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Mass Surveillance and Privacy

Constant surveillance systems are being implemented around the world. Countries like China are building systems that make it easy to track people and their behavior through massive surveillance networks. This intense surveillance of people is controversial, especially in the United States. However, James Stacey Taylor, an associate professor of philosophy at the College of New Jersey argues in his paper “In Praise of Big Brother” that constant surveillance is moral and should also be encouraged. (Taylor) In this paper, I will explain Taylor’s argument and argue that mass surveillance is not morally permissible because of the unenforceable separation of gathering and accessing information.

In this paper, I will first explain why Taylor believes that mass surveillance is moral and should be implemented in two separate arguments. In my critique, I will explain why Taylor’s idealized version of mass surveillance is not realistic and harmful to society. I will hypothesize about Taylor’s response to my objection. Finally, I will conclude by arguing that mass surveillance will not be effective and will disproportionately hurt less privileged people in society.

In his paper, “In Favor of Big Brother,” Taylor argues that constant surveillance in both public and private spaces is moral. (Taylor) His argument is as follows.

Premise: If it is ever moral for a government to gain information about the past, it is moral for a government to gain information about past events through the use of surveillance equipment.

Premise: In specific circumstances, it is moral for the government to gain information about the past.

Conclusion: It is moral for the government to gain information about the past through the use of surveillance equipment. (Taylor)

In his first premise, Taylor claims that there is no moral difference between getting information from a witness and getting information from surveillance devices. Both witnesses and surveillance devices are commonly used by the police and commonly accepted by the public. (Taylor) Both gather accurate information and can provide it to the police if necessary. Therefore, Taylor argues that there is no moral difference between surveillance devices and witnesses.

To defend his second premise, Taylor brings up an instance where it was moral for the government to gain information about the past. He brings up a case about Billy Nolan Lovelady. Lovelady worked at the Texas School Book Depository in 1963. When Lee Harvey Oswald was accused of assassinating John F. Kennedy, his defenders produced a photo of a person, who they claimed to be Oswald, standing in the doorway of the Texas School Book Depository. It was only after gaining information about Lovelady’s past whereabouts that they were able to confirm that the person in the photo was Lovelady, not Oswald. (Taylor) Taylor claims that the police were morally justified in gathering the information about Billy Nolan Lovelady to disprove Oswald’s alibi. (Taylor) When this example is used with the prior premise, it follows that it is moral for the government to gather information about the past using surveillance devices.

While the first part of Taylor’s argument says that it is moral to use surveillance devices to gain information about the past, it does not say that the government *should* use surveillance devices to gain information about the past. Taylor argues in favor of using surveillance devices in his second argument.

Premise: The government should collect all information they may potentially need in the future.

Premise: The government may potentially need all information in the future.

Conclusion: The government should collect all information. In other words, the government should put everyone under constant mass surveillance. (Taylor)

To defend the first premise in this argument, Taylor cites many benefits of mass surveillance. The first benefit he cites is no more witnesses. Elimination of witnesses is a benefit because surveillance equipment provides more accurate information because it does not rely on imperfect memories and personal biases. (Taylor) Witnesses also take time out of their lives to testify or in danger if they testify against dangerous people. A second benefit of mass surveillance is a reduction of wrongful convictions, particularly the wrongful convictions of less privileged individuals. With massive surveillance, innocent poor people would no longer be forced to accept sentences and plea deals while richer innocent people could hire people to prove their innocence. (Taylor) This is because there would be concrete evidence that would prove innocence or guilt regardless of economic status. Another benefit of constant surveillance would be a reduction in crime. People would be less likely to commit crimes if they knew their actions were being recorded and they would likely get caught. (Taylor) Society benefits if the government collects all the information they might need, therefore the government should collect all the information it might need.

