

After Snowden

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With an eye to simply offering brief introductory remarks, I want to focus on just one component of the announcement of this event: the one which asked “what kinds of conversations do we need to have about the rules of cyberspace?”

And the one example of a “conversation” I would like to highlight is one which would begin to map the context in which the surveillance appetites of governments have burgeoned. Why is it that the United States has been giving such shocking free rein to efforts like the NSA’s surveillance operations? Why do some other governments feel the same hunger? (Far from least, as many of you in this audience will know, is the government of the United Kingdom.)

Context is important. It tells you something when those of us kick-starting this evening’s discussions are doing so at a public event hosted by the London School of Economics, for example, rather than at an invitation-only briefing at CIA headquarters in Langley, Virginia. There is value in better understanding the nature of the arena or context in which an Edward Snowden once worked – when we can give ourselves at least glimpses of the motivations of policy makers, with those glimpses supplementing our grasp of the consequences of policy maker choices.

It is also ultimately necessary to keep the “why” question in mind as we explore context. We can treat a headache with aspirin or a nap, for example, but repeated headaches will require investigation if dangers are to be remedied or reduced.

So: why have government appetites for surveillance intensified to the point where we debate an erosion of civil rights and liberties?

If I zero in on the U.S. example – in my brief remarks here– I’d want to highlight a few key factors:

First, it would be impossible to discount the significance of evolving technology, for example – in particular, the impulse to do more simply because you have developed the tools that allow it. The expanding reach (and depth) of surveillance technology, after all, emerges at some level from innate human curiosity and adventurism. As with many technological advances, there is also an inevitable link with the common human desire for increasing power and control – sometimes over ourselves, more often over nature...or other people. This is not even a remotely Snowden-era phenomenon, of course: think back to the history of almost any empire; think back to the insights of Shakespeare and Machiavelli, of Kafka and Orwell, of Gramsci and Foucault. (Recall, with a sense of irony because of its American grounding, the concerns of a Thomas Jefferson or a James Madison: As Madison put it in the 1790s, “As a man is said to have a right to his property, he may equally be said to have a property in his rights. Where an excess of power prevails, property of no sort is duly respected. No man is safe in his opinions, his person, his faculties, or his possessions.”)

Advances in surveillance technology have given such threats to safety freer rein and greater scope – just as 19th century developments in transportation and communication turbo-charged international trade and investment impulses into intensive globalization.

Another answer to the question of “why has there been an increase of US government appetites for surveillance” would stretch this initial point about technology and human nature: there are particular aspects of human nature in particular circumstances that predispose policy makers to particular choices...or to particularly problematic choices. Just one example here – in my few remaining minutes. I draw the example from my own current work on recent US foreign policy and what I see as seriously problematic, even dangerous behaviors – behaviors that certainly include invasive surveillance, but also the deeply troubling and expanding use of drones and torture as foreign policy tools.

At the risk of over-simplifying because of time constraints, I will nonetheless say that one reason why problematic and dangerous policy choices have become more common is the way shifting geo-strategic and geo-economic circumstances have led both US leaders and US citizens to be fearful of losing power and status. The objective realities of at least relative decline for the United States – evident both internally and externally – create a psychological and political climate (a context) within which anxiety and/or anger intensify the impulse to act in risky ways. In the world of gambling, this would involve what is called “doubling down.” In the world of brain function research, cognitive scientists refer to the sometimes deleterious power of “loss aversion” – with conscious and unconscious desperation nibbling away at prudence (or gouging out the analytical heart of prudence). I don’t find it unreasonable to suggest that both the George W. Bush and Barack Obama presidencies have been demonstrating the power and consequences of shaping policy in such an environment – and that the readiness to use torture and drones and the enthusiasm for invasive surveillance are important examples.

To conclude for the moment, then: among the “conversations” we need to have about the rules of cyberspace are those which examine the reasons behind or beneath the behaviors we are

analyzing and/or criticizing – and about the nature of the contexts within which those reasons emerge. Sometimes such conversations need to be held in public fora like this one, to make people more sensitive to what is going on around them. Sometimes, on the other hand, we need to make policy makers and leaders engage more systematically in the dialogue. We have things to tell them: about the dangers of excess – and about other short-term and longer-term consequences of their policy choices. Sometimes those consequences are obvious – and you’ve been hearing about some of them this evening. Sometimes they are easier to miss: I’m intrigued, for example, by the brain science studies which show the range of the costs of thinking that is influenced by “loss aversion” – where the power to be creative and innovative dramatically loses ground to an attachment to the status quo. Given the economic, political, and social challenges of the 21st century, we need as much creativity as we can get – and we’re not getting much of it.

Obvious or not, in the end, the consequences are real and sometimes terrible – and we need to talk about them in these “After Snowden” times.