent years, some important public voices have claimed that people's attitudes about privacy are changing and in particular that the younger generations value privacy less than their elders do. The supporters of this view often point to the vast amount of personal information that some people share on social networking sites such as Facebook or Twitter. In fact, in 2010, after Facebook changed its privacy settings so that its user's information (which had previously been private by default) would be made public by default, Facebook founder Mark Zuckerberg explained why. During an interview Zuckerberg indicated

That the social norm is just something that has evolved over time. We [Facebook] view it as our role in the system to constantly be innovating and updating what our system is to reflect what the current social norms are. (Zuckerberg, 2010)

Bowker believes our concept of privacy is changing massively and thinks we are losing many of the old concepts of privacy as being a castle behind which no one shall come (Bowker, 2014, p. 23). Perhaps in response to such comments, several studies have explored the attitudes of Internet users across the U.S. on issues related to privacy. In February 2012, the Pew Research Centre released the results of one such study, which showed that while two-thirds of Internet users use social networking sites, only twenty percent of them report that their main profile is set to be completely public. Fifty-eight percent of social networking users set their profile so that only their friends can see it, and another nineteen percent make it visible to friends of their friends, as well. Thus, the vast majority of people who choose to use Facebook still try to limit the amount of information that they reveal, depending on the audience. Apparently, the default privacy settings on Facebook which are set to making information available to everyone –do not reflect the current social norms. The "State of the Net " by Consumer Reports Magazine in 2012 noted that approximately one in four U.S. users of Facebook now include false information on their profiles; two years ago, only ten percent of U.S. users did. The increasing volume of data collection and mining is causing a deterioration in the underlying quality of the data it is seeking.

So while privacy, is a legal concept, its roots are deeply intertwined with the purposes and point of the most basic concept of 'self '. That, in turn, raises all sorts of questions worth asking. Some of these are philosophical and psychological: including the limits of, and underlying explanation for, the privacy of mind. However, we should also think about how our technologies are themselves changing our ways of thinking about self.

However we resolve these issues, we would do well to keep the connections between self, personhood and privacy in mind as we consider the recent

revelations about government access to big data. The underlying issue is not simply a matter of balancing convenience and liberty. To the extent we risk the loss of privacy we risk, in a very real sense, the loss of our very status as subjective, autonomous persons. (Lynch M. , 2013, p. 4)

Privacy is an aspect of human dignity. The challenge of electronic surveillance is missed if it is reduced to a concern merely with disclosure. The impacts of losing our privacy are not well understood. As much transparency as possible around data capture and its applications are the first steps in helping people to understand what is at risk.

It has been proposed that if anyone with a phone can take a photograph of you on the street, then discussion over the very existence of a file held by government agencies are a losing fight. Simon Chesterman argues that

> People these days are pretty fatalistic about privacy issues –the end of privacy. Present day information gathering is not merely for the purpose of preventing crime, but also the creation of a more ordered, efficient world. The very fact of constant, total surveillance –that subtly changes our way of thinking (Chesterman, 2014)

The political worry about the loss of privacy is that it threatens a loss of freedom. Moreover, the worry, of course, is not merely theoretical. It could be that Taylor was right when he noted "Privacy is an illusion" (Taylor, 2013).

Implications of the Doctrine of Double Effect

As noted previously the Doctrine of Double Effect suggest that if doing something morally good has a morally bad side-effect, it is ethically permissible to do it provided the bad side effect is unintended, not disproportionate to the intended good and unavoidable if the good effect is to be achieved. On this basis, the undertaking of mass surveillance would be ethically acceptable. The intended benefits of increasing

security and economic value are legitimate, and the above non-intended non-specific potential bad side effects are possibly outweighed.

It would appear that at least under a realist /classical philosophical approach to international politics that the current actions of states are certainly within acceptable boundaries from several philosophical viewpoints. This combined with the Doctrine of Double Effect suggests that there is a sound moral basis for mass surveillance.

However as indicated earlier while people are more comfortable with dichotomies when it comes to morality the answer is rarely that black or white. It is therefore not surprising that the doctrine of double effect is not universally accepted as a mechanism for resolving complex issues. Unlike a law in physics which states that for every action there is an equal and opposite reaction, the same cannot be said for morality and mass surveillance. Current surveillance techniques have created a state of the art Panopticon. It is inappropriate to consider the ongoing development of this capability by evaluating its current applications only.

There are very clear and present dangers in being lead to a position enforced by others without truly considering the full current and future impact on society. History repeatedly shows that when populations allow a focused few into positions of significance, the consequences are always a high cost in human life to restore balance.

State Security or Security State

Some anarchists view that a society without the state, or government, is both possible and desirable. Many believe that people have no general obligation to obey the commands of the state. They claim that in the course of maintaining its monopoly on the use of force and protecting everyone within a territory, the state must violate individual's rights and hence is intrinsically immoral. There is a variety of anarchists thought. The main political division is between the classical school which tends to reject private property appealing principally to natural law and perfectionist ethics;

and the individualist tradition which defends private acquisition and looks to free market exchanges as a model for the desirable society appealing to individual natural rights and egoism.

A core question becomes is there a threshold under which the intensity of mass surveillance and intervention into societies normal way of life can be regarded as a function of the state seeking to provide security to all its citizens. Alternatively, if this threshold is breached then it could represent the elite within the state seeking to secure their position reinforcing the anarchist concerns . The apparatus is in place; the government can choose to provide security for themselves or the population. People misunderstand what a police state is." It is not a country where the police strut around in jackboots; it is a country where the police can do anything they like. Similarly, a security state is one in which the security establishment can do anything it likes" (Lanchester, 2013, p. 12). Harry S Truman wrote during his presidency: 'we want no Gestapo or secret police. FBI is tending in that direction". It would be interesting to see what he would think of the current activities of the NSA. Lancaster suggests we are right on the edge of being an entirely new kind of human society, one involving an unprecedented penetration by the state into areas that have always been regarded as private (Lanchester, 2013, p. 12). Britain is already the most spied on and monitored democratic society there has ever been. In 2013, the average UK citizen could be caught on CCTV up to seventy times a day. British citizens were never asked to vote for it. It does not seem to have been discussed or debated. Britain has more CCTV cameras that anywhere else in the world, by a huge margin. Nobody knows how many CCTV cameras there are in the country, but the most reasonable estimate was made by Cheshire Police in 2011, which came up with a number of 1.85 million. Add this to the capacity for facial recognition software and capacity for surveillance brought about by the "internet of things "and the degree of surveillance, possible and actual increases dramatically. This phenomenon is not restricted to the UK. In New Zealand recent legislation (Telecommunications Interception Capability and Security Act) requires network operators to register with NZ Police. Suppliers of a wholesale or retail telecommunications service must provide their information to the Police registry. Registrants must tell the police their

total number of connections, customers and size of their geographic coverage, and ensure that law enforcement agencies have access to customer data and connections when needed. As part of the new law, network and systems security providers are now duty bound to notify the state of any design and procurement decisions before implementation, according to government guidance. The Government Communications Security Bureau (GCSB), has to be notified of and approve proposed changes to a provider's network operations centre, core network including gateways and interconnects as well as customer databases and authentication systems (Saarinen, 2014). It would seem that the security establishment may not be able to do anything it likes, but it can certainly conduct any surveillance that it likes and legitimately prevent companies from protecting themselves and their customers from active surveillance.

Two forces threaten our current concepts of privacy; opportunity and motive. Opportunity is provided by the growth of information technology, with its enhanced capacity for surveillance, communication, computation, storage, and retrieval. The motive is the increased value of information in decision making. Information is increasingly valuable to policy makers. Used in a certain way information is a form of power .J, Edgar Hoover's power was attributed by many to his acquisition and utilisation of information. In his forty-eight years in charge of the FBI, he greatly abused his position and misused the information he acquired. The prestigious FBI building once named "The Hoover Building " has been renamed to remove the stigma of corruption.

The primary goal of the capitalist world corporate system is to provide value to their stockholders. In this situation every organisation needs ethical decision making to survive ---it is very relevant to effective and sustainable development (Velasquez et al., 2010). The activities of the surveillance agencies are putting pressure on this system. Of the $52 billion intelligence budget of the United States today 70% percent goes to private contractors. Therefore, many companies are only too willing to sell to the U.S. government to support their surveillance activities because it provides a government sanctioned opportunity for wealth generation. They clearly see nothing morally or actually wrong with this procedure. The demand boosts the corporate

markets and provides employment. For example, a Californian company offers government agencies software to intercept signals on undersea cables that can be used to analyse all sorts of popular Internet services such as Gmail, Yahoo! , E Mail, Facebook, Twitter. However this privatization of surveillance is resulting in a lack of state accountability and importantly a way for governments to shirk their legal responsibilities; "the Fourth Amendment of the Constitution, which protects us from unreasonable searches and seizures, only binds the government, doesn't bind corporations" (Shah, 2013, p. 9). However this wealth creation is only being generated at the expense of other Silicon Valley companies, Google, Apple, and Facebook, are under tremendous pressure for their participation in the NSA's PRISM program. The Washington Post's news breaking article on PRISM claimed that the NSA and FBI had direct and unfettered access to the servers of nine major Internet companies. This caused falls in their share price and a nervousness on behalf of many of their shareholders. To salvage users trust, some these companies are petitioning the Attorney General to make public the types of requests they have received from the NSA as well as the percentage of those requests they facilitate. They hope the disclosure will dispel the public perception that they are compliant tools for the NSA in a Security State. Transparency of the nature of their involvement in PRISM is a positive first step to regaining user trust, but these companies still find themselves in a double bind between assisting matters of national security and respecting their user's privacy. Several organisations have begun redesigning their products so as not to use standards approved by the U.S. government, for fear they are insecure. Others have suggested that surveillance overreach could damage U.S. technology companies standing and sales in the world, as well as undermining the USA's moral authority as custodian of the Internet. The architect of the PGP email security software has indicated that in the wake of the NSA revelations that secure email is largely impossible, and a new product would need building from scratch. Revelations from the Snowden cache show clear evidence that the security establishment can virtually do anything it likes. The NSA's own internal auditor found its agents broke privacy rules thousands of times each year without sanction.

