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# Human Rights in the Surveillance Society

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A study of the similarities between George Orwell's  
*Nineteen Eighty-Four* and the Western World today

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**Title:** *Human Rights in the Surveillance Society – A study of the similarities between George Orwell's Nineteen Eighty-Four and the Western World today*

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### **Abstract**

The technical development which has taken place since George Orwell published his novel *Nineteen Eighty-Four* has contributed substantially to the surveillance society in the Western World today. Although Western countries historically have supported their inhabitants right to privacy, modern technology is now used to diminish this right for instance in the fight against terrorism. This essay examines similarities between the Oceanian society and present day societies of the western world, mainly the United States of America, the United Kingdom, and Sweden, and discusses how surveillance affects *the Universal Declaration of Human Rights* [UDHR].

### **Keywords**

The Universal Declaration of Human Rights

Surveillance

*Nineteen Eighty-Four*

Orwell

Freedom of Thought

Information Technology

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## Introduction and Methodology

George Orwell's *Nineteen Eighty-Four* has been interpreted in several ways, one of which is as a critique against the Soviet Union. This essay will, however, not focus on *Nineteen Eighty-Four* and its potential criticism of Eastern Europe during the post-war period, but on its relevance for understanding surveillance in the western world today. Due to the technical development that has taken place since the 1940's, when Orwell published his novel, what was fantasy then is now reality. This essay will show how the surveillance society has emerged into what it is today, examine similarities between the Oceanian society and present day societies of the western world, mainly the United States of America, the United Kingdom, and Sweden, and finally, discuss how surveillance affects *the Universal Declaration of Human Rights* [UDHR].

A historical overview, based on Michel Foucault's *Discipline and Punish*, will be provided in order to understand the emergence of surveillance in the western world. Examples of modern technical devices which could be used to gather personal information about all citizens will be provided. The protagonist Winston Smith's life will be explored through a close-reading of passages which highlight the absence of human rights in Oceania and describe the living conditions for members of the Outer Party. These events will then be used to identify potential risks of today's surveillance, which have increased both due to the fight against terrorism (Tomuschat 66-67) and by the development of the welfare states (Woodcock 158).

The aim of this essay is to understand how the UDHR is affected by surveillance. To achieve this aim a sociological approach has been used, although some critics argue that this approach is of little value while analysing literature since it does not focus on the aesthetic value of the work itself (Witte 91). My intention is not to reduce the importance of *Nineteen Eighty-Four* as a work of art, also the UDHR highlights the importance of art for art's sake by including everyone's right to enjoy art (Appendix 1, Article 27), but I do believe that novels can serve multiple purposes. Since Orwell himself wrote that "[i]n our age there is no such thing as 'keeping out of politics'. All issues are political issues" in his essay *Politics and the English Language*, I take the liberty to use his novel as a tool to understand the politics which formed today's surveillance in the western society.

Human rights play a central part in this essay for two reasons. The UDHR is contemporary with *Nineteen Eighty-Four* and was adopted by the United Nations in December 1948 (Lynn Hunt 203) – the year before Orwell published his novel. They are

therefore both products of the same post-war society. If *Nineteen Eighty-Four* is read as a warning rather than a critique, which for instance the critics Roger Fowler and George Woodcock advocate and this essay does, one might even say that they serve the same purpose; to protect individuals from being exploited by authorities. Orwell does this by exaggerating noticed phenomena and creating a dystopian world, while human rights provides a framework for a world where every person may enjoy a life in human dignity (Tomuschat 23).

The UDHR is not legally binding, although many countries have incorporated similar ideas in their own national law (Tomuschat 26). In itself, the declaration has ‘set the standard for international discussion and action on human rights since it was adopted’ (Hunt 205). However, the declaration only outlines a set of moral obligations; it does not provide a way to fulfil them. The United Nations and its sub organisations in combination with various Non-Governmental Organisations [NGOs], for instance Amnesty International, which use this declaration as a framework for their own programmes (Lynn 208), are striving to implement these rights all over the world. Human rights can function as a way of detecting threatened individuals in both countries which have and countries which have not ratified the declaration. In a similar way this essay will use human rights as a way of measuring Winston’s suffering. Human rights are sometimes criticised for being too influenced by western ideologies to be a global standard (Tomuschat 73), but since this essay will examine the rights in a western context this critique will not be considered in this essay.

There are, as countless local human rights organisations show, a number of ways to ensure people’s rights. All violations and methods for fulfilling these rights cannot be covered in an essay of this extent, and this essay will therefore focus on surveillance as a potential threat to ordinary citizen’s human rights. The material has also been limited by using only western societies as the focal point. Based on *Nineteen Eighty-Four*, the positive outcomes of surveillance, which is an increased security, will be weighed against the risks for individuals of being monitored. Governments’ and corporations’ responsibility for the personal information which they possess will also be discussed.

