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Sunday, September 02, 2007

Warrantless Surveillance, Government Eavesdropping, and the Security State

All attempts to defend or justify government monitoring of our communications without warrants or any other serious judicial oversight ultimately depend upon one important premise: the inherent goodness of those doing the monitoring. We are supposed to trust those given the authority to run such operations to only do so in the interests of the nation, to act only when appropriate, to never abuse their power, and to never injure the rights or privileges of the people. It's depressing that conservatives are making these arguments because this premise is contrary to the very basis of conservative

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political philosophy.

Conservatism differs from nation to nation and culture to culture — they all have different traditions, social structures, and so forth which some wish to conserve. One thing which is common to **political conservatism** in the West, though, is distrust of concentrated power and authority. To put it simplistically, one of the premises political conservatism starts from is that people are basically bad and/or selfish and shouldn't be trusted too far. Often this entails erecting and maintaining strong institutions with sufficient power and authority to force

people to adhere to strict standards. The further along this line of thinking a person happily goes, the more authoritarian they are.

For a conservative to not also be authoritarian, they need to find ways to mitigate the inevitable problems created by bad people, yet they need to do so in a **context of maximal liberty** rather than maximal control. That isn't easy, but the authors of America's Constitution put together several good ideas, the most important of which are the distribution of power and the use of checks & balances. The less authority is concentrated, the harder it is for any one person, party, or group to cause serious harm by abusing their power. The more checks & balances there are, the easier it will be for rivals to stop the abuses of power which inevitably come along.

It helps to have virtuous people in government, obviously, and these methods are greatly aided when the people involved are good — but they also work when people aren't so good. To cite just one reason why, consider the fact that people tend to be rather jealous and greedy when it comes to their own power, status, or privileges.

America's structure of government distributes power in a manner that ensures everyone has a piece of the pie and in the expectation that even less virtuous politicians will help keep others in line simply by trying to preserve their own power.

It's not a perfect system, but any system that can function when people are selfish and not just when they are selfless has a lot going for it. Unfortunately, I don't think any system will function with those in charge are craven, cowardly, and passive. People actually have to *work* to make government function, and currently too many in the federal government would prefer to hand power over to others so that

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they don't have to be troubled too much with responsibility, authority, or risk.

If we start from a conservative belief that people shouldn't be trusted with too much power and authority, and add in the premise that abuses need to be prevented in a context of maximal liberty rather than maximal control, then programs like warrantless surveillance simply aren't acceptable. You can support them if you deny the premise that government agents can't be trusted to always be virtuous or if you deny the premise that laws should create a context of maximal freedom rather than maximal control. Which of the two do you suppose current conservatives are denying?

I think the latter is the primary culprit, though both are good candidates and denial of both together leads to similar results. It's worth keeping in mind that most of the political conservatives involved are also religious conservatives and their Christianity *should* be preventing them from denying the first premise — after all, this premise of political conservatism is largely derived from Christianity's doctrine of Original Sin. People can get past this, though, if they treat government officials as quasi-priests who can be invested with extraordinary authority over people despite their ultimately sinful nature.

Since many of those who deny the second premise, making them strong political authoritarians, are also religious authoritarians who seek a greater merging of church and state, it's not unreasonable to think that perhaps this is precisely what's going on in many conservatives' minds right now. What I wonder is, how conscious they are of any of this?

POSTED BY AUSTIN CLINE | 7:30 AM

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