To defend the second premise, Taylor simply points out that it is not usually known what information will be needed until later. (Taylor) For instance, if someone robs another person’s house, video footage and audio recordings of the robber will be needed to find the robber and bring them to justice. However, the police do not know that that information will be needed until after the robbery is in progress, but by then it is too late to install any surveillance devices. If it is not known what information will be needed, then the government may potentially need any future information. (Taylor) If the government had surveillance devices around every person’s house, then they would be guaranteed to have the information they need, even if they did not know when or where the robbery would take place. When this point is combined with the first part of his argument, it follows that the government should use surveillance devices to place everyone under constant surveillance.

However, there are many possible objections to Taylor’s argument. One possible objection is in his distinction between gathering and accessing data. Taylor is careful to note that constant surveillance does not violate privacy or autonomy rights because there is a separation between gathering and accessing information. He argues that the information will be collected but the information will only be accessed when it is morally permissible to access the information. (Taylor) He argues that since the information is not accessed unless needed, privacy and autonomy rights are not violated. Taylor acknowledges that individuals may violate this separation and access information without a just and moral reason but trusts the overall system to regulate those people and apply the appropriate punishments. (Taylor)

While the distinction makes sense in theory, realistically, this separation will not be maintained consistently. This is in part because government officials do not have a strong incentive to maintain the separation. The separation would be self-regulated by the government, which is inherently problematic. The self-regulatory nature of the system would likely allow powerful people and groups within the government to potentially circumvent any regulations or punishments around proper access of this information. For example, politicians would have a strong incentive to abuse information in the system to blackmail their political opponents. The people in charge of regulating this system would also have an incentive to let powerful politicians, who have power over budget and legislation, to have the information they want.  Governments also have an incentive to use the information to repress rebellions and protests against the government. In this way, the government can often be incentivized to use the information against people instead of using it to improve the morality of the criminal justice system.

Also, even if one argues that the current government is capable of maintaining this separation, there is no reason to believe that future governments are capable of doing so. Once the government has this personal information, it has this information indefinitely, even after a major change in government. So, not only is there a risk that the current government will abuse the information that it gathers, but that future governments will also abuse the information. Essentially, by encouraging the use of constant surveillance, Taylor is saying that he trusts that the current government and all future unknown governments will not abuse the information. Considering the innumerable number of uses and risks associated with this information and the uncertainty of the future, this risk is far too large to justify implementing a mass surveillance system.

Taylor would respond to this objection by arguing that as a country that elects officials into office, the people regulate the government. The government does not self-regulate. The people have a implied agreement with the government that in exchange for reduced privacy, people get increased security. This means that the people entrust the government with information about ourselves in exchange for stable living conditions, enough jobs, and other benefits. For example, people give the government information about our finances in exchange for federal loans, which help people to go to school and buy homes. If the government abuses the information, it breaks the people’s trust. If the government violates the people’s trust, then the people will elect new officials into government, or in extreme cases, overthrow the government, and replace them with people that the people trust to use their information appropriately and keep people safe.

Taylor would also argue that this is also the reason why people should not fear future governments abusing information gathered by the mass surveillance system. If our information is abused by any government, the people have the right to replace it one they trust. The government may have information that it can use to suppress rebellions and protests, but if there is truly a problem, the problem affects everyone so there would be enough people who are willing to come out and protest, that any suppression attempts made by the government would fail. Taylor would also argue that there would be regulations and procedures set in place to protect against powerful people manipulating the system. In the end, Taylor would argue that an immoral justice system justifies implementing a mass surveillance system

I disagree with Taylor’s argument. I believe that a mass surveillance system would not bring significant improvements to the criminal justice system and the sacrifices made to build such a system are not worth any improvements the system might bring to the criminal justice system. The first cost of building such a system is the literal cost of the surveillance devices, databases, and manpower needed to build the system. Just the initial upfront cost of building such a system is enormous. To cover only the towns and cities within the United States with surveillance devices would require millions of devices, which would cost millions if not billions of dollars. Even more, the manpower it would take to install all these devices and build the databases needed to store all the information captured by these devices would be an additional heavy cost. The overall costs of building such a system would be enormous. However, a system needs to be maintained and maintenance has a huge cost as well. The exponentially increasing data bank would require storage, which would cost a lot. Broken and vandalized surveillance equipment would need to be repaired or replaced, which is an additional cost. Then there is the constant cost of manpower needed to maintain the system. Overall, the cost of implementing such a system would easily cost hundreds of millions, if not billions of dollars.