This apparent lack of security re information gathering is making members of corporate boards question if their companies should be participating in these national security programs, and to what extent must users be informed. A major concern for many is if it is right to resist as opposed to following? Since when do the illegal actions of a government damaging the wealth of its citizens pass as a democracy? The Kyodo News reported that the Japanese Government rejected NSA requests to establish an undersea cable monitoring station in Japan, citing 'a lack of legislative authority'. So it would appear that some governments are more willing to be held to account than others.

State security is not the responsibility of one person. Equally, no one person can create a Security State. To achieve this level of security requires the help of hundreds of people and the acceptance by hundreds of thousands. Each has their individual moral beliefs. So mass surveillance to have gained its current capability is at least morally acceptable to a broad range of people.

> When people stand by the unethical behaviour of their subordinates, they own that unethical action. Their silence suggests that their only problem with the unethical action is that it was detected. Executives and politicians are accountable for the actions of their employees when all evidence suggests that the organisation tolerated unethical behaviour. (Bazerman, 2011)

 The U.S. government has been publicly demonstrated to, have supported and continue to support, the illegal and unethical behaviour of a range of government agencies. The fact is that while we like to think of ourselves as fair, moral, and lawful, recent science shows that we are quite capable of committing unethical acts, or approving the dishonest acts of others, even as we believe we are doing the right thing (Bazerman, 2011).

 The tendency to not notice the unethical actions of others when it is against our own best interests is referred to as motivational blindness. The 'want ' self –part of us that behaves according to self –interest and, often, without regard for moral principles –is silent during the planning stage of the decision but typically emerges and dominates at the time of the decision. Organisations can monitor how they are creating

institutions, structures, and incentives that increase the likelihood of unethical actions while individuals can 'precommit 'to intended ethical choices (Bazerman, 2011). Why didn't somebody do something?' Rather than a defence of unethical behaviour, motivated blindness offers a psychological explanation of how unethical behaviour may come about. Bazerman notes that "The dark side of loyalty' exposes how a quality such as loyalty usually regarded as a virtue can in certain situations dissuade people from behaving ethically. The subtle influence of our peers and the situation itself is much more powerful than we realise" (Bazerman, 2011).

Two sets of values are currently clashing in Washington and the Western World: the value the government places on access to personal information for law enforcement and national security reasons, and the value individuals place on the privacy of their information. Governments argue that the common good of the nation is ethically primary to an individual's desire to keep personal information personal. The underlying belief is that if communications between drug dealers and the like can be intercepted, read, and acted upon by federal law enforcement, each individual in the nation is better served regardless of the impact or their individual right. The real challenge is that while society may be feeling disquiet now, the current level of surveillance is only going to increase. Members of the security establishment always want more abilities, more tools, and more powers for themselves and fewer rights for us (Lanchester, 2013, p. 8).

In contrast positing a right to the privacy of personal information, citizens fear a government circumvention of basic human rights in the electronic age to be treated as individuals, they must not lose the security of their information in pursuit of law enforcement ends. In their eyes, it is unethical to violate an individual's right in this way. However, Gordon makes an excellent point, which when viewed from a particular perspective both sides of the argument have merit. Those that lead the debate are so close to their respective positions that they fail to see the total view. In an American study, Diana Gordon subjected the National Crime Information Centre (NCIC) to analysis as a panoptic machinery of power (Gordon, 1986). Her central concern is expressed simply 'with the national computerised system, the entire function of crime –control, not just the prison becomes a panoptic schema, with the

record a surrogate for the inmate and all of the law enforcement as warden. Gordon is at pains to argue that the presence of panoptic tendencies spells dangers often unperceived by those working closest to the NCIC. Certain structural social changes may be occurring, and therefore, it is mistaken to see the issue as merely one of infringing civil liberties. As with electronic extension of criminal records systems, social; management is the springboard for considering society itself as panoptic. On the basis of the information revolution, the social totality comes to function as a hierarchical and disciplinary panoptic machine. The so-called wired city renders consumers visible to unverifiable observers by means of their purchases, preferences and credit ratings. Private, sequestered, decentralised activities, the mundane of everyday life, are as it were in view, continuously and automatically.

> Fears and anxieties about electronic surveillance, and critiques of or resistance to it, arise from specific aspects of the panoptic character. Opponents of the new surveillance deplore the fact that it depends upon categories, that no knowledge of the individual is required, that it is increasingly instrumental, that areas of personal life once thought to be inviolably private are invaded, and that it effectively erodes personal and democratic freedoms. (Lyon, 1994)

This Panopticon subtly arranged so that an observer may observe at a glance, so many different individuals is no longer a dark sort of room from which individuals spy; it has become a transparent building in which the exercise of power is applied to society as a whole.

Not long before he embarked on his ill-fated espionage mission in 1775 the spy Nathan Hale purportedly told a friend "every kind of service necessary to the public good becomes honourable by being necessary" (Olson, 2006, p. 225). Similarly, Olson believes that if the US and its allies are to win the war on terrorism, the American public will need to work through conflicts over the ethical values that inhibit intelligence activity. Because when the expected and actual privacy levels are the same, few problems arise. However, that is not currently the case, and yet there is little constant noise. "On the Internet, for both personal and business reasons, trust

is essential. Without it, many of the benefits of the Internet run the risk of disappearing" (Westfall, 2014, p. 6). It may be that people genuinely cannot decide what their moral obligations are towards mass surveillance. However, there is a possibility that because the decision seems so evenly balanced that what society requires at this point is simply more governance, assurance and transparency. The aspect of transparency is interesting as the vast majority of surveillance activities being undertaken and developed are widely available on the Internet if people wanted to know. However, there seems to be little interest. This could be simply a general lack of interest or something slightly more challenging. People may be following the concept of motivational blindness or creating a veil of ignorance in order not to know. In order not to have to decide. Thus creating the normal defence to future generations of 'if only I had known, but nobody told me '. Regardless of how much any individual chooses to know there does seem to be a requirement that someone should know and ensure surveillance is conducted with the relevant degree of oversight.

The "if you have nothing to hide "argument misses a fundamental point; having such vast amounts of data, potentially unnecessarily when collected via a dragnet style system, is awaiting abuse. The NSA and others currently claim they are not abusing their roles. However they have already publicly lied to Congress, so they are already facing public trust issues that are hard for a secretive organisation. However, with all this data, it is the potential to abuse it that is the privacy concern here. Secrecy, especially in a democracy, by-passes checks and balance.

 The lack of information safeguards can fall into two categories; security and confidentiality. At least fifty U.S. law enforcement agencies quietly deployed radars that let them effectively see inside homes, with little notice to the courts or the public. Other radar devices have far more advanced capabilities, including three-dimensional displays of where people are located inside a building. Privacy advocates see immediate concerns with these developments. They question how judges can be surprised by technology approved by the U.S. Department of Justice which has been in agent's hands for at least two years. The privacy advocates agree that problem is not that Police has this technology; the issue is always about how it is

used and what the safeguards are. Some governments and advocates alike have warned mass –surveillance itself, even if not abused, can be a major problem (Weaver, The NSA Files, 2013). Security, and indeed freedoms, cannot be preserved if freedom to subvert them is permitted. Then compromises, trade-offs, arrangements have to be made if the worst is not to happen.

Secrecy is often necessary to protect national security. However it can just as easily be used as a convenient veil for the autocratic assertion of power and as the courts may find about parts of the surveillance program, for illegality. " do you really trust the Government to know when the veil of secrecy should be lifted" (Kappy, 2013, p. 31).

Priorities

The major ethical problem in liberal democracies is not the absence or loss of stable, clear ethical values, but simply living with the real constraints of the values we have. These values are not relative, at least not for us, because they are the minimum conditions of our existence as free people (Ignatieff, 2005, p. 168).

From the previous chapters it is clear that there is a range of attractive benefits that mass surveillance can provide, but only at a significant cost. The principle question now is which society values more: the potential benefits or the possible loss.

Bostrom suggests this problem may not even have a solution,

> In humans, with our complicated evolved mental ecology of state-dependent competing drives, desires, plans, and ideals, there is often no obvious way to identify what our top goal is; we might not even have one. (Bostrom, 2003, p. 12)

One view of morality is that it is crowded with conflict and compromise, and values that are plural and incommensurate. In this way, the truth of any moral judgement consists in the truth of an indefinite number of other moral judgements. Their truth, in turn, provides part of what constitutes the truth of any of those others. As there would appear to be no hierarchy of moral principles built on unchallenged foundations, there is possibly a vast network of conviction and interdependencies which can be imagined. Morality is only one department of value, only one dimension of conviction about what ought to be. We also have convictions about what is beautiful and what is to live well. Morality itself has departments: distinguishing personal from political morality and the morality of obligation, right and wrong from the morality of virtue and vice.

Communities face this priority challenge every day. They want the highest level of security, the best educational system, the most efficient transport network and the best available health care, but the cost is unachievable. While it is clear that values often conflict with desiderata, the serious and important question is whether some values conflict with one another and how is the conflict resolved. As we have seen so far some steps we might take to improve safety from terrorists, which we certainly desire, would compromise liberty or honour. We may find that a better understanding of liberty shows that the measures that improve security do not compromise liberty at all. Resolving moral conflict between these two values becomes the concern. As Dworkin suggests moral responsibility is never complete: we are constantly reinterpreting our concepts as we use them (Dworkin, 2011). We must put them to work day by day even though we have not yet defined them fully to achieve the integration we seek. It is possible that all true values form an interlocking network that each of our convictions about what is good or right or beautiful plays some role in supporting each of our convictions in each of those domains of value. Alternatively, there is another possibility. It might be that the best interpretation of our values requires that they conflict: that they serve our underlying moral responsibilities best if we conceive them in such a way that from time to time we must compromise one to serve another. Values do not conflict just because they do, but because they work best for us when we conceptualise them so that they do

conflict it is just a stubborn fact we must recognise: by showing conflict as a deeper collaboration reconciles values in a different way. Moral concepts are interpretative concepts: their correct use is a manner of interpretation, and people who use them disagree about what the best interpretation is. People who disagree about what is good or what ought to happen plainly do not share decisive criteria for settling those disagreements. Defined value systems are a hierarchically-ordered, always open set of morals, ethics, standards, preferences, belief systems and world views that come together through self-organizing principles to define an individual, a group, or culture. However, they are often open to change based on how groups and culture structure their societies, and how individuals integrate within them.