## 1. “Big Brother is watching you”

In order to understand how surveillance affects human rights, this chapter includes examples from *Nineteen Eighty-Four* where Winston’s rights are violated. The first part of the chapter also consists of a general description of the Oceanian society, since knowledge of this society is required for reading this essay. The second part of the chapter links the novel to surveillance in the West today and compares the two. A brief historical overview, based on Foucault’s *Discipline and Punish*, and some of the critic George Woodcock’s concerns regarding modern welfare states are also incorporated.

### 1.1 A Description of the Society in *Nineteen Eighty-Four*

In *Nineteen Eighty-Four* the world is divided into three super-states; Oceania, Eurasia and Eastasia. Oceania, which represents the United States and the British Empire, is constantly at war with one of the other states and allied with the other one, although the enemy changes from time to time. Oceania is a class society; the protagonist Winston Smith is a member of the Outer Party, which places him just below the Inner Party members on the socio-economic ladder but above the Proles. Fifteen per cent of the population are members of the Party; two per cent (which equals six million people) are Inner Party members and the remaining thirteen Outer Party members.

The majority of the inhabitants are in other words the Proles, but this group does not have the same rights as the Party members, and Stephen Ingle even considers the Proles as non-citizens (96). This is one of many examples of how the Oceanian regime is neglecting the inhabitants their human rights. To exclude part of the population from the rights of others is a violation against the UDHR, which states that “everyone is entitled to all the rights ... without distinctions of any kind” (Appendix 1, Article 2). The inequalities are shown for instance by the ignoring of the Proles’ opinions (Orwell 12), not giving the Proles access to the same information as the Party members by providing them with lower level literature and newspapers (Orwell 50), and by Party members not considering the Proles as human beings (Orwell 61).

All inhabitants in Oceania, but especially members of the Party, are controlled by Big Brother. The surveillance society in *Nineteen Eighty-Four* is present from the first chapter. There are posters saying “Big Brother is watching you” on every floor in the apartment building where Winston lives, and similar posters are visible through his windows. Everywhere he goes he is reminded that he is monitored. People are supervised by other Party

members, and there are telescreens, which function both as receivers and transmitters, in the home of every Party member. Members of the Outer Party cannot turn their telescreens off, Inner Party members can – but even they should not turn their telescreens off for too long, since it is considered suspicious.

There is, as Ingle puts it, no privacy in Oceania (98). People cannot know whether or not they are being watched at any specific moment in *Nineteen Eighty-Four*, but they are aware that somebody might be watching them all the time. This is a violation against the twelfth article in the UDHR which states that “[n]o one shall be subjected to arbitrary interference with his privacy” (Appendix 1). The following quote, a passage from a book which Winston reads before being arrested, defines the level of surveillance in Oceania.

A Party member lives from birth to death under the eye of the Thought Police. Even when he is alone he can never be sure that he is alone. Wherever he may be, asleep or awake, working or resting, in his bath or in his bed, he can be inspected without warning and without knowing that he is being inspected. Nothing he does is indifferent. His friendships, his relaxations, his behaviour towards his wife and children, the expression of his face when he is alone, the words he mutters in his sleep, even the characteristic movements of his body, all are jealously scrutinised. (Orwell 240)

It is the Thought Police who are in charge of monitoring, and as soon as they observe any undesirable behaviour they will act on it. This is the way the Party maintains its totalitarian power, both over the Proles and over its own members. The Thought Police are assisted by devoted members and children who would be proud to report on any noticed unorthodoxy. Children are trained to find enemies of the Party while attending the Spies and the Youth League, which are the Party’s organized youth activities. In these organisations they develop a great adoration of the Party, an adoration which makes children doubtlessly report their own parents to the Thought Police.

Orwell uses Winston’s neighbour Parsons to create a picture of the ideal Party member. Although Parsons is overheard when he commits thoughtcrime in his sleep and is reported by his seven-year old daughter (Orwell 267), Parsons does not consider this as a betrayal but as a proof of bringing her up in “the right spirit” (Orwell 268). By the pride of his daughter for reporting him to the Thought Police, Parsons exemplifies the great admiration for the Party which members are expected to have. Like the Parsons family, Oceanian families are supposed to be more loyal to the Party than to each other. In other words, families are not treated as a fundamental group unit and do not receive the protection which they are entitled to by the state according to the UDHR (Appendix 1, Article 16).

Although the Party has replaced the family as the first unit of loyalty and security with itself, not even the society can be trusted since Oceania has neither laws nor a formulated code of behaviour. Ingle writes that “[t]here are no individual rights whatsoever” (100). The inhabitants are not formally prohibited from doing anything, but when the Thought Police notice any undesirable behaviour they will use methods like torture, imprisonment or execution to stop that way of acting. These actions are not to be seen as punishment, rather as a way of preventing future crimes (Orwell 241); this is a direct opposite to the articles 5 to 11 in the declaration of Human Rights which states a person's legal rights (Appendix 1).

