

conform to the way that they believed that Big Brother's Party wanted them to behave.³⁰ Were they not to do this, and were they to be observed by agents of Big Brother during their refusal to conform, they risked severe punishment. To avoid the penalties that the Party would impose on them if they failed to conform to its expectations, then, Oceania's citizens ceded a degree of control over their actions to the Party. That is, when they acted out of fear that Party members were observing them, and so acted to conform to the Party's view of how they should behave, the citizens of Oceania satisfied their individual first-order desires to "Perform the actions that the Party wants me to perform." To the extent that they thus ceded control to the Party, then, Oceania's citizens were other-directed, and so heteronomous, rather than being self-directed, and so autonomous.³¹ Thus, in 1984, Big Brother's citizens suffered from compromised autonomy as a result of being subjected to (or potentially subjected to) State surveillance.³²

Fortunately, however, the citizens of a State that utilized the type of constant surveillance that would be justified on the above pro-surveillance argument would not similarly suffer from compromised autonomy. As noted earlier such a surveillance system would not utilize the type of in-person surveillance that was used by Big Brother's Party in 1984. Instead, it would merely record the actions of the citizens and the events that they participated in. Since this is so, most of the citizens subject to this form of State surveillance would not believe that they needed to alter their behavior to conform to the State's view of how they should act (were the State even to hold such a view) for they would recognize that the State would not actually be watching them. Moreover, if they were law-abiding then they would also recognize that the chances of the State having just cause to access information about their actions would be very slim indeed. Free from the pressure to conform of the sort that was imposed upon the citizens of Oceania, then, most citizens whose State subjected them to constant and universal surveillance of the type outlined above would *not* cede control over their acts to the State. The citizens of such a State would thus

not become heteronomous with respect to their behavior, as did the citizens of Oceania. Instead, they would retain their autonomy with respect to it. Moreover, the claim that most citizens placed under constant State surveillance would not suffer from any diminution in their autonomy is not merely a speculative one. Persons subjected to surveillance are unlikely to alter their behavior once they become used to being "on tape" (unless they previously performed acts that they believed that they should not have been performing) when they realize that there is little chance that the information that the surveillance devices record would ever be required, and so there is little chance of their actions ever being observed.³³

Of course, not all the citizens of a State that utilized the type of surveillance advocated above would retain full autonomy with respect to all of their actions. The exceptions would be those who are criminally inclined, and who, as a result of being placed under State surveillance, would alter their behavior by refraining from committing crimes. Such persons would suffer from compromised autonomy with respect to their deliberate omission of criminal activity, insofar as they alter their behavior solely to avoid incurring criminal penalties. Yet, given that the actions that these persons refrain from performing are criminal ones, the diminution in autonomy that these persons would experience as a result of being placed under State surveillance is one that it is morally legitimate to inflict upon them.³⁴

CONCLUSION

It is now time to take stock. Although it is often claimed that the recent proliferation of surveillance technology is turning the West into an "Orwellian nightmare" it was argued in this paper that, rather than condemning the prospect of constant State surveillance, we should instead welcome it—provided that we lived in a State where its abuse would be unlikely.³⁵ Such surveillance would not, however, involve any expansion of State power into the lives of its citizens. If, under certain circumstances, it is morally permissible for judges to secure information relevant to their cases from witnesses, then, under the same