Mill and Sidgwick believe that at some point we must have a single principle to straighten out and to systematize our judgement (Mill. J, 1977, p. 36).The challenge is in some ways like that posed by Rawls's method of equilibrium. Rawls aimed at a kind of integrity among abstract and definite convictions about justice, but one that allowed subordination, compromise, and balancing among different values. He insisted on a 'lexical priority' such as liberty to equality. Lexical priority is an order which requires us to satisfy the first principle in the ordering before we can move on the second. A serial ordering avoids having to balance principal at all (Rawls, 1971, p. 36). In addressing the priority problem the task is that of reducing and not eliminating entirely the reliance on intuitive judgements .there is no reason to suppose that we can avoid all appeals to intuition, of whatever kind, or that we should try to. The practical aim is to reach a reasonably reliable agreement in judgement in order to provide a common conception of justice (Rawls, 1971, p. 36). He did not aim to interpret each value in the light of the others so that each supported rather than challenged the others. Rawls arranged the principles in 'lexical priority', prioritising in the order of the Liberty Principle, Fair Equality of Opportunity and the Difference Principle. This order determined the priorities of the principles if they conflicted in practice. The principles are, however, intended as a single, comprehensive conception of justice –'Justice as Fairness' and not to function individually. These principles are always applied so as to ensure that the "least advantaged "citizens are benefitted and not hurt or forgotten. The first and most

important principle states that every individual has an equal right to basic liberties, Rawls claiming "that certain rights and freedoms are more important or basic than others " (Rawls, 1971, p. 38).

 Alternatively, the concept Dworkin's refers to as the schematic approach, has become increasingly prevalent in recent years (Dworkin, 2011). The primary task is the identification of a complete set of principles of justice. These principles can be used either to develop an account of an ideally just state, one which reflects them perfectly, or to evaluate and critique non-ideal states. The schematic approach is exemplified both by Rawls, *A Theory of Justice* (Rawls, 1971)and Nozick's *Anarchy, State, and Utopia* (Nozick, 1974). Both share the defining characteristics of a schematic approach, which is the assumption, implied or hidden, that on completing the hard philosophical work of identifying principles of justice and determining how to make trade-offs between them it will be possible to solve specific problems more or less automatically. However, the fundamental problem faced by the schematic approach stems from the need to make trade-offs between principles or find a balance between competing political values. A more sophisticated version of lexical priority might endorse the weaker claim that freedom of speech trumps the fair value of political liberties up until a sufficient threshold of free speech has been secured. However, then the trade-off problem simply recurs. However, this is what the sophisticated version of lexical priority would require.

> The question of distributive justice calls for a solution of two simultaneous equations. The solution needs to respect both the reigning principles of equal concern and personal responsibility, and must do this in a way that compromises neither principle but rather finds attractive conceptions of each that fully satisfy both. (Dworkin, 2011, p. 3)

We cannot justify a moral judgement, as distinct from explaining why someone believes that judgement, without relying on further moral convictions or assumptions. People want to live well and to behave decently; they want our communities to be fair and good and our laws to be wise and just. As we have seen these are tough

goals, in part because the issues at stake are complex and in part because human self- interest is always present and often stands in the way.

The question about whether values are plural or monist is a question about the shape of morality –in particular, about how many values moral theory must deal with. Moral pluralism is not about different value systems or viewpoints, but about different values. There are different ways that value might be conceived, but the debate about pluralism should be able to cut across different sorts of moral theory. Philosophers recognise three different ways of thinking about morality: the consequentialist way, the deontological way, and the virtue ethics way, although there is a debate about the cogency of these distinctions. The term value as it appears in "value pluralism" is neutral between the three theories. It becomes apparent that dividing up ways of thinking about value does not exactly map on to the accepted division of ways of thinking about morality.

The deontologist usually sees value differently, determining goodness or rightness talking in terms of rules and principles rather than in terms of goods. The pluralism issue arises for the deontological approach to value: is there a plurality of principles, or is there one over-arching principle? Kant can be understood as a monist: arguing that there is one overarching principle and that all other principles are derived from it (Kant, 1948). Ross, by contrast, is a pluralist, because he thinks there is a plurality of prima facie duties. (Ross, 1930).

Monists claim that there is only one ultimate value. Utilitarian's, for example, usually argue that there is only one value, and that is welfare or pleasure or happiness, or something of that nature. Monist utilitarians must claim that all other plurative values, such as friendship, knowledge and so on, are only instrumental values –critical in so far as they contribute to happiness. Pluralists argue that there really are several different values and that these values are not reducible to each other or a super value. Pluralism faces the difficulty of explaining how different fundamental values relate to each other, and how they can be compared. Judith Jarvis Thomson, a foundational pluralist, has argued for that position by claiming that when we say that something is good, we are never ascribing a property of goodness, rather we are

always saying that the thing in question is good in some way (Green B. , 2013). Normative pluralism is less radical –it posits a plurality of bearers of value. If values are plural, then choices between them will be complex, but that is not sufficient to dismiss the hypothesis that values are plural. Recent work in experimental philosophy confirms that our ethical experience is apparently irreducibly plural values (Gill, 2008). Both Nussbaum and Wiggins have argued for pluralism because only pluralism can explain the weakness of will. A pluralist has a plausible answer –when the choice is between two different sorts of value, the agent prefers A to B, rather than preferring less of A to more of A.

> According to value centred monism, the rightness of moral responsiveness is determined entirely by degree or strength of value …I shall argue, on the contrary, that just how things are to be pursued, nurtured, respected, loved, preserved, protected, and so forth may often depend on further general features of those things, and their relations to other things, particularly the moral agent. (Swanton, 2003, p. 41)

Provided one has taken the process of practical justification as far as it will go in the course of arriving at the conflict, one may be able to proceed without further justification, but without irrationality either. What makes this possible is judgement, "essentially the faculty Aristotle described as practical wisdom, which reveals itself over time in individual decisions rather than in the enunciation of general principles" (Nagel T. , 1998, p. 135).The danger is that the faculty seems entirely mysterious unrelated to our natural senses. It is hard to see what worth of life is ---if not a super value. One philosopher who is happy to accept that there may be situations where we just cannot make reasoned choices between plural values is Isiah Berlin, who claimed that goods such as liberty and equality conflict at the fundamental level (Value Pluralism, 2006, p. 21). Berlin is primarily concerned with political pluralism, and with defending political liberalism, but his views about incommensurability have been very influential in discussions on moral pluralism. Ronald Dworkin's book *Justice for Hedgehogs* argues the case for a single, overarching, and coherent framework of moral truth (Dworkin, 2011). It takes its title from Berlin's conceit of the' hedgehog ' who views the world through the lens of a single defining idea contrasted

with foxes that have as wide a lens as possible (Berlin, 1953). Not only do the variety and density of historical and human experience undermine any effort to reduce them to a solitary truth, he declares, but there is also a variety of ways of attempting to understand those experiences.

> That there exists a single explanation or a sole truth for why the world is the way it is, and why we do what we do, is a deeply compelling claim. I wish, above all, to be conscious of myself as a thinking, willing, active being, bearing responsibility for my choices and able to explain them by references to my own ideas and purposes. I feel free to the degree that I believe this to be true, and enslaved to the degree that I am made to realise that it is not. (Berlin, Four Essays on Liberty, 1969)

Ross thought it impossible to derive all valid moral duties from one fundamental principle, let alone to construct an absolute code encompassing every possible moral dilemma. He argued that human beings have numerous prima facie ethical obligations, i.e., duties that are strong enough to override less important preferences, but which are nevertheless not absolute, since they can be overridden by one another, in particular, situations. In some cases one's paramount moral duty will be to promote happiness; in others to prevent or alleviate harm; in others, to protect rights; etc. The need for moral deliberation and wisdom is simply part of the human condition in Ross's view (Ross, 1930).

Hayek concludes that in a free society there will be a distribution by value rather than moral merit; that is, by the perceived value of a person's actions and services to others (Touchie, 2005). When it comes to value, Charles Maslow created just such a priority system. Maslow's theory was fully expressed in his 1954 book *Motivation and Personality* (Maslow, 1954)*.* Maslow's theory suggests that the most basic level of needs must be met before the individual will strongly desire (or focus motivation upon) the secondary or higher level needs. Maslow also coined the term "metamotivation "to describe the motivation of people who go beyond the scope of the basic needs and strive for constant betterment (Maslow, 1954, p. 91). Physiological needs are the physical requirements for human survival. If these

requirements are not met, the human body cannot function properly and will ultimately fail. Physiological needs are thought to be the most important; they should be met first. Air, water and food are the metabolic requirements for survival in all animals, including humans. With their physical needs relatively satisfied, the individual's safety needs take precedence and dominate behaviour. Safety and security include; Personal security, financial security, health and wellbeing, a safety net against accidents /illness and their adverse impacts.

After physiological and safety needs are fulfilled, the third level of human needs is interpersonal and involves feelings of belongingness. According to Maslow, humans need to feel a sense of belonging and acceptance among their social groups, regardless whether these groups are large or small. This need for belonging may overcome the physiological and security needs, depending on the strength of the peer pressure. Maslow noted that while he originally thought the needs of humans had strict guidelines, it became clear that "hierarchies are interrelated rather than sharply separated " (Maslow, 1954, p. 92).

