

NSA's surveillance leak by Edward Snowden – a utilitarian analysis

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30 September 2015

Edward Joseph Snowden was born on the 21st of June 1983 and in 2013 became the catalyst and centre of attention regarding his alleged mass reveal of classified National Security Agency documents which indicted the U.S. government of unlawful mass civilian surveillance. Snowden began working for the NSA as a contractor stationed near Tokyo and eventually transferred to Hawaii where he was assigned to be the NSA's lead technologist at Booz Allan Hamilton. It was there that he copied and smuggled more than 1.7 million top secret documents to journalists. Among the many revelations brought forth by Snowden was the existence and usage of PRISM, a bulk metadata collection programme run by the NSA containing evidence of mass American communication surveillance.

Snowden's whistle blowing has been revered as noble by some and criticised as unpatriotic by others. What was most significant; however, about the events that transpired during Snowden's hideaway was the NSA's feeble and non-assuring response to the subsequent allegations which was the main reason why the public became increasingly trustful of Snowden's claims.

There are many theories and perspectives regarding social corporate responsibility that can be utilised to assess the morality of the NSA. Firstly, one needs to determine the sole purpose and mission of the National Security Agency; to protect U.S. citizens from external threats. This brings into question the methods and tools necessary for any entity or body of government to protect a nation against the threat of terrorism and if the very nature of such a level of security infringes with basic civilian rights. If so, the very existence of state sponsored surveillance and security is brought into question. Utilitarianism is a philosophy that gives little notice to the intentions of an action, as long as its consequences amount to a greater happiness for a greater number of people. Utilitarian thinkers would argue that in the name of terrorism prevention and security of the American public as a whole, surveillance would be completely warranted. In addition, it is undeniably clear that the threat of terrorism against America is a security priority above all others and should be

treated accordingly. What hasn't been made as clear to the public is what is the effective way of defending America. It is also important to note that the perspective to be utilised firstly in this section of report will not be centred around the whistleblowing of Edward Snowden but rather the NSA's act of surveillance. Utilitarianism is a theory that holds no regard to the consequences incurred into the person faced with making a decision but rather how the decision will affect others. The NSA's surveillance would allow a nation to remain safe from the threat of terrorism and due to the ignorance of the public on this matter, it would pass the test for "act utilitarianism". However, when considering that the breaking of a moral value generally accepted by the public, would potentially lead to the outcry and general unhappiness of the public and severe repercussions to the company, it does not pass the test for "rule" utilitarianism. Rule utilitarianism would be the theory more adequate to use for the perspective of the NSA as the negative outcome of their decision incurred in the long-term and was due to the ignoring of a general accepted moral rule of deception.

Arguably, the only way to achieve security is to prevent terrorism before it ever happens. This is because acting on the offensive by retaliating against acts of violence and murder pertaining to terrorism after they have already occurred is by nature counterproductive and ineffective. Utilitarian thinking would suggest that the only way to achieve true dominance over terrorism and security is by implementing strategies prioritised at prevention as opposed to retaliation. This conceptualization views the American public as a general entity that would benefit from the consequential times of peace and there would be no regard to the means of achieving this peace or any specific individual stakeholders. When NSA and governmental representatives came forth in defence of their actions during the wake of their accusations, Senator Dianne Feinstein of California argued that if a civilian has nothing to hide or be guilty of, then that person has nothing to fear. The then director of the NSA, General Keith Alexander, also spoke out to the public as he defended the PRISM programme by saying: "We have a metadata program that helps us to connect the dots in the least intrusive way we can". At no point during this scandal was there any assurance by anyone that the accusations brought upon by Snowden were incorrect or untruthful, basically allowing the public to understand that the American public was under surveillance but that it was for the greater good. The problem with this approach is that it excludes morality and individualism completely out of the equation when in fact both these concepts should arguably always be present in any institution's legitimate code of conduct and priorities.

These events can also be analysed from the perspective of Edward Snowden himself. It is clear that Snowden's actions were derived from utilitarian thinking due to the lack of consideration for the consequences that would be incurred to himself. If he had chosen to remain silent and not inform the public about NSA activities, this would also have been sheer egoism, another consequentialist approach which only takes into account the effects on the decision maker. Snowden's decision would have failed the "act" utilitarian test due to the large magnitude of unhappiness that it caused.

When considering all the parties involved in the outcome: Snowden, the NSA, and the general public, it is clear that there was no one that came out with a pleasurable or happiness derived outcome. The NSA came under enormous scrutiny, Snowden was forced to go into hiding, and the public became near paranoid with anger from the revelations. However, in terms of long term effect, Snowden would eventually stop having to deal with escaping and allow himself to be free from the guilt of surveillance knowledge and would have the satisfaction of knowing he acted morally right. The public would feel more empowered being rid of their ignorance regarding the NSA and the only party that would remain unhappy would be the NSA. This means that Snowden's whistleblowing passes the "rule" utilitarian test. Some people would argue that his acts were definitely not patriotic and in fact subversive. To these allegations people have presented the counter argument that Snowden merely presented information regarding PRISM and completely safeguarded other NSA intelligence in his possession that would have endangered and compromised active security operations and therefore his actions cannot be classified as treason. This defence in favour of Snowden is very similar to the one presented by the NSA. Indeed both Snowden and the National Security Agency can be classified as having committed the very same offense and therefore have no authority on criticising each other, for if Snowden committed a rights violation by leaking government intelligence to the media then those very same rights were violated when the NSA gathered surveillance on the American public without adhering to the rights of the public enabled by the Fourth Amendment. Both parties acted on the basis of utilitarian conceptualization when they completely disregarded the individualistic freedoms of a person and justified their actions by claiming it was for the greater good. It then becomes only a matter of which party committed the violation to the higher degree.

From Snowden's perspective, his decision fails the "act" but passes the "rule" utilitarianism test where the NSA fails the "rule" but passes the "act" utilitarian test. The threat of terrorism and violence has always been a strong catalyst for public uproar. With the occurrence of Edward Snowden's leak of the classified NSA intelligence, the controversial and conflicting issue arose regarding safety, danger and how to distinguish the two from each other. It is at this time unclear if the conflict regarding the NSA leaks is due to our current modern society having over time lost the motivation and preference of making morally sound decisions or if it is due to the general public becoming desensitized from the ability to judge if something is right or wrong in the first place. While one may believe that the guilty and innocent parties in this event are very easily distinguishable from one another, a closer inspection into the priorities of a nation and more importantly into their interpretation of social corporate responsibility may lead to a different perspective.

References

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