The Party has also developed another method to prevent crimes, Newspeak, which is the official language of Oceania. In the novel Newspeak is still under construction, but Orwell discloses a language constructed to diminish people's range of thought. By 2050, when the Party aims to abolish the use of Oldspeak (English) entirely, committing thoughtcrime will be impossible since there will be no words left to formulate unorthodox thoughts. Hence the inhabitants of Oceania will not only be denied freedom of thought, they will be deprived the opportunity to thinking outside of everyday chores and the Party will control its members altogether (Ingle 102-103).

To some extent, the Party has already succeeded in diminishing the freedom of thought. This is for instance shown by Winston's work at the Ministry of Truth, where he is rewriting the past. Historical figures and actions are changed as soon as they are no longer in accordance with the Party's wishes, and the old versions are destroyed as soon as a new one is printed. This procedure applies to for instance talks given by Big Brother, articles in newspapers, and to pictures, which are manipulated if they reveal something about the past that the Party no longer advocates. It is also shown when Winston is being questioned and tortured by the Inner Party member O'Brien. O'Brien denotes Winston as a lunatic for believing that “reality is something objective, external, existing in its own right” (Orwell 285). According to O'Brien reality only exists in human minds, which means that reality changes when people change their opinion. O'Brien is in this case not referring to individual minds, since individuals are short-lived and can make mistakes, but to the mind of the Party, which he considers collective and immortal. In other words; the Party determines what is real or not. This means that the inhabitants of Oceania, who are forced to believe what the Party wants them to believe, do not have freedom of thought at present either.

Parts of the Party's interference with the members' family life, their efforts to make individuals more devoted to the Party than to each other, have already been mentioned, but it also controls the members' love life. Marriage is encouraged, but only if the intending

spouses are not attracted by each other. To marry, permission from a committee is needed and this will only be granted if no signs of adoration between the couple are noticed (Orwell 75). The sixteenth article in the UDHR, which regards men and women's right to marry based on their free will, does not apply to Party members in Oceania (Appendix 1). They are also denied divorce although separation is accepted if the couple do not have children.

To supply the Party with future members by having children is a couple's only purpose, but conceiving a child should not be considered a pleasure. Via organisations such as the 'Junior Anti-Sex League', the Party is trying to make its members consider sexual intercourse an unpleasant duty and according to Winston they have already succeeded in changing most women's view (Orwell 76). Julia is, to Winston's surprise, an exception to this and a far more experienced rebel than him. She initiates their relationship and it continues on her terms, since she has the experience needed to arrange their meetings. John Newsinger points out that feminist critics often overlook the importance of Julia in her and Winston's rebellion and that they diminish her role when picturing her only as a stereotypical male fantasy. According to Newsinger, Julia is the successful and experienced rebellion even though she has chosen another way of undermining the Party's power than Winston (130-132).

## **1.2 Surveillance in *Nineteen Eighty-Four* and in the Western World**

[F]or seven years the Thought Police had watched him like a beetle under a magnifying glass. There were no physical act, no word spoken aloud, that they had not noticed, no train of thought that they had not been able to infer (Orwell 317).

These are the words used to describe Winston's situation when he is imprisoned in the Ministry of Love. Even before getting arrested Winston is monitored at all hours, though he believed that the room rented in Mr Charrington's shop was a safe and unmonitored hide-out. Members of the Party are awakened by the telescreen every morning and supervised by it whenever they are at home. There are also telescreens and hidden microphones in all public places. When a member's work for the day is finished he or she is supposed to attend a Community Centre, since Party members should not be alone except for when they are sleeping (Orwell 42, 95).

The Oceanian society could be seen as a large Panopticon, a building designed to enable constant monitoring which Michael Foucault discusses in *Discipline and Punish* (249-251). Foucault focuses on a Panopticon prison, and describes some of its unique features. A Panopticon prison has a central point from which both prisoners and staff can be permanently observed, without displaying the supervisor. It is in other words impossible for the monitored

to know whether or not they are watched at a certain time. Foucault quotes Duchâtel, the French Minister of Interior in 1841, who wrote that ‘surveillance will be perfect if from a central hall the director or head-warder sees, without moving and without being seen, not only the entrances of all the cells and even inside most of them when the unglazed door is open, but also the warders guarding the prisoners on every floor’ (Foucault 250). This surveillance provides the prison guards with a great knowledge of each individual inmate, whose behaviour and states of mind can be documented, and would also diminish the opportunities of escapes and communication between inmates. Big Brother’s insight in the life of Oceania’s inhabitants is, as previously shown, not far from the level of supervision conducted by a Panopticon’s director. This is clearly an example of interference with people’s privacy, and therefore a violation of the UDHR (Appendix 1, Article 12). In chapter 2.1 the Panopticon will also be compared to today’s closed circuit television [CCTV], which shares some of the features mentioned by Foucault.

