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DFRL S1

2/3/21

### On Liberty in Surveillance

John Stuart Mill, an English philosopher of the 19<sup>th</sup> century, a naturalist, liberal, and most prominently a utilitarian, applies his ethical system emphasizing the importance of individuality to society and state in his extended essay titled “On Liberty.” Mill presents his definition of liberty, establishes an absolute principle he deems necessary for maintaining individual freedoms called the Liberty Principle, and explores the need for individual diversity to drive individual and societal progress. In the 21<sup>st</sup> century United States, there is evidence of growing direct or indirect surveillance of citizens by private or government entities, that is continual monitoring through means such as cameras, electronic transaction recordings, text, voice, email, postal mail logging, and social network participation, which invokes mass debate about the utility and purpose of such practices and their possible infringement upon privacy and freedom. Often, it is claimed that such monitoring is necessary for the government to fight terrorism, protect national security, and prevent crime and social unrest. In this paper, I will argue forcefully against people’s surveillance of this form in accordance with Mill’s ideas in that it consciously or subconsciously changes the way people think and act, which goes against his Liberty Principle and related ideas, and evidently hinders community advancement – an ultimate goal of a democratic society.

An official U.S. citizen surveillance program was implemented in the United States by the George W. Bush administration through NSA (National Security Agency) shortly after the attacks on September 11, 2001, called the “President’s Surveillance Program,” also referred to as “The Program” (EFF). Since then, government monitoring has evidently expanded incorporating new means of observation. Although considered classified by the United States government, a great amount of information about the surveillance program has been exposed by various whistleblowers, admitted to by government officials during hearings and public statements, and reported on during investigations. Public ‘spying’ in that respect includes, but is not limited to, tracking citizens’ movements using GPS technology and eavesdropping on phone and computer messages, email, call, and internet access activities. The argument in favor of The Program’s implementation in society mainly has to do with presumed prevention of terrorist attacks (after all, it was instituted after 9/11). Further, it is intentioned to more generally protect national security and serve in this context as a means for preventive control of the population. When people present opposition, a widely held argument that is used to brush off concerns is that “only people who have something to hide” need to worry about it and that it is “better to be safe than sorry” (Munn). Nonetheless, societal apprehension related to individual freedom violations, wholesale profiling of people, and subconscious coercion is ever present.

Harnessing Mill’s own ideas, I will argue that the cons of surveillance, the infringement of individual liberty and progress that is, outweigh the supposed benefits (which some studies have shown are limited or non-existent anyway) (Munn). Mill defines liberty as the “protection from social coercion to conformity and feeling” and establishes the Liberty Principle prohibiting

government or social infringement of an individual's liberty of opinion, feeling, and certain actions (Mill). He states that this principle is absolute and necessary for the prevention of inevitable infringement from bias and mistake. In Chapter 4 of "On Liberty," Mill provides a defense of the meaningfulness and significance of this principle which includes discussing 'harm' and the concept of 'self-regarding acts' and government's intrusion of such (Mill).

Carefully designed studies have shown that people alter their behavior when they are reminded that the government is watching their activities. The studies generally consist of fake intentionally controversial headlines shown to people who (i) when told their responses are monitored suppressed their opinion and (ii) when not, spoke freely (Munn). This shows that mass government surveillance, which although technically considered a classified program has inevitably become public knowledge, alters people outward opinions, beliefs, speech, and actions whether they are conscious of it or not. Therefore, continual monitoring of citizens goes against the Liberty Principle which prohibits the government in detracting from an individual's liberty of thought and feeling. Mill further argues in his essay "On Liberty" that liberty maximizes individual (and community) progress. Mill analyzes why liberty of opinion in speech is essential to universal truth and why truth itself is useful for progress. Mill's line of argumentation stems from the question 'What is wrong with silencing opinions that may be true?'. By accepting Mill's claim that liberty of opinion is essential for progress and knowing that citizens are more likely to self-censor as a result of ongoing surveillance, one can see that the ongoing monitoring of citizens has a direct negative impact on societal advancement. Self-suppression and "collective conformity" due to fear of government scrutiny leads to curbing

involvement in activism; this adverse effect on participation in social causes and activities is an obvious threat to a functioning democracy (Munn).

Mills, a utilitarian theorist at heart, makes a key claim in “On Liberty” that utility is progress. He writes that man has a function other than experiencing happiness; that is developing his faculties and powers as an individual. Utility as the maximization of an individual’s development does not conflict with liberty. In fact, we need freedom of belief and action to produce a diversity of ways of living and opinion which has a positive effect of progressive development. Many philosophers and statesmen, including James Madison and Thomas Jefferson, pose similar arguments in support of the endless benefits of community diversity (in terms of the benefits to the democratic system of representations, the Theory of Faction, etc.). Further, necessity and support of societal diversity through freedom of belief and action is seen in less political settings as well – for example, in the Wisconsin vs. Yoder case ruled by the U.S. Supreme Court in favor of the Amish and diverse education opportunities. By accepting the need for progress in society and recognizing the benefits of individual and collective variance of belief and expression in achieving that goal, one should then readily agree with Mill that liberty of voice and action is a necessity in pursuing such. Once again, surveillance consciously or subconsciously seems to inhibit such freedoms, hindering diversity and therefore progress.

Custom and tradition alone, although having benefits, tend to damage individual development and blunt creativity. As Mill says, the individual is what is useful and makes society work and prosper, therefore the individual needs to be cultivated and cherished. Mainstreaming beliefs by any means lessens personal originality and innovation. Growing

surveillance is a fast way to mainstream beliefs of people and make them conformists and conscious of their actions. Through history, the people that create a lasting impact, the people that truly help society progress are precisely the opposite – nonconformists, unique, and bold.

In “On Liberty,” Mill presents an example of infringement of liberty in reference to alcohol prohibition in the 1800s which seems to create an interesting parallel with citizen monitoring. Mill undermines government intervention in individual affairs, essentially only condoning it if an individual affair ‘harms others’, that is causes “perceptible damage suffered against one’s wishes” such as physical injury, financial loss, damage to reputation, etc. (Mill). Mill rejects challenges that assert that a person’s actions inherently have some effect on society or that a self-regarding act that harms the individual also harms society. Mill champions responsible alcohol consumption as a private pleasure, which the government has no authority to interfere with as long as the drinker is not harming another person. Provided that a person’s conduct does not affect the interests of another, that person should have “perfect freedom, legal and social, to do the action” (Mill). Therefore, argues Mill, if the problem at hand is drunk driving per se, a more fine-grained approach should be taken that alleviates the concern but still allows for freedom. Similarly, in our modern times, United States surveillance of its citizens can also be thought of as an overpowering solution to a fundamental problem at hand (national security) for which a much finer grained approach is needed. Mill argues that such a better approach does exist, one where the government does not invade innocent, self-regarding individuals’ freedoms and privacy.

In conclusion, using Mill’s definitions, claims, and argumentation to analyze the hypothesized pros and cons of ongoing mass surveillance of citizens in the U.S., Mill leans

heavily against. Canvassing the Liberty Principle, setting societal progress as the ultimate goal, and acknowledging individuals' roles and diversity as necessary in creating said progress, the cons were analyzed leading to the conclusion that surveillance alters human behavior and hampers progress in the person and, therefore, in the community. Finally, using a discussion put forth by Mill about the wrongful prohibition of alcohol as a parallel to the wrongful surveillance of Americans, it is argued that there must be a less obtrusive, liberty upholding, way to solve the problem.

### Works Cited

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