

# Technology, Democracy, and Security

Warwick Interdisciplinary Ethics Research Group  
Department of Politics and Public Administration, The University of Hong Kong

**Date: 11<sup>th</sup> April 2016**

**Venue: Social Sciences Chamber, 11/F., The Jockey Club Tower, Centennial Campus**

## Schedule

1:00pm Arrivals

1:30pm Introduction

1.45pm Tom Sorell: 'Democracy and Bulk Collection: Model Institutional Responses'

2:25pm Jethro Butler: 'Autonomy, Rights and the Bulk Collection of Data'

3:05pm Tea

3:30pm John Guelke: 'Surveilling Physical and Virtual Spaces in a Liberal Democracy'

4:10pm Kat Hadjimatheou: 'Democracy, Transparency, and the Policy of Neither Confirming nor Denying'

4:50pm Christopher Nathan: 'Cyberwar and Proportionate Sabotage'

5:30pm Close

## Abstracts

### **Tom Sorell: 'Democracy and Bulk Collection: Model Institutional Responses'**

Surveillance is in principle justified by the protection of citizens' vital interests if those interests are genuinely threatened. Citizens have a vital interest in e.g. survival, in being pain-free, in being free of addiction, and other interests in many other goods that can be distributed to them. Counter-terrorism and the fight against serious crime correspond to vital interests, but the justifiability of a given choice of measures to protect those interests depends on the size and imminence of the threat against them, and the legitimacy of the agents implementing them. Legitimacy is usually a matter of satisfying the principles of liberal democracy. Democracy requires justified surveillance to be as public as possible: there is a presumption against covert surveillance in public places and any surveillance in private places. There are very big tensions between the norms of democracy and the large-scale surveillance of citizenries (as in the NSA programme) even as part of a counter-terrorism programme. There are moral

objections against large scale democratic surveillance also from considerations of privacy and a heightened threat of loss of liberty, but these can be met in part institutionally, as in the new Investigatory Powers Bill in England and Wales.

**Jethro Butler: 'Autonomy, Rights and the Bulk Collection of Data'**

Bulk collection is often presented as a threat to privacy but less often noted is the potential that bulk collection has to undercut the liberty and autonomy of individual citizens. Insofar as liberty and autonomy are fundamental values in liberal-democratic states the use of bulk data collection may present an ethical problem. This paper explores the extent to which different employments of bulk collection might infringe on various autonomy or liberty-based rights possessed by citizens in liberal democratic states.

**John Guelke: 'Surveilling physical and virtual spaces in a Liberal Democracy'**

How do democratic principles constrain the extent of legitimate surveillance? Democracy is not just a matter of whether institutions like elections and a free press are in place, but also crucially depends on the behaviour of citizens. One highly influential approach has been the social capital account of Robert Putnam. On this view networks of trust and reciprocity are a reliable measure of the health of civic engagement. Such networks are built up partly by a wide range of associational activity – whether political or not. Associational activity takes place across a range of physical and virtual spaces, either public or private or some mix of the two. In both physical and virtual spaces there will be legitimate reasons for surveillance, as they can be sites where real world crime is discussed and plotted and even sites of crime itself. In the case of physical space policing as such is uncontroversial, although the question of exactly how policing should be conducted is a frequently matter of contention, especially the policing of public protests. In the case of virtual spaces there is even more objection to policing, some claiming that policing of them as such, especially by state agents, undermines their function as social spaces.

**Kat Hadjimatheou: 'Democracy, Transparency, and the Policy of Neither Confirming nor Denying'**

The use by citizens and journalists of freedom of information powers has expanded in recent years. So too has the incidence of data holders responding to such requests by neither confirming nor the existence or content of information specified. This paper considers the issues surrounding the question of whether neither confirming nor denying is a legitimate strategy in a democracy.

**Christopher Nathan: 'Cyberwar and Proportionate Sabotage'**

One of the problems with cyberwarfare is that it contains the word 'war'. The metaphor of combat is attractive. However, in considering international values and norms, it is distracting. When the laws of war fail to fit the cyber realm, we become tempted to think that no norms or values apply at all. The incursions that take place in the online world typically fall under a category that is far below that of war, and are more easily understood as forms of espionage or sabotage. I show how we can draw a notion of proportionality in cyberwar from those more quotidian concepts.