Foucault also discusses what he denotes as ‘hierarchized surveillance’, a surveillance which is closely linked to disciplinary power (176) – and a system which is similar to the Orwellian Thought Police. Hierarchized surveillance has according to him been taking place in both large factories and schools, and was established to increase productiveness. This is achieved by selecting a small group of individuals, for instance the best pupils and give them part of the leader’s authority. Every selected person is assigned to monitor the entire group, record people’s actions and report any misbehaviour to the leader. This creates a network of supervisors, who also are monitoring each other, and the leader will thus be informed of undesirable behaviour regardless of who committed it. The disciplinary power will therefore be able to be ever present and ever alert (177), as the Thought Police and its co-supervising Party members are.

Another way to exercise power, often in connection with surveillance, is to control somebody’s activities by scheduling them. Foucault considers strict timetables a legacy of monastic communities, which later has been adopted by schools, factories and hospitals (149). Some religious elements were long, or are still, kept – daily prayers in schools for instance. Foucault gives examples of meticulous timetables from the early nineteenth century, with zero tolerance policies against latecomers (150). Anything which could decrease the workers’ efficiency, such as storytelling or consuming food and drinks, was also considered misconduct (151). Winston and his colleagues’ lives consist of structures like these timetables. Orwell even included the common prayer, albeit in an unusual shape.

Erika Gottlieb denotes a daily tradition called the Two Minutes Hate as the state religion. She writes that the Inner Party uses people's hatred against Goldstein, the Party's arch-enemy who is pictured as the satanic betrayer, to prepare them for worshipping Big Brother as their saviour (Gottlieb 126). Since the Party has replaced religion with commitment to itself and transformed all churches in London into secular buildings, which Winston understands when learning a nursery rhyme throughout the first two parts of the novel, there is no freedom of religion and the eighteenth article in the UDHR is therefore violated.

George Woodcock considers that "the society portrayed in *Nineteen Eighty-Four* formed the sum of the probable consequences of tendencies that Orwell saw at work in the western societies of his day" (Woodcock 157), and he argues that welfare states to some degree exert the same power over their inhabitants as the Party does in Oceania. There are in particular two things which make him draw this conclusion; the state taking control of the welfare of individuals and their registering of inhabitants. To compare welfare states with the Oceanian regime may seem harsh, but Woodcock considers that the services provided by these states are paid by diminishing individual liberty.

According to Woodcock, authentic social ties in a population are demolished when responsibility of caring for individuals are transferred to the state (158). He writes that people now turn to the state for help, instead of turning to family or neighbours, and the inhabitants therefore become alienated from one another. The life without friends and family, which Winston endures, shows this estrangement between people in an extreme version. Lynn also views alienation as a threat to the future of human rights, since a person is more likely to dehumanize people at a distance. This could lead to a decreased concern for the distant people's rights which would undermine the work of human rights (Lynn 209-214). Woodcock is concerned about the increased power of the welfare bureaucracy which follows the alienation. He writes that this power will become more and more dangerous as the state interferes with a larger part of its inhabitants' affairs. The civil servants of this bureaucracy may interfere with good intentions, but individuals without support from the community are still at risk of becoming victims to the state without a chance of defending their case.

Also the systems of registrations developed by the welfare bureaucracy awaken Woodcock's scepticism and could be seen as a threat to human rights. Woodcock writes that 'personal information regarding every citizen who receives a social security number is stored in centralized data banks' (158), and claims that the purpose of social security numbers has changed from a method to provide people with benefits and into a way of monitoring inhabitants. Centralized data banks mean that all government agencies have access to the

information, not only the agency it concerns. This would be devastating if democratic leadership in welfare states were replaced with totalitarian regimes, since one cannot assure that future dictators may not abuse the collected material in similar ways as the Orwellian Inner Party. The risk of spreading information to the wrong hands is recognized by the welfare states, who also work to prevent it; which *The European Union's directive on the protection of personal data* is an example of.

In addition to Woodcock's concern regarding governments' maintenance of personal information, recent technological development has also provided corporations with this information, which means that they too need guidelines of how to deal with personal data. Several ways in which companies may gain access to personal information will be discussed in the following chapter, but for instance; purchases paid or registered by card and visited web pages can be tracked. The latter is because many companies use so called cookies in order to collect information regarding the browsers of their web pages. Present day social media sites, for instance Facebook and Google+, have even larger access to personal information. To sign up to these networks users have to accept their data use policy, and the price paid to use these 'free' services is giving the companies access to personal information. Using these services is of course voluntarily, but it could be considered a necessity for career reasons and are often recommended in order to increase future job opportunities. These networks are also used by for instance the police as a way of detecting threats towards society, and are therefore a way of monitoring citizens – although the citizens have chosen to be monitored.