Recent research appears to validate the existence of universal human needs, although the specific hierarchy proposed by Maslow is called into question by Villarica and Diener (Villarica, 2011).With regards to the satisfaction of needs during the Second World War war, in the U.S, there were three levels: physiological needs, safety needs, and psychological needs (social, self- esteem, and self-actualization). During the war, the satisfaction of physiological needs and safety needs were separated. While, during peacetime, they are combined as one.

The interest involved is that of security, to everyone's feelings the most vital of all interests. All other earthly benefits are needed by one person, not needed by another: and many of them can, if necessary, be cheerfully foregone or replaced by something else; but security no human being can possibly do without; on it we depend for all our immunity from evil and for the whole value of all and every good, beyond the passing moment, since nothing but the gratification of the instant could be of any worth to us if we could be deprived of

everything the next instant by whoever was momentarily stronger than ourselves (Mill, Utilitarianism, 2001, p. 54).

This potential primary need for security can be observed through Mill's note that if

The claim we have on our fellow creatures to join in making safe for us the very groundwork of our existence gathers feelings around it is much more intense than those concerned in any of the more common cases of utility that the difference in degree becomes a real difference in kind (Mill, Utilitarianism, 2001, p. 54)

Similarly, Rosseau believed that the state was the outcome of a covenant or agreement among men. "The purpose of the state was the protection of those people to which it owed its being" (Rousseau, 1968, p. 26).

How to find a form of association which will defend the person and goods of each member with the collective force of all, and under which each individual, while uniting himself with the others, obeys no one but himself, and remains as free as before. This is the fundamental problem to which the social contract holds the solution. (Rousseau, 1968, p. 60)

So if moral values are relative values that protect life and are respectful of the dual life value of self and others, then the great moral values of truth and freedom when functioning correctly are life protecting or life enhancing for all. Then our moral values must be constantly examined to make sure that they are always performing their life-protecting mission.

About the question of the morality of mass surveillance, it would appear that an entirely justified position could be adapted for monist view that security is the primary objective. With the view that secondary values such as privacy, equality, freedom of speech and thought can all be disregarded until safety is assured. The worth of the product purchased, protection against others, is relative, it depends on how threatening the others are (Nozick, 1974, p. 17). If we reconsider the earlier

comments re the origin of morals as a set of concepts and principles that guide us in determining what behaviour helps or harms sentient creatures, then the processes of providing security must be the primary objective.

Society's ability to self-correct

Rawls suggests that our overriding aim is "to provide the most appropriate moral basis for a democratic society " (Rawls, 1971, p. viii). Fortunately, society does not need a definitive answer. Due to human adaptability, we can survive. According to Dewey pragmatic ethics holds that moral correctness evolves similarly to scientific knowledge: socially over the course of many lifetimes (Ethics, 2014, p. 9). Thus, we should prioritise social reform over attempts to account for consequences, individual virtue or duty.

 Karl Popper viewed modern Western Liberal democracies as open societies and defended them as "the best worlds of whose existence we have any historical knowledge" (Popper, All life is Problem Solving, 1999, p. 90). For Popper, their value resided principally in the individual freedom that they permitted and their ability to self-correct peacefully over time. Popper holds that open society can only be achieved if it is possible for the individual citizen to evaluate critically the consequences of the implementation of government policies, which can then be abandoned or modified in the light of such critical scrutiny. In such a society, the rights of the individual to criticise administrative policies will be formally safeguarded and upheld, undesirable policies will be eliminated in a manner analogous to the elimination of falsified scientific theories, and differences between people on social policy will be resolved by critical discussion and argument rather than by force. The open society as thus conceived of by Popper may be defined as "an association of free individuals respecting each other's rights within the framework of mutual protection supplied by the state, achieving, through the making of responsible,

rational decisions, a growing measure of humane and enlightened life ' (Popper, 1999). In a genuinely open society piecemeal social engineering goes hand in hand for Popper with negative utilitarianism, the attempt to minimise the amount of misery, rather than, as with positive utilitarianism, the attempt to maximise the amount of happiness (Karl Popper, 1997, p. 15). The institutions characteristic of a modern liberal democracy Popper's view is that "It's feeling of social responsibility and its love for freedom will survive" (Haworth, 2014, p. 9). For Popper "open Society" was characterised by institutions which make it possible to exercise the virtues in the pragmatic pursuit of solutions to social and political problems (Haworth, 2014, p. 7). If Popper is correct society will achieve a level of mass surveillance which it is happy to live with. This may not happen immediately, but will evolve over time.

In the meantime since there are moral principles we never fully live up to, they create a form of society that is required as a condition of its existence to be what Lezsek Kolakowski terms as 'under endless trial' (Ignatieff, 2005, p. 168).

Avoiding and preventing harm

It would appear that there is a sound argument for the State or senior ranking state officials to consider the implications of political philosophy when considering mass surveillance.

The State is formed and officials appointed by the people. Popper had a minimalist view of democracy. Rejecting the question who *should rule*? As the fundamental of political theory. Popper proposed a new question:

> How can we so organise political institutions that bad or incompetent rulers can be held from doing too much damage. He believed this is fundamentally a question of institutional design. Deontology happens to be the best type of political system because it goes a long way toward solving this problem by

providing a nonviolent, institution and regular way to get rid of a bad ruler –
namely by voting them out of office (Popper, 1966, p. 121).

Therefore, citizens cannot hide behind the State or politicians. No politician in a democracy or even in a dictatorship can last indefinitely against the consensus of the majority. The support of the citizens is vital. At this point, there would appear to be overwhelming support for mass surveillance. The surveillance is conducted by hundreds of thousands of individuals who clearly consider what they are doing to be morally acceptable, if not necessary. They seem to be equally supported by their fellow citizens who are not raising the increase in surveillance as an electoral issue. What everyone should recognise is that non-action affirmative or otherwise enables the policy makers to say there is support for mass surveillance.

Morality is the one public system that no rational person can quit. This is the point that Kant captured by saying that morality is categorical. Morality applies to people simply by virtue of their being rational persons who know what morality prohibits, requires, and can guide their behaviour accordingly. In this way, no one can avoid a view on the morality of mass surveillance.

Kant's moral system shows how any rational being would agree to universal moral laws. Its influence has been enormous and modern philosophers still use Kant's' ideas as a starting point for discussions on morality. However it is important to recognise that Kant's ethics have been widely criticised for preoccupation with rules and duties and for lack of concern with virtues, happiness or personal relationships (Mc Cory, 2005, p. 507).

Those who hold that there is a universal code of conduct that all rational persons, under plausible specified conditions, would put forward for governing the behaviour of all moral agents do not claim that any actual society has or has ever had such a guide to conduct. However, Natural Law theories of morality claim that any rational person in any society, even one that has a defective morality, can know the general kinds of actions that morality prohibits, requires, discourages, encourages, and allows. On all accounts of morality, it is a code of conduct. However on the ethical or group relativist accounts or individualistic accounts, apart from avoiding and

preventing harm, morality has no special content or features that distinguish it from non-moral codes of conduct, such as law or religion.

Each society, drawing on its distinct historical and cultural influence, must decide on the moral issues that confront its day to day navigation of civil life. A society is homogeneous if there is only one guide to behaviour that is accepted by all members of the society and that is the code of conduct that is put forward by the society. Among those who use morality normatively, all hold that morality refers to a code of conduct that applies to all who can understand it and can govern their behaviour by it. In the normative sense, morality should never be overridden, that is no one should ever violate a moral prohibition or requirement for non–moral considerations. The original descriptive definition of morality refers to the most important code of conduct put forward by a society and accepted by the members of that society. When people explicitly talk about the morality of a group other than their own or of a person other than themselves, it is usually clear that they are using morality in a descriptive sense. The definition of morality as referring to the code of conduct accepted by the members of society causes some problems because, in many large societies, not all members of the society accept the same code of conduct. A natural response to these problems is to switch attention from groups to individuals. This consideration may support the descriptive sense of morality. It is descriptive in the sense because a person can refer to some other individual's morality without endorsing it. As such morality has less limitation on content. Morality, when used in a descriptive sense, has an essential feature that morality in the normative sense does not have, namely, that it refers to codes of conduct that are put forward and accepted by some society, group, or individual. The only feature that the descriptive and normative senses of morality have in common is that they refer to guides to behaviour that involve, at least in part, avoiding and preventing harm to some others.

One great ethical system of the post-enlightenment era is Utilitarianism. Proposed by Jeremy Bentham, the principle of utility is based on happiness and was seen as being a scientific approach to morality. "The greatest happiness for the greatest number." Those who hold that the principle of utility provides that foundation of the moral rules, such as Mill, hold that it is justified to violate these rules only when the

overall direct and indirect consequences would be better. According to Mill, Utilitarianism provides the foundation for morality. It explains and justifies the moral rules that are accepted by all. The utilitarian morality does recognise in human beings the power of sacrificing their greatest good for the benefit of others. It only refuses to admit that the sacrifice is itself a good. "Utilitarianism the happiness which forms the utilitarian standard of what is right in conduct is not the agent's happiness but that of all concerned" (Mill, Utilitarianism, 2001, p. 17). The foundation is that of the social feelings of humanity, the desire to be in unity with our fellow creatures, which is already a powerful principle in human nature, and happily one of those which tend to become stronger, from the influences of advancing civilisation.

