

Victoria Clotet

PHIL1510 - Ethics of Technology

15th September 2020

### Our Right To Privacy and Constant Surveillance

In this paper I will argue about James Stacey Taylor's approach about the permissibility for a state to get specific information about past events through government surveillance. Hence, violating every individual's right to privacy. Based on Taylor's argument, a right to privacy is the approach of the State's acquisition of information respecting the individual's moral rights. Everything that needs to be private, stays private. Further, I will explicate Taylor's argument and make an objection to his second premise of his argument about the access of private information if the state constantly surveils its citizens - including the utilitarian reasoning approach to support my perspective. The utilitarian reasoning is an approach that is focused on the consequences of an action; measured by the degree of happiness or dissatisfaction caused by the action.

Taylor argues on p. 229 in his paper *"In Praise of Big Brother: Why We Should Learn to Stop Worrying and Love Government Surveillance"* that in certain circumstances, it is permissible for a state to get information about past events. To be more specific, he argues that it is permissible for agents of the State to secure information about past events through the subpoenaing of witnesses or the use of surveillance devices. Taylor further argues that if the previous statement are true, then there should be no moral barrier to access that information from past events. This premise emphasizes in the acquisition of private information from past events only when it is required. The state could only surveil an individual's past events only if the individual has reasons that justify his or her surveillance - where the state is morally permitted to

access the minimum that it is required to achieve the purpose of its investigation. Otherwise, that could be considered as a violation of an individual's right to privacy.

If it is permissible for a state to get information about past events, then we could only have that information if we constantly surveil. On p. 232, Taylor argues that one of the advantages of a constant surveillance could result into a significant reduction in the witness's potential bias and an increase in accuracy in either criminal or civil cases. This is because installing such surveillance system could benefit the witnesses in no longer needed to attend those criminal cases if there is accurate information that could replace a witness's testimony - as human witnesses could be subject to omitting parts of the truth and faulty memory. I think that this premise has beneficial points that could benefit our society's national security and protection. As an example, constant surveillance could help the prevention of child trafficking. The criminals would be instantly recognized with the recording of a security camera and could be sent to jail. No witnesses would be needed and the cameras recording could provide a more accurate testimony of the actions from the criminals who are committing the illegality of child trafficking. This is a clear example of the potential benefits that could bring constant surveillance.

However, I have an objection about the potential abuse from the state to control and establish an authoritarian state with constant surveillance. I think that Taylor's second premise is false. Now-a-days with our current technology, the states that constantly surveil their people are subject to the human nature of the instinct of wanting the control over their citizens. Imagine the following scenario - I live in the middle of the woods and I have a gun to protect myself, and the government takes that gun away from me affirming that they would use that gun to protect me.

Then, I would reject the government's offer to give them my gun since I do not fully know how they will use that gun without harming me; I have the same perspective with Taylor's premise about constant government surveillance. I would not give away my private information even if it is for the national security and protection. I consider that there has not been any state with a constant surveillance that has not abused its power to control their citizens. In this case, I interpret the utilitarian approach as a consideration of the negative consequences of the state's actions of constant surveillance. The consequences of having the anxiety of being constantly surveil from what you buy, watch, and read on the Internet and outside the Internet. There is no evidence that a government could not be selfish. Therefore, for the state to obtain all of their citizens' data for their own purposes could not be related to the national security and protection.

It might be objected that I have interpreted Taylor's second premise considering the potential for abuse and the utilitarian reasoning of the negative consequences of the constant surveillance. On p. 234. Taylor would respond to my objection arguing that the condemnation of the abuse of State surveillance is not to condemn state surveillance itself. Furthermore, to condemn the use of x for the purposes of y, where y violates the individuals' rights is not to condemn the use of x for the purposes of z, where z does not violate the individual's rights. Taylor explained that there is a strong difference between the purposes of the state that violate an individual's rights and the purposes of the state that does not morally violates the individual's rights. I think that Taylor's response to my objection is has a weakness. How an individual could accurately differentiate between a beneficial purpose and an abusive purpose. The state could promote a beneficial purpose, but what if an abusive purpose is hidden beneath the beneficial

purpose? Then Taylor's response could be considered as invalid as there are no precise measurements and criterions of the difference between these two purposes.

On the other hand, Taylor could also argue to my objection by stating that surveillance is justified on consequentialism even if there are minor abuses. Moreover, on p. 234, he states that given the likelihood that such a system of State surveillance will bring significant benefits to the citizens of the State, the possibility of its abuse should not deter the consequentialists from endorsing the above pro-surveillance argument. Further, he argues that the major abuses would be one in which the State used its power together with its improved surveillance capabilities to persecute or oppress its citizens, either individually or as a whole. And a minor abuse would be one in which some of the agents of the State secured access to the information gathered by its surveillance devices for their own nefarious purposes. I might argue back that there should not be a constant surveillance even if there were small sacrifices to confront. If there is a method that implements constant surveillance, it must be a method that does not have any abuses at all. It is within the human nature to exploit any abuse, even if it is small, to gain the full control and the private information of the citizens of a State.

On p. 230, Taylor argues that if his first and second premise are true, then if a state only accesses the info that's relevant to those past events, constant surveillance is morally permissible. It is evident that there should be no moral bar against the agents of the State implementing constant surveillance that they could have access to. Thus, since it is *potentially* morally permissible for agents of the State to secure information about events no matter when or where they take place, it is morally permissible to subject its citizens to surveillance at all times and in all places only in the morally appropriate circumstances. I think that in the case that

Taylor's first and second premises are true, then constant surveillance should be permissible under the special circumstances taking into account my previous objection towards his second premise. If there is a true responsible use of state surveillance, there would be several benefits for the overall community as the reduction of criminal rates and more accurate data from past events for criminal court cases. Therefore, Taylor's argument conclusion states that if the state only accesses the info that's relevant to those past events, constant surveillance is morally *permissible*.

In conclusion, Taylor's conclusion does not follow one of his premises and one of Taylor's premises is false. Even if it should be permissible for the State to get access from past events, I still have strong objections towards the potential for abuse through constant surveillance. As it could violate the right to privacy for every individual. However, I think that for any criminal or civil case, the state is permissible to get access of the information from government surveillance - as it could produce positive consequences based on the utilitarian reasoning. Therefore, I consider that if the state only accesses the information that is relevant to past events, then constant surveillance could be morally permissible. However, I still argue that the potential for minor and major abuses and the different purposes from which the state could use that information still makes Taylor's argument unsound.

### Work Cited

Taylor, James Stacey. "In Praise of Big Brother: Why We Should Learn to Stop Worrying and Love Government Surveillance." *Public Affairs Quarterly*, vol. 19, no. 3, 2005, pp. 227–246. *JSTOR*, [www.jstor.org/stable/40441413](http://www.jstor.org/stable/40441413). Accessed 9 Sept. 2020.