## 2. Knowledge is Power

### 2.1 Today's Collection of Personal Information

Once, the word “surveillance” was reserved for highly scrutiny of suspects, for police wiretapping or for foreign intelligence. No more. Surveillance – the garnering of personal data for detailed analysis – now occurs routinely, locally and globally, as an unavoidable feature of everyday life in contemporary societies. (Lyon 1).

Comparisons between today's surveillance with the Party's monitoring of Oceania are frequently done by media according to Fowler, and as Lyon's quote illustrates people of today are living in a society where surveillance is ever present. In a study published in 1995, Fowler denotes *Nineteen Eighty-Four* as “a force in public political imagination”, and was amazed by its relevance fifty years after it was written (Fowler 181). The technical development since then further enhances *Nineteen Eighty-Four*'s actuality – today, people are surrounded by technical devices, both in public places and at home, which may be used by others to monitor them. *Nineteen Eighty-Four* could in other words technically become a reality, although the democratic governance and its protection of the individual counteract the realisation of Orwell's dystopia.

In addition to surveillance as a threat to human rights, Lyon argues that it also puts social justice at risk since “surveillance today sorts people into categories” which may lead to discrimination (Lyon 1). According to Lyon, the aim of all surveillance today is to make the data available in searchable databases to determine who to focus on, whether trying to prevent crime or to maximise the benefit of marketing (20). This chapter will discuss some technical devices which can be used to monitor individuals today and potential risks of them. The devices include, amongst others, closed circuit television [CCTV], mobile phones, and so called “smart cards” such as credit cards, loyalty cards, and travel cards which have embedded chips.

In addition, the Internet can be used to gather information regarding individuals, both on social media where users publish information and by accessing records of individuals internet usage. However, the Internet plays a complex role when discussing human rights and surveillance since it both creates an opportunity to monitor people and violate their right to privacy and an opportunity for people to monitor the ruling powers and report human rights abuses. Amnesty International therefore views the technical development as a positive resource for their work (2).

Biometric identification techniques such as DNA analysis and fingerprints, which are mainly used to solve crimes and to control illegal immigration, will not be discussed in this chapter although also this information are organised in searchable databases. To limit the extent of this chapter, it will focus on how ordinary citizens are affected by surveillance. However, Irma van der Ploeg writes about an experiment with fingerprints have as a way of identifying health care recipients in the Netherlands (in Lyon 61). Similar methods have been used in a couple of the American states and if this continues, biometric identification techniques may to a greater extent also be used to monitor all citizens and not only suspected criminals.

CCTV was first introduced in the 1960's as a way of preventing crime, and has spread from a London Train Station to all over the world since then (The Royal Academy of Engineering 33). Due to technological development the current cameras function differently compared with the ones used fifty years ago. The Royal Academy of Engineering therefore argues that today's cameras should be denoted as 'public webcam' rather than CCTV since the shift to digital technology means that they no longer are 'close-circuit' and may be accessed instantly by those who have capacity to receive that data (33). CCTV shares some features of the Panopticon (Lyon 8), in both cases the observer and the observed are distanced from one another and the observed cannot know whether or not he or she is monitored at a certain time. There is also an important difference, in the Panopticon the observed is a prisoner serving a sentence whereas CCTV is used to monitor public places in which free citizens are living their everyday lives. The UDHR include right to privacy (Appendix 1, Article 12), which cannot be guaranteed in areas with CCTV's according to The Royal Academy of Engineering (34).

Another way of monitoring these free citizens is via their mobile phones, which when switched on can be used to locate the person who uses it. The Royal Academy of Engineering lists several positive outcomes of locating people via their mobile phone signals, emergency centres may for instance get somebody's exact position even if he or she cannot tell the address and missing persons or criminals can be tracked (34). Also individuals can track each other by registering for web-based services or downloading certain applications to somebody's smartphone, which is a serious threat to privacy. The applications are visible, but may go un-noticed on a phone where many applications are constantly running. The Royal Academy of Engineering gives an example of a web-based service which only sends out a text to warn somebody that their mobile is being tracked when first registered (35). This means that if one leaves a phone out of sight for only a couple of minutes, until that first text has

been received and erased, somebody may be tracking that phone without the owner ever finding out.

It is questionable if these tracking opportunities are in accordance with the third article in the UDHR, which states that “everyone has the right to life, liberty and security of person” (Appendix 1), since individual security may be reduced by technical devices which enable this kind of monitoring. This is especially threatening for individuals with protected identity and in domestic violence cases, but could also benefit for instance parents who wish to keep an eye on their children to enhance the children’s security. Reality is complex, and according to the Royal Academy of Engineering this does not have to be a threat to privacy if people are made aware of how their phones can be used to track them (35). However, the Royal Academy of Engineering does not consider mobile phones as an equal threat to privacy compared to CCTV, since individuals still can choose whether or not to use a mobile phone.