> The social state is at once so natural, so necessary, and so habitual to man, that, except in some unusual circumstances or by an effort of voluntary abstraction, he never conceives himself otherwise than as a member of a body; and this association is riveted more and more, as mankind are further removed from the state of savage independence. Any condition, therefore, which is essential to a state of society becomes more and more an inseparable part of every person's conception of the state of things which he is born into, and which is the destiny of a human being. (Mill, Utilitarianism, 2001, p. 32)

Kant also regards himself as performing a similar task, explaining and justifying a universal moral consciousness. Kant maintains that each of us has a worth or a dignity that must be respected. This dignity makes it wrong for others to abuse us or use us against our will. Kant expressed this idea in a moral principle: humanity must always be treated as an end, not merely as a means. Kant's principle is often used to justify a fundamental moral right, the right to choose freely for oneself. Kant argues that to act in the morally correct way people must act from duty. Secondly, that it is not the consequences of the actions that make them right or wrong but the motives of the person who carries out the action. When we are confronted with a moral dilemma, we need to consider whether the action would respect the basic rights of each of the individuals involved. However, rights should not be the sole consideration in ethical decision making. In some instance, the social cost or the injustice that would result from respecting a right are too great, and accordingly, that

right may need to be limited. Moreover, an emphasis on rights tends to limit our vision of what moral life entails. While morality does call on us to respect the uniqueness, dignity, and autonomy of each individual, it also invites us to recognise our relatedness. That is the sense of community, shared values, and the common good that lends itself to the ethics of care, compassion, and concern for others. When Kant propounds as the fundamental principle of morals, "so act that thy rule of conduct might be adopted as law by all rational beings "he virtually acknowledges that the interest of mankind collectively, or at least of mankind indiscriminately, must be in the mind of the agent when conscientiously deciding on the morality of the act.

> The same superiority of intelligence, joined to the power of sympathising with human beings generally, enables him to attach himself to the collective idea of his tribe, his country, or mankind in such a manner that any act hurtful to them raises his instinct of sympathy and urges him to resistance (Mill, Utilitarianism, 2001, p. 52)

All accounts of morality based on this concept of rationality agree with Hobbes that morality is concerned with promoting people living together in peaceful harmony, which includes obeying the rules prohibiting causing harm to others (Hobbes, 2008, p. 89).

> If justice be totally independent of utility and be a standard per se, which the mind can recognise by simple introspection of itself –it is hard to understand why that internal Oracle is so ambiguous, and why so many things appear either just or unjust, according to the light in which they are regarded. The admitted injustice of forcing one person to conform to another's notions of what constitutes his good. (Mill, Utilitarianism, 2001, p. 56)

For a range of philosophers, such as Kant, Baier, Philippa Foot and Geoffrey Warnock, morality prohibits actions such as killing, causing pain, deceiving and breaking promises (The Definiion of Morality, 2014). "And law was brought into the world for nothing else, but to limit the natural liberty of particular men, in such manner, as they might not hurt, but assist one another, and join together, and join together against a common enemy" (Hobbes, 2008, p. 178).

We can imagine extreme cases where killing an innocent person may save a whole nation. In such cases it seems fanatical to maintain the absoluteness of the judgement, to do right even if the heavens will in fact fall. And so the catastrophic may cause absoluteness of right and wrong to yield, but even then it would be a non sequitur to argue that this proves that judgements of right and wrong are always a matter of degree, depending on the relative goods to be attained and harms to be avoided. I believe, on the contrary that the concept of catastrophe is a distinct concept just because it identifies the extreme situation in which the usual categories of judgement (including the categories of right and wrong) no longer apply. (Fried, 1978, p. 16)

The following example might help to place the issue in perspective. On the computer screen before you appears a seemingly ordinary family photograph of Mr and Mrs Jones and a little girl named Lilly. A casual glimpse indicates this is not an average home photograph album. Firstly Mr and Mrs Jones are only partially in the frame and Lilly is looking rather unhappy. A few similar images appear with Lilly looking more and more distressed. The images proceed and what Lilly had clearly been fearing plays out. The characters quickly take on their true identities of Mr and Mrs Paedophile with their latest victim. The images are shocking, and the treatment of Lilly is abhorrent, but unfortunately, the depravity does not end there. These particular images were merely the entry requirement for Mr and Mrs Jones to be accepted as members into a relatively small group of 6,000 members who wished to trade these experiences. The group has accumulated a store of over 300,000 such images for their members. This particular group is simply one of the countless thousands that occupy the dark net. With the surveillance tools available to Police and other law enforcement agencies, it is possible to source the location of each offence and locate each offending member.(provided they have the mandate and the resources) While it is relatively easy to arrest and imprison the offenders it is much more challenging to trace the victims and begin their rehabilitation. The image of Lilly pleading in a hopeless attempt to prevent her abuse is not easy to forget. So if someone was to ask me is it OK if the police search for the electronic trace of these crimes and your data will get absorbed as part of that process is that OK –the

immediate answer is YES, no hesitation on reservations. When they ask is it OK that we store all the data because the crimes cover extended periods and creating the electronic web of connection between offenders is an important part of the detection process –again the answer is yes. It is difficult to imagine that anyone would consider his or her right to electronic privacy on public networks is worth the abuse of one Lilly, let alone the multitude of similar cases that occur every year.

"our actions should be guided, if they are guided at all, toward [the] elimination [of evil] rather than towards it maintenance" (Nagel T. , 1986, p. 182).

An ethical judgement makes a claim about what people should do to live well: what they should aim to be and achieve in their lives. A moral judgement makes a claim about how people must treat other people (Dworkin, 2011, p. 25). Consideration needs to be given to when your refusal to help signals a lack of respect for the objective importance of human life. When a person can prevent serious harm with relatively little risk or inconvenience to themselves, failing to do so is less easily defended as consistent with an objective respect for human life. However real life actions provide a different picture. In 1964, thirty-eight people witnessed the stabbing murder of Kitty Genovese as it occurred in the street outside their Queens Apartment Block, and they all sat on their hands. Although this account has been questioned, the public hue and cry led psychologists John Darley and Bibb Latane to investigate. They put people in a room where they could hear someone having a seizure next door. When the participants thought they were alone, 85 percent came to the victim's aid. However, when they thought that others heard the fit too, only 31per cent helped (Darley, 2008).

Recognising that the dark net is now five times the size of the social net and growing, several things become apparent. The people who are destroying the life, liberty and freedom of others are not a series of lone, isolated individuals, but skilled highly organised groups providing a product to a rapidly expanding market. These crimes against humanity are not new. Human trafficking, drugs dealing, arms

dealing, and terrorism have simply undergone a name change and upgraded their customer base and delivery mechanisms.

What are the implications of Kant's principle for how you must treat other people? it might strike you initially, that fully accepting the equal objective importance of everyone's life means always acting so as to improve the situation of people everywhere counting benefit to yourself and those close to you as each having only the same weight in your calculation as that of any stranger anywhere this is certainly the conclusion of many philosophers, including but not limited to utilitarian's, draw from that equal importance (Nozick, 1974, p. 261)

As a society, action must be taken to safeguard members. The sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will is to prevent harm to others (Mill. J, 1977, p. 667).

On behalf of societies, politicians have introduced mass surveillance as part of the solution. As society seems to have no other suggestions, any condemnation of surveillance should be made with full consideration and care. As currently conducted Surveillance is struggling to move ahead or even keep pace with the increasing security threats to individuals and groups within society. However even at this level of monitoring and detection individuals seem uncomfortable giving up their perceived right to privacy to help the minority of society who will become victims.This must surely be a significant moral issue ---collectively society can reduce the number of victims but is resisting this obligation.

Will the question remain ours to answer?

In earlier times, it seemed to most people that the whole complex universe, and especially life, could only be explained by the purposeful intervention of a supernatural magician of even greater complexity. Atheists do not necessarily reject the idea of an external, uncaused first cause, but regard a fundamental subatomic force a more credible explanation than a complex, conscious, purposive creator. Most human beings show altruism, at least from time to time. However, the rational explanation for altruism is its species survival value, facilitating its emergence through evolution by natural selection. It may be claimed that what makes human life the most incredible creation of all is that we can care morally for other humans. However to the extent that ethics is a cognitive pursuit, a superintelligence could do it better than human thinkers. This means that questions about ethics, in so far as they have correct answers that can be arrived at by reasoning and weighing up of evidence, could be more accurately answered by a super intelligence than by humans. The same holds for questions of policy and long-term planning. When it comes to understanding which policies would lead to which results, and which means would be most effective in attaining given aims, a super intelligence will outperform humans. It seems the best way to ensure that a superintelligence will have a beneficial impact on the world is to endow it with philanthropic values. Its top goal should be friendliness (Yudkowsky, 2003) .

The U.S. Department of Defence, working with top computer scientists, philosophers, and roboticists from a number of U.S. universities, has begun a project that will tackle the topic of moral and ethical robots. This multidisciplinary project will first try to pin down exactly what morality is, and then try to devise computer algorithms that will imbue autonomous robots with moral competence the ability to choose right from wrong "As you can imagine this is an incredible task. Scientifically speaking, we still don't know what morality in humans actually is –and so creating a digital morality in software is essentially impossible" (Anthony, 2014, p. 2). In *Moral Machines: Teaching Robots Right from Wrong* Wallach and Allen conclude that issues in machine ethics will likely drive advancement in understanding of human ethics by forcing us to address gaps in modern normative theory (Wallach, 2008).

In contrast, George Lucas disagrees considering that robots are never angry, nor racist, nor politically minded, they just follow rules, and if the rules are sophisticated enough then they might be more moral than humans (Green B. , 2014, p. 1). However, he does go on to note that strong artificial intelligence is likely to be unpredictable indicating that rules alone may not provide the clarity sought.

In existence now are extremely rudimentary attempts at electronic moral decision making. There is an I-Phone application that takes the customer through a step by step decision-making process that allows them to consider their options using five traditional ethical approaches. After gathering the important facts, the customer will analyse each option from the point of view of utility, rights, justice, the common good and virtue. For each perspective, the customer will score their potential action on a scale. Then they will weigh the ethical perspectives based on their relevance to the decision, and get a cumulative score for that potential option. The highest score indicates the optimal moral decision. The app while an interesting piece of software is nothing more than a system of prompts to guide human decision making.

Clearly some people are questioning what the reasonable boundaries are for machines to do our thinking. Given the changing contours of the key concepts of necessity, immediacy and proportionality it is important to consider the ever-expanding roles of computers in determining how, where and when to conduct mass surveillance. Computer analysis could provide wide ranging complex patterns of connectivity. They could even determine which actions or searches are morally and legally permissible. It is not too futuristic to imagine that we could simply instruct a super intelligence in the parameters to search for, and it could undertake all avenues of the digital investigation it considered morally correct.

