

State Surveillance and Civil Liberty

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In the backdrop of the 9/11 terror attacks in America, the state's increasing powers of surveillance, especially here in the United Kingdom, have been presented to us as essential in order to protect our society and the Western world from terrorism. This reflection aims to critically debate whether the state's use of surveillance is limited to just terrorism, or it whether it threatens democracy for wider society, by impeding our ability and right to protest.

As the threat of terrorism has become an everyday risk, the state is increasing the level of surveillance it uses to reduce the danger we face. Terrorism is not a new phenomenon but, with advances in technology the techniques used by both terrorists and politicians are changing and becoming ever more sophisticated (Lyon, 1998). For example, the growth of social media in recent years has helped to create an information society, where information can be spread more quickly and widely than previously, thus allowing a greater awareness by the general public of the potential risks terrorism presents to us within the 21st Century. Whilst there is no set

definition of the term surveillance, Lyon understands surveillance as "collecting information in order to manage or control" (2015: 3).

The Regulation of Investigatory Powers Act 2000 (RIPA) created a framework which allows the state to use means such as reading emails, listening to phone calls, monitoring people in public and private spaces as well as using undercover methods in order to monitor individuals or groups who pose a risk to wider

society (Liberty, n.d). How the government defines risk is of critical importance – we are led to believe that terrorism is society's biggest threat – currently the threat level of international terrorism in the United Kingdom is "severe", meaning that it is highly likely for a terrorist attack to occur (MI5, n.d).

The government argue that increased surveillance is essential in order to protect our country from the dangers of terrorism and other similar risks, especially if these acts occur somewhat unpredictably (Roberts, 2014). However, as will be explored below, the label of 'risk' can be, and is, applied to many different groups other than terrorists, which has consequences on our democratic rights.



The government's aim is to use methods of surveillance in order to prevent these devastating attacks from occurring altogether. However, the growth of the information society and surveillance capabilities has also led to an increase in public demand to know the types of surveillance employed by the government, and what is done with the information they gather. If potentially private information, is gathered about us, should we have the right to know what it is used for or where it is stored? State surveillance therefore raises questions surrounding privacy, liberty and democracy, as Lyon asks "why should any democratic



government record someone's opposition to anything... Why are privacy rights and democracy challenged by surveillance today?" (2015: 94). It could therefore be assumed that techniques used by the state to protect us from terrorism are a form of risk management – the risks of members of the public opposing or becoming distressed by their surveillance of citizens is outweighed by the risks posed by not tracking potential terrorists, or others who present a threat).

The techniques utilised by the state, on the whole, go largely unnoticed and generally unquestioned; the information society has led to an increasing demand for transparency, yet society still tends to just accept the state's claims that their surveillance is just for our security against terrorism. However, thanks to the NSA's (National Security Agency) whistleblower Edward Snowden, who exposed he shockingly vast amounts of surveillance that occur primarily within the United States, but also in the United Kingdom, members of the public have become far more aware of who is under surveillance, it is not just those who pose possible threats to public security but also the average person going about their daily life.

Whilst many feel if they have nothing to hide then there is nothing to fear, does this mean it is morally justifiable for our private everyday lives to be watched and listened to without our knowing? How do we know what the state deems to be a threat to society? Without Snowden, how much longer would we have

continued our daily lives unaware of what our state was doing? Lyon (2015: 101) believes that "privacy is an essential component of democracy and of a decent

human life", yet arguably the most democratic institution in the country is forgoing people's privacy and democratic right to free speech and protest to promote their own ideologies.

We are now aware that the state monitors both 'normal' citizens and those who are deemed a risk, but are not terrorists, for example, members of protest groups. Lyon (2015: 7) believes that the methods of surveillance used are to "focus on terrorists, but it has become increasingly clear that others, especially if they are protestors or they disagree with government policy, are potential targets", therefore even if you have the slightest of associations with a protest group (or any social movement with potentially conflicting beliefs to that of the government), the state will more than likely be interested in you, your behaviour and your relationships. Democracy gives the right to protest issues you, and many others, disagree on, but to control or limit this contradicts the entire notion of what a democratic state is.

Police have now begun to use the term "domestic extremism" to describe public protests (The Guardian, 2009). Personal details

and photographs of many protestors are stored on police databases without the knowledge of these people, yet they insist that the majority of the protestors are never actually considered to be extremists, despite the term being used in reference to them. Police argue that surveillance is in place solely to deter potential vandalism or damage to buildings and public areas (and prosecute should this occur), however we know this is not all the information is used for, and if it is a 'just in case' procedure, surely this information could be deleted once the protest has ended and if no damage had been done?

The question now is why our government feels it must impose the same surveillance techniques used on potential terror threats onto people protesting issues such as the environment, animal rights, austerity, anti-globalisation, anti-war, and many other important matters. We are aware that this is a practice the state does, given the revelations of undercover police officers infiltrating activist groups in order to gain insider knowledge. A high profile case of this was police officer Mark Kennedy (or Mark Stone as he was known whilst undercover) who spent seven years as an environmental activist. Kennedy would pass on information to police regarding planned protests, ultimately leading to arrests being made. What makes this case more ethically challenging is that Kennedy began a relationship with a member of the activist group, whilst still being married and with children in his 'real' life (The Guardian, 2011). This raises the question of what unethical lengths the state would go to in order to infiltrate these groups.



As the Terrorism Act of 2000 includes damage to property, "it could clearly encompass direct action by protest groups", therefore if the state were to be questioned as to why they monitor protest groups, they could use this act in order to maintain the illusion of protecting us from genuine threats, even though we are told these people are not terrorists (Fenwick, 2011: 108). It can be argued that in a capitalist, neoliberal society, the government acts in the best interests of private companies (Steger and Roy, 2010), thus explaining why they may be so keen to control or stop any kind of protest that could threaten their relationship with businesses. This raises a key issue – increased surveillance of civilians is justified as protecting us from risks, yet this surveillance is actually compromising our relationship with the state, as they further promote their, and corporations', own interests, which threatens our democratic rights. Liberty, an organisation

concerned with protecting human rights and civil liberties, argues that the state's methods of preventing terrorism must never compromise our freedom and rights. Liberty believe that preventing us from protesting in fact makes us far less safe – a complete contrast to what the state claims.

As a result of this relationship, we are losing our human and democratic rights, especially our right to free speech and protest, and the definition of terrorism now seems to include anything that goes against state ideologies (Lyon, 2015). We are consequently left in a difficult situation – we have lost our right to civil liberties, yet we are discouraged from fighting for them. The state tells us that their surveillance makes us a significantly freer society than we would be without it, but in reality we have become far more restricted –

and this is solely due to the state's actions, not terrorism as they would have us believe.

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