Besides CCTV and the usage of mobile phones, people’s actions can be traced when making transactions by card. Every time a credit or debit card is used to pay information of that purchase is electronically stored, and this also applies when the card is used to withdraw money from an ATM machine. Of course one cannot know how the withdrawn money has been spent, but the information of cash withdrawals could still be used to create a picture of the card holders’ habit and to trace somebody who is travelling. Public transport companies who use cards with RFID chips, for instance the London Oyster card, also collects information about their customers’ travels (The Royal Academy of Engineering 35). Those who have access to these companies’ databases can find information regarding the usage of each card. Since many of these cards are registered, to allow customers a refund if their card is lost or stolen, accessing these databases means that an individual’s travels can be traced (The Royal Academy of Engineering 35).

Another kind of card used by companies which collect information about the customers is loyalty cards. They are used by for instance supermarkets, and the collection of data is easily noticed whenever a customer receives vouchers. The vouchers are often adapted to gain each individual customer, by giving a discount on articles which he or she purchases quite regularly. This may look like an act of benevolence, and the customized offers favour both customers and retailers financially, but the Royal Academy of Engineering is worried about possible outcomes if these registers are accessed by other companies. For instance, they fear that the opportunity to get health insurance would be affected if insurance companies could get an extract of somebody’s food shopping habits. Once again, the Royal Academy of Engineering do not consider this threat as serious as CCTV since the usage of these cards is

voluntary, but they request an increased public awareness of how much information that is actually stored (36).

Also the internet could be included among the technical achievements which may be used to monitor others, Ronald Deibert and Rafal Rohozinski criticise the myth that the internet is a place where one's identity and actions are untraceable in their article regarding governance mechanisms of cyberspace. According to them, online surveillance is highly present although it takes place with discretion (Deibert and Rohozinski 259). They write that "state militaries have always been aware of the importance of controlling major nodes in information networks" (258), and that everything from routers to autonomous systems, which collects Internet Protocol [IP] addresses, could be used by authorities to monitor the internet traffic (256).

Since a large extent of the world's internet and phone traffic passes through American nodes, the American National Security Agency's [NSA] authority to monitor this electronic traffic, which was issued soon after September 11 by George W. Bush, has a global effect. Deibert and Rohozinski also note that Barack Obama has supported an enhanced electronic surveillance (259), which means that the gathering of information will continue to an even larger extent. Similar authorities has also been given to agencies in other countries, for instance the Swedish Försvarets Radioanstalt [Military Radio Institution, own translation] by the Swedish FRA-law. When trying to prevent future threats, modern democracies seems to choose the same method as Orwell's Oceanian regime; to diminish all citizen's privacy and treat all as potential threats. This is debatable, and the discussion is ongoing partly because of whistleblowers such as Edward Snowden who revealed classified information regarding the NSA surveillance programme in June 2013 (The Guardian).

As shown, today's technology could be used to keep every citizen who uses it as closely watched as the inhabitants of Oceania. The technology that was science fiction when Orwell wrote his book in the 1940's is now reality. However, the main source of concern regarding this development is not the technical advancements but the changes in attitude towards monitoring. Privacy is considered a fundamental right in the United States (Schoeman 12), but governments constantly compromise personal integrity in their fight against terrorism (Amnesty International 3, Tomuschat 66). This leads to a diminishing of human rights also in western societies where they have been well-established.

## 2.2 How Winston's Rights are Affected by Surveillance

A key element of human rights protection is the right of all people to be free from violence. Another key element is the strong limits on the state's ability to interfere in our personal and family lives. This includes protecting of expression, of association and of conscience. It includes not interfering with our bodies and how we use them – the decisions we make over reproduction, the sexual and gender identities we embrace, how we choose to dress (Amnesty International, 3).

This quote from Amnesty International's annual report illuminates how far from protective of human rights the Oceanian regime is. Several ways in which human rights are violated were mentioned already in the description of the Oceanian society (see chapter 1.1). The following list serves as a reminder of the previously mentioned violations:

- Article 1 is violated since the Proles and the Party members do not have equal rights, which is shown for instance by the fact that Proletarians cannot enter the Party. (Orwell 239).
- Article 5 is violated when Winston and others are subjected to torture in the Ministry of Love (Orwell 280).
- Article 10 is violated since Winston not only is deprived of a public hearing but also of knowing what he is accused for (Orwell 278).
- Article 12 is violated due to the lack of privacy (Orwell 240).
- Article 16 is violated both since Party members are denied the right to choose their future spouse by free will (Orwell 75) and since the family does not receive its entitled protection by the state (Orwell 153, 246).
- Article 18 and 19 are violated since Oceanian inhabitants neither have freedom of thought and religion nor the right to express their opinions (Orwell 60).
- Article 20 is violated since all Party members have to participate in associations like “the Community Centre”, “Spies”, and “Youth league” (Orwell 42, 95)

