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Paper 1

Words: 1315

(b) Present James Taylor's pro-surveillance argument. Then give reasons to reject the argument. Be sure to include a reply to an objection to your view that was voiced by somebody in class discussion.

The Consequence of Expectation: Total Surveillance and Total Justice

James Taylor's piece, "In Praise of Big-Brother", evidences the consequentialist nature of pro-surveillance arguments, insisting that abuse, autonomy, and privacy are simply trivial obstacles to a better world. The description of this system largely revolves around a supposition that complete surveillance can be equated to complete justice. Taylor's justifications and limitations to this system posit surveillance is an invariable good which is met with undue opposition. A more conservative consideration of this system, however, reveals that it is incompatible in many ways with the current standards of justice within the US (where Taylor largely localises his argument). Additionally, the negative aspects which Taylor outlines are difficult to accept as a counterweight to the positive impact. The friction between Taylor's

consequentialist assumptions and the world he hopes to benefit, evidences a clear discontinuity between surveillance as a force of good and its effects on society.

Taylor begins with the comparison of past data collection and surveillance, concluding that if it is morally permissible to retrieve data on a past event for the sake of justice, then it is permissible to surveil for the sake of justice as well.¹ This theory puports that the importance of information vital to the maintenance of justice cannot be known in advance, thus constant surveillance collects all data for the sake of future justice.² The caveats to this supposed total and moral system are: 1.) the complete collection of data does not entail that all will be reviewed, merely catalogued, and 2.) that usage of this data is limited to the minimum needed for its legal purpose.³ Upon outlining the groundwork of his system, Taylor details its positive impacts. He posits that total surveillance would financially level the legal system, creating a world where monetary means would not translate to better odds of avoiding justice.⁴ Additionally, Taylor theorises that a public awareness of such a system would likely deter most crime, as expecting to be caught often stunts a desire to act.⁵ Talylor's defense of the system demonstrates the consequentialist nature of the argument.

The claim that such a system would surely be abused cannot be ignored, and beyond this the destruction of personal autonomy and privacy are obvious avenues for concern. Taylor sees that he has the answer to these issues, in the form of nullification. His argument follows that such a beneficial system warrants the minor detriment of abuse, and that this abuse reflects the abuser more than the system.⁶ Moving to the next source of conflict, Taylor states that privacy is only a

¹ Taylor, James, "In Praise of Big-Brother", 228.

² Taylor, James, "In Praise of Big-Brother", 230.

³ Taylor, James, "In Praise of Big-Brother", 230-231.

⁴ Taylor, James, "In Praise of Big-Brother", 233.

⁵ Taylor, James, "In Praise of Big-Brother", 233.

⁶ Taylor, James, "In Praise of Big-Brother", 234-235.

relative notion, and a breach of that privacy is only a point of discomfort when it is perceptible.⁷ Taylor infers that just as privacy is immaterial, a breach of autonomy is similarly unfounded.⁸ Even in the case of surveillance being equated to forced testimony, legal proceedings evidence that a judge may procure withheld information, which Taylor identifies to be in support of his theorised system.⁹ Taylor views the issues one might have with his system as counterintuitive to his reasoning behind it. This is a system focused on results, rather than the methods which those results are achieved. If the issue was with the end results of such a system, it would make for a far more salient weakness in Taylor's inferences.

These issues are trifold: total justice is not actually equivalent to total surveillance, total justice is reliant on the just nature of those applying its systems, and a system which circumvents the perspective and presumed innocence of its citizens is incongruent with total justice. The abuses of such a system cannot be assumed to be inherently individual infractions independent of the system itself. As was mentioned during class discussion, the laws of the United States have been geared towards unjust aims, such is the case with the disproportionate incarceration of African Americans. These issues are systemic, and transcend Taylor's excuse of individual abuse.

This issue of systemic abuse is further compounded with the assumed integrity of such a system. If there is a sole authority on all evidence, that authority could, theoretically, imprison anyone through fabricated or improper evidence. Knowing everything does not make a government inherently just, rather it simply makes it more powerful. Imprisoning anyone in this context attaches rather distinctly to the following issue of presupposed guilt. The collection of data on all citizens voids one of the necessary countermeasures to abuse within the United States

⁷ Taylor, James, "In Praise of Big-Brother", 236-237 & 240.

⁸ Taylor, James, "In Praise of Big-Brother", 241.

⁹ Taylor, James, "In Praise of Big-Brother", 238.

code of law, assuming innocence before guilt. If all citizens are simply potential criminals in the eyes of the law, then there is an inherent bias in data usage. If a citizen, in the eyes of the law, is a presupposed culprit then their actions can be implicitly made to fit the data, rather than the data being used to find those at fault. This implicit bias on the part of police and investigators would be brought to an extreme with a system that assumes all citizens could be accomplices or actors in a crime. Thus personal perspective is vital to the proper application of the United States legal system.

The personal perspective of total surveillance casts an overall scrutinous lens on its positive effects. Taylor supposes that total surveillance would make witness testimony unnecessary and that it would level the financial playing field of law entirely. The issues with this claim are that: witness testimony is important to the structure of societal truth, and the value of monetary effects is not limited to collecting data as Taylor assumes. People can only understand the world through what they perceive and by removing a witness's ability to testify what they know to be true, the surveilling authority becomes the new faculty of perception. Should a witness to a crime recalls something different to what a surveilling authority submits in their report in Taylor's society, this implies a flawed report of the witness and anyone that might have seen what they saw rather than the authority's report.

This modification to society extends far beyond legal proceedings, it is an ability to define truth. The rulings of the court would be uncounterable, as they would not only be construed as the sole authority, but as the sole perception of legal truth. The autonomy of people and their ideas of the world in this way is not only challenged but distorted. The levelling of financial expectations is hopeful rather than actual. Finances determine a person's ability to hire a better legal team, the ability to post bail, and with a higher quality of life they are less likely to be

forced towards crime. The expectation that total surveillance would solve the current moral deficits of capitalist society is simply untrue. This expectation would enhance the role of wealth in our justice system even more. This system is not a solution to more far reaching societal issues. Taylor's hope for this system extends its effectiveness beyond its limitations.

Overall Taylor's, "In Praise of Big-Brother", puts forward bold claims and hopes for a positive outcome. Taylor's consequentialist outlook disregards the many conflicts as irrelevant to the ends his system achieves, and he argues these detractions are inconsequential. The issue is in the oversight of impact and application. Every system of governance, no matter how seemingly perfect on paper, through history has shown that application corrupts these visions. His vision fails to align with the current United States system of justice in that he views the end results as perfect for this system without variance. The failure to consider improper pathways makes his claims grandiose rather than viable. Systems like this cannot be assumed beneficial, and must be judged purely on the basis of the powers they grant to the entities in question. In this instance, the powers afforded go largely unchecked and control far too much. The disregard of possible individual abuse does not suffice as a counter to the systemic risk it poses. Total surveillance is not total justice, as Taylor assumes, rather it is total control.

Taylor, James, "In Praise of Big Brother", Public Affairs Quarterly, July 2005.

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