While some people seem to have the creation of a moral computer as a goal it does raise the question as what is their goal for humanity. Potentially the following comment by Dewey would perhaps lead to a change in the question being asked.

"The challenge to human life, therefore, is to determine how to live well with processes of change, not somehow to transcend them" (Dewey, 1925).

Are we rational?

John Rawls developed a thought experiment to establish the principles of justice which he considered appropriate for governing a society. He proposed that to establish the principles for a just society that we should imagine ourselves behind a "veil of ignorance "as to our position within that society. From this position, we should imagine the principles by which society should be governed. Rawls proposed that because humans are by nature risk adverse that our rational self-interest drives us to choose principles of justice which would favour the worst –off, just in case it is us.

If this original position or "veil of ignorance " was applied to government data gathering it seems unlikely that people would choose a scenario where individuals not connected socially or graphically would be permitted to gather information make decisions, and take action when they are effectively insulated from the consequences. Therefore without assurance that the government, which society elected, was the sole user of the information it is unlikely people would be as willing to share what they consider to be their data.

While citizens may consider the data to be theirs, there is an alternative point of view. Locke suggests that a line (or hyperplane) circumscribes an area in moral space around each individual. This line is determined by an individual's natural rights, which limit the action of others. This raises the following question "Are others forbidden to perform actions that transgress the boundary or encroach upon the circumscribed area or are they permitted to perform such actions provided that they compensate the person whose boundary has been crossed?" (Nozick, 1974, p. 57). In this circumstance transgression is the collection of the data, and the compensation is the access to the Internet and the services it provides. Several search engines such as Google offer a number of incredibly useful products free of charge. Revenue earned from advertising, and the data collection allows the available products to be free so it could be argued that the compensation is effectively in place.

Nozick goes on to suggest that voluntary consent opens the border for crossing. In consequence, a person accessing the Internet to use the offered products should reasonably expect the data to be collected." Whatsoever is done to a man, comfortable to his own will signified to the doer, is no injury to him" (Hobbes, 2008, p. 99).

Mill sets this out clearly:

> He who accepts benefits and denies a return of them when needed inflicts a real hurt by disappointing one of the most natural and reasonable of expectations, and one which he must at least tacitly have encouraged otherwise, the benefits would seldom have been conferred. (Mill, Utilitarianism, 2001, p. 60)

Therefore, for users to consider that not only should the product be made available but that it should be free, secure and private is simply irrational. None of these views are sufficient to prevent citizens knowingly producing the data and using the technology that is so fundamental to mass-surveillance. In *A Dilemma of Consumer Responsibility* Corry raises the question of whether as consumers society can be held morally responsible for harms caused in the production of what they consume. (Corry, 2014, p. 9). People are not thinking about their relationship with their information rules and the sort of traces that they are leaving in the world. They lack the knowledge and experience to understand the full impact of their actions. Electronic data is now so extensive in everyone's life that abstaining from the use of the Internet on grounds of not wanting to create an electronic footprint will have no impact on the viability of the surveillance process. It will neither diminish the services provided nor the collection of data by the intelligence agencies. This raises the issue of "individual impotence". Peter Weng was the first to express this point noting the "there are thresholds beneath which an alteration in demand has absolutely no effect on price, profit and products" (Corry, 2014, p. 9)

In Western societies, it is possible to argue that mass surveillance has passive if not active support from the states citizens. This can be seen in four main ways. Firstly the information which mass surveillance accesses and monitors is generally freely

provided by the users as part of or in return for the services they access. Secondly, the legislation established the legality of these processes goes overtly through the relevant legislative bodies. If citizens felt strongly enough, they could make their dissent known, and the relevant bills /acts would have difficulty getting passed or may even not succeed. Thirdly anyone who watches mainstream television programs such as CSI: Miami, New York, LA or Cyber, or NCIS, and Blacklist will have seen a direct reference to the techniques of mass surveillance and see their application. These programs all have high viewer ratings and have been running for extended periods. The content is now widely accepted, it is not viewed as futuristic it is common place. Equally, there is sufficient general population reading material that openly discuss the techniques of surveillance such as Eye Spy Intelligence Magazine, which is on sale alongside the Economist or sports and hobbies magazines. Fourthly the governments openly recognise the success of surveillance experts. Since 2001, one hundred and fifty-six GCHQ staff have received medals for their surveillance services conducted in Afghanistan. So why anyone should be surprised by Snowden's revelations is difficult to understand. The general concepts are in evidence all around us. Few people could argue they did not know what was occurring.

Over twenty-five years ago a rational approach was developed for computer ethics. Luciano Floridi developed a concept of information ecology as the kind of information ethics appropriate to deal with the world of data, information, knowledge and communication as a new environment he termed the "infosphere" (Floridi L. , 2001, p. 5). He developed a metaphysical foundation of information ethics which involves two key elements. Firstly, fixing the meaning of being within the digital perspective as today's prevailing interpretation of being. Secondly, conceiving information objects in the infosphere as having an "intrinsic value" and hence subject to moral respect (Floridi L. , 2003, pp. 287-304).

Therefore, it is difficult to argue that society did not have advance warning of the issues. In the principles of computer ethics, the first principle was that one should never do with computers what he or she would consider immoral without them. An act does not gain morality because a computer has made it easier to achieve. It is

unethical for someone to rummage through your desk, and then it is equally
unethical for that person to search your computer. Google's mission is to organise
the world's information and make it universally accessible and useful. There are
ethical implications of that which Google feel they have a responsibility. On top of
their mission statement is their informal motto: don't be evil.

 The second principle was to treat information as something that has a value. Some
people who use computers to obtain unauthorised information do not realise they are
doing something wrong. Since information is not a tangible object and can be
shared, it does not seem to them like stealing since it does not deprive someone of
something. However, this proposition is hard to justify. If someone wants the
information, then it has a value. Anderson extends this concept to the fullest extent
suggesting that stealing information should carry similar legal penalties as stealing
tangible objects (Anderson, 1997, p. 3). You have no grounds for complaint if people
see you, or hear you for that matter when you have had the power not to be heard or
seen. Mass surveillance removes that power.

It has been argued that privacy is optional. You can choose to keep yourself and
your information concealed, or you can share it, and that is the end of the story after
all. However, Anita Allen believes just as we have constraints on giving away our
freedom generally –which are represented by the modern restraints on selling
yourself into slavery. Allen thinks there are still grounds for thinking that we need to
be mindful that if we give up our privacy, we are giving other people major control
over our life in ways that are not disanalagous to selling oneself into slavery (Allen A.
, 2103).

Anita Allen is very concerned about a disturbing phenomenon called 'oversharing'.
What's at stake with oversharing is the loss of a very old-fashioned virtue called
'reserve'. (Allen A. , 2103) There are ethical reasons why people should be reserved
that are not typically utilitarian. There is a complete loss in some segments of our
culture of a sense of why it may not be a good thing to say everything that is
happening, everything that you're thinking, everything that you're wondering,
everything that occurs. There's a virtue to sometimes holding back. It goes to dignity

and self –respect, and implicates utilitarian values of good reputation and open futures.

If you are comfortable with the philosophical notion that we have obligations to ourselves or respecting ourselves, you can then ask: what are those duties?" Could they include a duty to protect our own privacy? , giving away our privacy can harm us –one can consequently have obligations to make efforts to avoid this kind of injury. Allen thinks that is something that is overlooked: the seriousness of the ways in which we can damage ourselves by being too free, too careless with our privacy and private choices (Boag, p. 102).

If as Dworkin believes "people want to live well, and sense that living well includes respecting their moral responsibilities, then it is wholly natural that they mainly feel at least some impulse to do what they think they ought to do" (Dworkin, 2011, p. 58). However as Thomas Nagel points out, there are two perspectives from which a person might decide how to live (Nagel T. , 1998, pp. 3-30).The first is a personal perspective dominated by his own interests and projects. The second is the impersonal perspective from which his own interest, ambitions, attachments and projects matter no more than those of anyone else. In Nagel's view, we find truth from both these perspectives and our difficulty arise because these truths are inconsistent. What seems to make the most sense from the personal perspective will often contradict some requirements of the impersonal one.

Therefore, it is crucial to choose and make appropriate practices, within every element of human activity, in order to cultivate a virtuous character. In this way, virtue ethics poses two fundamental questions. Firstly would adopting a certain practice cultivate habits that are formative of good characteristics? Secondly, would adopting a certain practice cultivate the standards of excellence specific to that action?" It is the problem posed by the demands of virtue in world or context dominated by evildoers. Machiavelli and later Hobbes thought it folly to behave virtuously in such a situation. The insight behind the accusation of folly is that there is some fundamental point to morality which is undermined by the widespread non-co-operation of other .For both Machiavelli and Hobbes, it is a kind of survival .the

survival of the state and all it stand s for is preeminent in Machiavelli, whereas the individual's self –preservation is Hobbes principle focus, though each share the others concern. (Singer, 1991, p. 381).

Follow your conscience is often the advice people give when you face a difficult ethical decision. We must distinguish between, first, values from desiderata. Values have judgemental force. Desiderata, on the contrary, are what we want but do no wrong not to have. But what happens when your personal conscience is in conflict with the guidance from the institutions you respect. The responsibility rests with the individual to determine their position. People tend to forget the possibilities of acting independently of the State (Nozick, 1974, p. 14).

The transparency of what government agencies are doing could be easily increased, and the consequences to the consumer of digital communication made clear. Most people are already familiar with at least one way to achieve transparency. Effectively it is similar to the electronic warning received when phoning a service call centre "your phone call may be recorded for training purposes". This provides the individual with the clear and advanced warning that if they proceed their call will be monitored. Virtually all callers proceed. The relevant point for this paper would be to consider if the usage of any electronic media was to be undertaken only after accepting a notification that" all data generated will be recorded and stored for a period to help the government protect its citizens". Would there be either a change in societies use of the system or in the perceived inappropriateness of mass surveillance: it is imagined that the answer is no.