These violations are in various ways connected to surveillance, in the case of Article 12 lack of privacy is a direct effect of monitoring the citizens – but in most cases the violations are a subsequent result of Big Brother's supervision. For instance, those who are subjected to torture have been monitored by the Thought Police beforehand and the interrogation of intended spouses is a way of collecting personal information which diminishes individual's right to marry by free choice.

Since Oceania is, as mentioned, a lawless society one might ask whether Winston has any rights at all, as Ian Slater does when he writes: “[i]f there are no rules, no stated civil liberties, how can the state violate them?” (128). A reasonable question, but although Oceania is a lawless society and human rights are not legally binding; all individuals in all countries are

considered to be holders of these rights regardless of their homeland's approach to them (Tomuschat 69). The fact that human rights is not legally binding unless a state chooses to incorporate them in its own laws is undoubtedly a challenge for the UDHR. This also means that the states function both as guarantors and as potential threats of individual's rights (Tomuschat 97). Since every individual is entitled to human rights according to the United Nations (Appendix 1, Preamble), the lack of rules in Oceania in fact proves that human rights are violated – since a country which cannot guarantee legal certainty fails to fulfil the articles 5 – 12 in the UDHR. In other words, if Winston were not a fictitious character his rights, and all other Oceanian inhabitants' rights, would have been violated.

In Oceania all citizens are seen as a potential threat to the ruling regime, and the constant surveillance of the inhabitants is a way for the Party to maintain its power (Orwell 235). In the book where Emmanuel Goldstein describes the Oceanian society, which Winston gets hold of shortly before his detention, Orwell has written the following:

With the development of television, and the technical advance which made it possible to receive and transmit simultaneously on the same instrument, private life came to an end. Every citizen, or at least every citizen important enough to be worth watching, could be kept for twenty-four hours a day under the eyes of the police and in the sound of official propaganda, with all other channels of communication closed. The possibility of enforcing not only complete obedience to the will of the State, but the complete uniformity of opinion on all subjects, now existed for the first time (Orwell 235).

Winston, who apparently is one of the citizens important enough to monitor, are told in the Ministry of Love that he has been watched constantly for seven years (Orwell 280). He is imprisoned for an unknown amount of time, and while being held in custody he is subjected to great suffering, both physically and mentally. This is a result of the neglecting of the previously mentioned articles 5-12.

Also in the Western World today, suspected terrorists experience a diminishing of rights similar to the treatment Winston and other Oceanian citizens receive in the Ministry of Love, including being kept in custody for long periods without a trial, the usage of questionable methods of interrogation, and even capital punishment despite vague evidence (Tomuschat 66-67). An example of this are a majority of the 166 Guantánamo detainees which are held in custody without a trial by the US, and who therefore have been deprived their right of a fair and public hearing (Amnesty International 287).

However, Winston's rights are diminished long before he is arrested by the Thought Police. His marriage to Katharine is an example of this. Although they have been separated for more than ten years, they are still married since divorce is not allowed in Oceania (Orwell 76). Due to Winston's previous marriage, he and Julia can never have anything else than a

secret relationship. Their chance to trick the committee and receive permission to marry is nonexistent, since their case would not even be considered. This means that Winston personally is deprived of all aspects of article 16, which regards marriage and its dissolution.

What comforts Winston, who is well aware of the Party's totalitarian control, is the belief that the Party cannot get inside his head. Both he and Julia know that their time together is limited, and that they sooner or later will be held as prisoners in the Ministry of Love. They are also able to guess which methods will be used against them to make them confess, but they do not understand that the Party will succeed in changing their view of each other and their inner heart. The estrangement between him and Julia when they accidentally meet in the last chapter and the love for Big Brother which Winston expresses in the very last line of the novel, are both signs of the Party's victory over him as an individual. They are also proof of the violation of article 22 which includes one's dignity and free development of personality (Appendix 1).

Winston's lack of rights is also made visible in his cautious effort to hide the diary which he opens in the first chapter of *Nineteen Eighty-Four*. Since nothing is prohibited in Oceania, keeping a diary is not illegal – but Winston is convinced that he will be punished with at least twenty-five years in a labour camp or by death if the Thought Police find out what he has done (Orwell 9). As previously mentioned he is eventually punished for, among other things, this diary. The freedom of expression is in other words so non-existent that the inhabitants of Oceania are not even allowed to express their thoughts in a medium which reaches no one else, such as a diary.