Furthermore, despite the colossal amount of money spent of surveillance devices, it is likely that useful information will not be captured. Useful information will not be captured because people will learn to work around these surveillance devices when engaging in criminal or sketchy behavior. For instance, such a complex system is almost guaranteed to have blind spots and a smart criminal would exploit those blind spots. Additionally, people would cover their faces, vandalize the devices, or otherwise try to circumvent the surveillance when they do not want to be recorded. It is likely that the only useful information gathered by the system would about crimes of passion or information too incomplete to bring anyone to justice. In the end, this system would not be an efficient use of federal funds as it would not record enough information to justify the exorbitant costs of building and maintaining the system.

Furthermore, the costs and sacrifices of a mass surveillance system far outweigh the benefits of any useful information the system might record. The most significant cost to this system would be lack of privacy. If mass surveillance were implemented, there would be no privacy. But privacy has value and should be considered before building a mass surveillance system. For instance, privacy has value because privacy makes people healthier. Studies like John B. Calhoun’s study on population density have shown that a lack of personal space negatively impacts social relationships and health. (Moore) Side effects of a lack of personal space include high infant mortality rates, cannibalism, and a wide assortment of other health issues. (Moore) It is reasonable to assume, that given a lack of privacy, people’s health would be negatively impacted. A decrease in population health would increase the burden on our already overburdened healthcare system and would indirectly increase the costs of the system. Privacy also should be valued because it is a universal need. Privacy has also been found in every studied culture, suggesting that it is universal necessity, rather than a cultural value. (Moore) In the United States, people create privacy through the use of walls and fences and through the settings on social media accounts. (Moore) Privacy is a norm essential to a stable society. The implementation of a system that erases privacy would destroy a lot of the societal structures, which would almost certainly lead to societal harm.

Additionally, under a mass surveillance system, privacy would likely become a commodity, which would harm society by place a monetary value on a universal right. If a mass surveillance system is implemented, privacy would become a scarcity. (Moore) Like all things in short supply, the rich and powerful would find ways to get that scarcity while the less fortunate would be forced to live without it. In this case, poorer neighborhoods might have more surveillance devices than richer neighborhoods, forcing the disadvantaged to live with less privacy than their more affluent peers. In another possibility, the rich would have the resources to buy devices to disable these surveillance devices that the poor cannot afford, allowing them to live with more privacy than their less fortunate peers. This system will not make society more equitable, but rather create another limited resource- privacy, that will exacerbate societal inequalities.

Taylor’s argument for constant surveillance is rooted in a naive trust in the current and future governments and their ability to maintain a separation between gathering and accessing information. Though he would likely disagree, such a system is not realistic and not beneficial to society. Such a system would be a massive misuse of tax dollars as any information gathered would likely not provide any significant improvements to the criminal justice system. The system would also erase a human right that ensures that people are healthy. Inevitably, a mass surveillance system would produce far more societal harm than it would create. Therefore, instead of encouraging this system of mass surveillance, people should protest against it as their right to privacy and autonomy will be violated and cause significant societal damage.

Bibliography

Moore, Adam D. "Information Ethics and Policy." University of Washington, Apr. 2018, Seattle. Lecture.

Moore, Adam D. "Privacy: Its Meaning and Value." University of Washington, 15 Apr. 2018, Seattle. Lecture.

Moore, Adam D. "Taylor “In Praise of Big Brother." University of Washington, 25 Apr. 2018, Seattle. Lecture.

Taylor, James S. "IN PRAISE OF BIG BROTHER: Why We Should Learn to Stop Worrying and Love Government Surveillance." *Public Affairs Quarterly*, vol. 19, no. 3, July 2005, pp. 227-46. Accessed 27 Apr. 2018.