You simply comply because you never know when" they" might be watching

Proudhon noted that

to be governed is to be watched, inspected ,spied upon, directed, law –driven
,numbered, regulated ,enrolled ,indoctrinated ,preached at, controlled ,checked
,estimated , valued, censured, commanded ,by creatures who have neither the
right nor he wisdom nor the virtue to do so (Proudhon, 1923)

Most people now accept that someone has the capability to monitor every digital
transaction we make and in most large cities and public buildings the ability to
observe everything we do. A frequently asked question is who is the "they", who is it
that has both the power and authority to do this.

An Organisational level analysis focuses on people. People make decisions within
nation states, and, therefore, people make policy.

The moral point of view requires us to regard the world from the perspective of
one person among many rather than from that of a particular self with particular
interests, and to choose courses of action, policies, rules, and institutions on
grounds that would be acceptable to any agent who was impartial (Beitz, 1999,
p. 113)

Mill noted that where ever there is an ascendant class, a large portion of the morality
of the country emanates from its class interests, and its feelings of class superiority.
Men who judge in their own case will always give themselves the benefit of the doubt
and will always assume that they are in the right (Nozick, 1974, p. 11). For the
majority emotions work to keep us in step with the moral status quo. It feels wrong to
be different, so we go with the flow. Reason, more often than not, is just an impotent
latecomer. If this is correct things have panned out much as David Hume reasoned.
For Hume, Reason was the "slave of the passions 'and 'all morality depends upon
our sentiments; and when any action, or quality of the mind, pleases us after a
certain manner, we say this is virtuous" (Hume, 1888, p. 517).

Driven by the dominant elites and their will to control, mass surveillance erodes and
undoes the democratic promise of transparency. Time has supported Zuboff's rather
gloomy predictions of the appropriation of the promise of information technology by

powerful groups and its concomitant use in ways that, by and large, accommodate the interests of these groups.

Power concedes nothing without a demand. It never did and it never will. Find out just what any people will submit to, and you have found out the exact amount of injustice and wrong which will be imposed upon them, and these will continue till they are resisted with either words or blows or with both. The limits of tyrants are prescribed by the endurance of those they oppress (Douglas, 2016)

Ultimately the determining factor is the mental attitude of the ruling class itself (Orwell, 2008, p. 215). It is, therefore, essential that citizens elect the right people to be in charge. Interestingly while the surveillance debate focuses on the potential intrusion into everyone's life, society seems to have overlooked the fact that it has already provided these same individuals who govern surveillance with society's authority to initiate nuclear Armageddon and end the world as we currently know it. The future will be shaped by how states, citizens, companies and institutions handle their new responsibilities in the digital age. After all as Hobbes notes" covenants, without the sword, are but words, and of no strength to secure a man at all" (Hobbes, 2008, p. 111). The advent of nuclear capability has already provided the sword; mass surveillance simply defines the target more clearly.

Society created "the great Leviathan called a Commonwealth, or State which is but an artificial man, though of greater stature and strength than the natural, for whose protections and defence it was intended" (Hobbes, 2008, p. 7). "The great Leviathan –for by this authority, given him by every particular man in the Commonwealth, he hath the use of so much power and strength conferred on him, that by terror thereof, he is enabled to conform the wills of them all, to peace at home and mutual aid against the enemies abroad" (Hobbes, 2008, p. 114). Clearly the members of the Five Eyes are well known Western governments. The governments act through law enforcement agencies and other government departments to carry out the work. The agencies employ officials who design, create and implement the requests of their

leaders. Society is, therefore, the creator of the "they". This is reinforced in *The Nicomachean Ethics,* which is an exercise in political science (Aristotle, 1996, p. xxi). It notes that individuals need to understand happiness so that we can construct a good state, which is a state in which people are enabled and encouraged to lead good lives. No one is specially absolved of responsibility for actions when these are performed jointly with others either from political motives or under the direction or orders of political leaders (Nozick, 1974, p. 100).

Motives might well be in play which dominate any particular occasion. But in basic terms "The buck stops here "is an important piece of ethical wisdom. For the Act of Surveillance Nozick suggests:

> Perhaps the principle is something like this: an act is not wrong and so cannot be prohibited if it is harmless without a further major decision to commit wrong (that is it would not be wrong if the agent was fixed unalterably against the further wrong decision); it can only be prohibited when it is a planned prelude to further wrong action (Nozick, 1974, p. 127)

All actions we are concerned with could be done for perfectly legitimate and sensible reasons (for example self-defence), and they require further decisions to commit a wrong by the agent himself if wrong is to occur. A valid principle would hold that one may prohibit only the last wrong decision necessary to produce the wrong. An even more, robust principle would be holding that one may only prohibit the passing of the last clear point at which the last wrong decision necessary to be wrong can be reversed (Nozick, 1974, p. 128). We cannot know what reason requires without first deciding from which perspective that question should be decided. Nagel suggests a procedural test (Nagel T. , 1998, p. 12). He seeks principles for balancing the impersonal and personal perspectives that everyone should find reasonable if he were motivated by the desire to settle on one standard. Much of the modern virtue theory has been concerned to develop Bernard Williams criticism of utilitarianism and Kantianism that, through their impersonality and impartiality, the two violate the integrity of moral agents. Anscombe believed that it was a mistake to seek a foundation for a morality grounded in legalistic notions such

as obligation or duty (Anscombe, 1958, pp. 1-19). According to both the principle of utility and the Kantian categorical imperative, and moral reasons, being universal are independent of the desires of goals. Philippa Foot impressed by the rationality of fulfilling one's own desires, has argued that moral reasons do depend on the desires of the agent in the context of general disbelief in the existence of a divine law giver as the source of such obligation.

For the more serious levels of harm that might impact society through the delivery of mass surveillance the key people making the decision are under the control of elected officials, Prime Ministers or Presidents. These individuals are elected by society. They are the "they", the people we have chosen. This imposes an obligation on government to justify such measures publicly, to submit them to judicial review, and to circumscribe them with sunset clauses so they do not become permanent. Rights do not set impassable barriers to government action, but they do require that all rights infringement be tested under adversarial review (Ignatieff, 2005, p. vii).

Is surveillance successful

Walzer contends that pacifisms idealism is excessively optimistic that it lacks realism (War, 2000, p. 16). More precisely, the non –violent world imagined by the pacifist is not actually possible, at least for the foreseeable future. Therefore, there will always remain a need to understand the security threat. It will always be important to" define the exceptional criteria stressing the seriousness of the anticipated aggression. The kind and quality of evidence required and the speed with which one must decide: and the issue of fairness and the duty to protect one's people" (Walzer, 2004, p. 7). If this is the case, then it is relevant to understand is mass surveillance achieving positive outcomes. For those that would argue that the end justifies the means is surveillance making a valuable contribution to safety? Since 9/11—Deputy NSA

Director John Inglis conceded that at most one plot might have been disrupted by the bulk phone records program alone. Since 9/11, 53 people have been killed by terrorists in the UK. Every one of those deaths is tragic. So is every one of the 26,805 deaths that have occurred on British roads. This means that twelve years of terrorism has killed as many people in the UK as eight days on British roads. On this basis, it would appear that mass surveillance is potentially not effective relative to the scale of investment. However the majority of crimes detected by surveillance, and people imprisoned as a consequence, will never be known as the agencies do not keep records in a form that could produce that number. Even if they did, they would not expose which techniques produced the different results. Alternatively, the British and French have recently created media releases stating that they have been very active in successfully disrupting terrorist activities. The releases have been focused on two things; firstly reassuring the public that they are being protected and secondly to pave the wave for increased surveillance activities. Equally, the deterrent or prevention factor cannot be quantified. For those surveillance techniques that are readily apparent, the evidence is much clearer. Evidence proves that Police body worn video cameras cut crime. Operation Hyperion found that public order and assault crimes dropped by 18 percent, from more than 1,700 to 1,400, in the year that the Police were wearing cameras in the Isle of Wight according to University of Portsmouth Institute of Criminal studies. Being recorded does have a positive impact on reducing crime and anti-social behaviour.

 Digital surveillance may not be the sole solution and there is clear evidence that non- members of the Five Eyes have differing alternatives. The government of Pakistan has developed a less intrusive way to provide significant results on a massive scale by imposing a restriction of only two cell phone SIM cards per Identified individual for all foreigners, including the Afghan refugees. The Pakistan Telecommunications Authority has decided to block all the SIMs exceeding this limit, which helped curb the involvement of Afghan nationals in terrorist activities. Sixty-six million SIMs were verified through biometric verification system while more than eleven million SIMs were blocked because no one owned them. So rather than

monitor who is doing and saying what they decided to reduce access and remove the opportunity.

Professor Mei Jianming of the Chinese People's Public Security University noted that the authorities plan to recruit millions of community volunteers to watch out for suspicious activities in their neighbourhoods, with a cash reward for informers. This is a physical augmentation of what has been described as the world's most extensive security data bank that is based on compulsory identity for China's 1.3 billion population This has raised fears that the historic mass surveillance conducted Mao Tse-tung is beginning upgraded and reintroduced to reduce once again freedom of expression. It is highly likely that this approach will have a far greater negative impact on society than the unobtrusive digital mechanism.

It is important to recognise that security does not work like a switch. It is impossible to more from weak or poor security to comprehensive security at the push of a button. It takes time to design and build the solutions and the expertise. Security is constructed in inter linked layers, the scope of which expand and contract depending how far reaching societies expectation of protection is. Mass surveillance is one layer, and it is having an impact, but it is not producing total security. This raises the issue of how mass surveillance will advance to the next layer to achieve the security levels society seeks to attain. Interestingly to ensure the safety that citizens seek, governments themselves are now potentially becoming an entity that parts of society want protection from.

And now

In the beginning, Edward Snowden's actions, though condemned by the US government, were celebrated by the majority of US voters. A Quinnipec University National Poll showed that 55% over 34% believed that Snowden was a patriot rather than a traitor (National Poll, 2013) .