## Conclusion

Although Orwell is unlikely to have intended his novel as a prophecy, *Nineteen Eighty-Four* is highly relevant in today's society. The continuous surveillance which diminishes Winston's human rights is, as shown, technically feasible today. The monitoring of not only convicted criminals, as in Foucault's Panopticon, but all civilians has been made possible due to the technical development and many technical devices which could only be imagined in the 1940's are part of everyday life today. This technical development gives authorities both increased opportunities and increased responsibilities, if the UN's UDHR should be fulfilled in the future.

This essay has shown the limitations of privacy in Oceania and how Winston's rights are diminished, both directly and indirectly, by the surveillance. It has also provided an overview of modern technologies which could be, and sometimes are, used by modern democracies to monitor its inhabitants in a way which is similar to the monitoring conducted by the Oceanian Thought Police. Due to the limited size of an advanced undergraduate level research essay like this, the western world has been the focal point when comparing *Nineteen Eighty-Four* to today's society. If other societies had been used for the discussion, societies where the freedom of speech and opinion are not as well established, even more similarities are likely to have occurred.

As discussed, the fight against terrorism affects all people since modern democracies have chosen a political approach which is similar to Big Brother's politics in this fight. This can be seen in the legalisation of monitoring the internet and phone traffic, which is done for instance by the American NSA and the Swedish FRA, but also by the way suspected terrorists are treated at the Guantánamo Bay. To ensure people's privacy, and fulfil the UDHR, has been given a lower priority than trying to prevent future terrorist attacks by today's western politicians.

Finding a reasonable balance between ensuring citizen's privacy and preventing future threats against security is certainly a complicated matter, but as the Royal Academy of Engineering suggests the damages of monitoring could be limited by increasing the public knowledge of how technical devices could be used by other's to gather information about the user. However, this is not enough since the electronic databases, for instance those used by welfare societies to provide its inhabitants with state benefits, also has to be secure to ensure that information gathered will not reach the wrong hands and be misused. One also has to remember that some technical devices also could be used by civilians to report human right

violations committed by the ruling powers, as Amnesty International points out, and therefore are beneficial to the work of ensuring human rights in a global perspective.

Finally, as Fowler puts it when he comments critics who view *Nineteen Eighty-Four* as Orwell's critique of socialism, "those who assert that Orwell lost his socialist faith do not understand that to recognize the dangers that face the system in which one has faith in is not necessarily to lose that faith" (239). The fact that recognizing dangers of something does not equal losing faith in it applies also to this essay's critique of western societies today. The information technology so highly present is as shown a potential threat to privacy and therefore the UDHR, but it is also beneficial to both individuals and to NGO's who are striving to implement human rights all over the world.

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# **Appendix 1 – *The Universal Declaration of Human Rights***

## **PREAMBLE**

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

**Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS** as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

### **Article 1.**

- All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

### **Article 2.**

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

### **Article 3.**

- Everyone has the right to life, liberty and security of person.

### **Article 4.**

- No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

**Article 5.**

- No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

**Article 6.**

- Everyone has the right to recognition everywhere as a person before the law.

**Article 7.**

- All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

**Article 8.**

- Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

**Article 9.**

- No one shall be subjected to arbitrary arrest, detention or exile.

**Article 10.**

- Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

**Article 11.**

- (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
- (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

**Article 12.**

- No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

**Article 13.**

- (1) Everyone has the right to freedom of movement and residence within the borders of each state.
- (2) Everyone has the right to leave any country, including his own, and to return to his country.

**Article 14.**

- (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.
- (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

#### **Article 15.**

- (1) Everyone has the right to a nationality.
- (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

#### **Article 16.**

- (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- (2) Marriage shall be entered into only with the free and full consent of the intending spouses.
- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

#### **Article 17.**

- (1) Everyone has the right to own property alone as well as in association with others.
- (2) No one shall be arbitrarily deprived of his property.

#### **Article 18.**

- Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

#### **Article 19.**

- Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

#### **Article 20.**

- (1) Everyone has the right to freedom of peaceful assembly and association.
- (2) No one may be compelled to belong to an association.

#### **Article 21.**

- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- (2) Everyone has the right of equal access to public service in his country.
- (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

#### **Article 22.**

- Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

#### **Article 23.**

- (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- (2) Everyone, without any discrimination, has the right to equal pay for equal work.

- (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- (4) Everyone has the right to form and to join trade unions for the protection of his interests.

#### **Article 24.**

- Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

#### **Article 25.**

- (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
- (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

#### **Article 26.**

- (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- (3) Parents have a prior right to choose the kind of education that shall be given to their children.

#### **Article 27.**

- (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
- (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

#### **Article 28.**

- Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

#### **Article 29.**

- (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.
- (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
- (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

#### **Article 30.**

- Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.