Two years have now elapsed since Edward Snowden made his global disclosure of mass surveillance. This has provided Governments and their citizens' appropriate

time to evaluate the new information and to decide what if anything they need to change.

Interestingly the changes have been relatively minor. There have been some political statements made and a few low-level politicians' have attempted to make headlines by contesting proposed government bills that sought to extend the powers of the state to enable more surveillance. Regardless, the states have increased their legitimate powers of monitoring and continued to invest in surveillance technologies and techniques.

The apparent need for security by all has escalated as Cyber-crime becomes increasingly prevalent, with identity theft and scams rapidly replacing and outgrowing physical crime. The growth of ISIS is being used to generate the next open round of intelligence evolution. This, coupled with the increased perceived threat of Russian President Putin, has meant a steady rise in global surveillance activities.

Recent surveys indicate that Snowden has been forgotten by the world public. Residents of New York City now live under some of the most intense surveillance of any place in the U.S. When asked, most had no idea who Edward Snowden is or what he has done. Also, they are not terribly concerned about government spying. Everything that Snowden did failed to make a dent in the national conversation beyond the journalists who cover the industry, and the politicians who debate privacy issues. It remains to be seen whether any of Snowden's disclosures really matters.

With a cancelled passport and over twenty countries which he has approached unwilling to provide him with asylum, he simply exists in an international grey zone. While the Five Eyes membership will arrest him on sight, no other country considers his value to be sufficient to incur the displeasure of the U.S. Snowden caused considerable alarm in the intelligence and political organisations around the world. He caused a review of core governance of a handful of government agencies and a general increase in security for others. However, Snowden put the lives of many Government Agents at risk and upset several major surveillance operations. In return for such damage, he has only been marginally more successful than the previous

Five Eyes whistleblowers from England, Canada and Australia in raising public concern.

Several Intelligence agencies have now felt that enough time has passed since Snowden that it is now time to push openly for increased activities. Somewhat ironically the agencies are blaming Snowden and his supporters for holding back the development of surveillance. While this is not actually accurate, it is being used as an excuse for the need for increased security. It may be that Snowden has done more to advance mass surveillance than to prevent it. By forcing the debate and generating so little support that Government agencies are now more emboldened to increase their activities

Snowden raised a warning for humanity. If the supporters are right, he was attempting to provide citizens in many countries with an opportunity to evaluate a particular course of government action. If left unchecked it could have grave consequences for humanity. In this scenario, Snowden's own moral system was warning him that what he was doing was unacceptable. Citizens did momentarily listen, and governments reacted, but concerns quickly faded, and undertaking of mass surveillance has strengthened and improved. Therefore, if morals are indeed a universal code to guide us in determining what behaviour helps or harms sentient creatures, then it is morality that has led to the debate.

The apparent conclusion is that mass surveillance is not currently perceived as a threat to sentient creatures. Dobson and Fisher offer an explanation-By any reasonable measure, Panopticon III is bound to have an impact on society that will be far greater in magnitude than the actual application of Bentham's Panopticon and more predictably certain than Orwell's Big Brother. The reason it is attracting so little interest may be due in part to Orwell's over –the –top success in 'Crying wolf". Orwell cried it so well and the cry has been repeated so often by so many, that most people eventually became inured .After a while, the cry of Big Brother lost is sting (In Memory of George Orwell., 2014, p. 3).

 Like most failed revolutionaries, Snowden is destined to fade simply into forgotten memories unless at some future point the application and use to which surveillance

is put overstep a mark and citizens end up wondering how it ever came to this. To say that morality is an informal system means that it has no authoritative judges and no decision procedure that provides a unique guide to action in all moral situations. When it is important that disagreements be settled, societies use political and legal systems to supplement morality. However, that time is not now.

Conclusion

At the outset, I chose to consider the moral implications of mass surveillance because I thought it would be a new and exciting application of moral philosophy. Edward Snowden exposed to the world that mass surveillance was a very active part of Government activities by the Countries of Five Eyes membership. The basic elements of modern society, cell phones, the Internet, and all things digital were recorded, stored and monitored by government agencies. The entire concept of individual privacy was being challenged and replaced with a Panopticon approach to control society. I had assumed that individuals would be surprised at the depth and extent of the intrusion into areas that they had previously considered private. The loss of privacy potentially questioned the very existence of a free society.

However, I was wrong. Espionage is an age old human endeavour and dates back to early civilisations. Over this extended period, the fundamental objectives of protection and economic advantage have remained the primary rationale for gathering intelligence. The underlying purposes of gaining power, and retaining it remain the driving force. Those in powerful positions seem to consider it is their obligation to create a universal code of morality reflecting their own as a basis for self-justification.

 For thousands of years societies have sought to protect their land and sea boundaries by physical force. At the turn of the twentieth-century international legislation, enforced by physical arms, addressed the new threats posed by the development of aircraft and access to space. In the twenty-first century, the new frontier of society safety is in the virtual world.

Espionage and the concept of a code of morality have evolved contemporaneously. As a consequence, there is a plethora of philosophical thought across the ages on the moral issues surrounding espionage. Indeed, the only significant difference today from years gone by is the question of scale. However as the application of moral consideration is not volume driven, scale itself of little consequence. Perhaps more interestingly the issue of mass population surveillance was considered and debated several hundred years ago by Jeremy Bentham. So society has had a very extensive period to prepare for the current environment.

Recognition of the power and potential of electronic networks has created some interesting tensions between the consumers who have sought ever increasing lifestyle consumer comfort to governments seeking to monitor, influence and control potential threats to the status quo. For most of the general population, mass surveillance is yesterday's news and rapidly moving beyond the point of consideration. Unresolved the doubts remain and range from relatively simple questions of proper behaviour and use in the digital world to more important issues of political power, control of communications, equality of access and privacy. The ethical questions of how do citizens affect Governments to address issues of power and international politics are being reset in cyberspace.

Any theory about what is good or bad for people must be part of a successful theory of reason and rationality. So when it comes to considering mass surveillance the theory must take into account a range of entities that people choose to operate behind. Firstly there is the state and a variety of political philosophies, and then there are corporate entities which law embodies with their entity but are nothing more than a group of people by a different name. Then there is society itself and finally the individual. An adequate theory must address these entities both now and in future generations to determine a rational theory.

 Ethics can be considered as a social system or a framework for acceptable behaviour. They may be influenced by culture or society, but they are personal principles created and upheld by the individuals themselves. Surveillance is a massive industry and employs hundreds of thousands of people through each of the

representations above. An important principle to understand is what does involvement in the delivery of mass surveillance mean and when should someone be considered responsible for the end outcome. After all, responsibility seeks coherence and integration.

Ethics are very consistent within a certain context, but can vary widely between contexts. For example, the ethics of the medical profession in the 21st century are generally consistent and do not change from hospital to hospital, but they are different from the ethics of the 21st-century legal profession. An individual's moral code is usually unchanging and consistent across all contexts, but can change if the individual has a radical shift in their personal beliefs and values. This potentially allows different priorities to be dominant at different periods throughout history. The underlying objective is to achieve an overall combination so that each view supports the others in a network of value which all in society can relate to.

Whether a person believes that morality is a social construction based on an understanding of what will be required to assist society to work more collaboratively or closely or as a universal imprint on creation to assist humanity to lead a virtuous life, the application and outcomes are basically the same when it comes to mass surveillance.

Whichever way it is approached there is unlikely to be an easily identified single direction. It is highly likely that a major objective of morality is to force people to stop and think more carefully about what they are doing and why. The fact there is no agreed priority ranking of moral consideration strengthens the debate that morality forces people to a successful theory of reason and rationality through collaboration.

While there are many clear and present dangers associated with the introduction and continued use of mass surveillance, there is no indication that it will be ceasing in the near term. The initial unease that individuals first felt on hearing of the Snowden disclosures has either been reasoned to the point of acceptance or replaced by a debilitating apathy. It would appear that many of the concerns are not morally based. People appear to be concerned about the process of collecting data, the apparent corruption of digital networks and the questionable lengths to which many

organisations are going to facilitate monitoring. However, the genuine moral issues, which are not being debated are, of much greater concern. The monitoring is necessary because of the escalation of harm that the digital networks are enabling. Why has the perceived anonymity and ease of communication increased the potential for insecurity within society? Also, society can reduce the number of victims of cyber-facilitated crime by embracing mass surveillance and supporting its roll out. However, individuals seem to be considering if the loss of elements of their privacy are worth the possible protection of some unknown minority group and appearing unsure as to their preferred position. There are other impacts of surveillance of a society which are currently unquantifiable. However, it would be interesting to understand how severe any one or collection of these issues would need to be before it would be morally acceptable to restrict monitoring and knowingly put more individuals at risk. The fundamental question becomes what does society consider it means to live a virtuous life and what is it willing to do to achieve that objective. The lack of extensive, robust debate on the morality of mass surveillance potentially signifies the critical moral issue: does society really care?

Society seems to be developing what has been referred to as' In-attentional blindness'. This provides governments with a tacit consent from the societies that they represent, to continue with mass surveillance to provide physical and economic security. As history demonstrates the key to success is a superior force, technological advantage, a willingness to act and support of the population. Mass surveillance is an important part of the toolkit.

> Why should I abide by the decision of the majority? Because by the deed of
> the social contract itself, to which everyone subscribes and pledges, everyone
> agrees to accept the decision of the majority in the formulation of the law.
> (Rousseau, 1968, p. 38)

This places a significant responsibility on Government and the majority which elected them. They have the capacity to exert power over the minority. This, therefore, imposes an unenforceable obligation on the majority. It is these imposed

actions that are obligating and at the same time unenforceable which create the moral and ethical duty.

If Oxford economic historian Avner Offer is correct individuals are hopefully myopic. (The Freedom of Limited Choice, 6, p. 12) When left to our own devices, we'll choose what is nice for us today over what is best for us tomorrow. In a life of instant gratification, we are constantly making decisions that our future self would not make. In this event, we will continue to trade convenience for privacy and enable others to set the longer term direction for society's culture.

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