



# **Media Discourse of the Right to Privacy under Surveillance**

An analysis of the media coverage from post-9/11 to post-Snowden US

*by*

*Kuntal Roy*

**Supervisor:** *Dr. Maayan Geva*

Date of Submission: 25 May 2018

Dissertation, 30 higher education credits  
Erasmus Mundus Master's Programme in Human Rights Policy and Practice

Institute of Human Rights, University of Deusto  
School of Global Studies, University of Gothenburg  
Department of Social Sciences, University of Roehampton

Spring 2018

# Abstract

The right to privacy in the age of surveillance is a long-standing controversial issue. This controversy first heightened in 2001, after 9/11 terrorist attacks; and again in 2013, after Edward Snowden's mass surveillance disclosure. In both the cases, the ensuing media discussion was focused on either surveillance is essential for security or it subverts the right to privacy. As media is a contributing factor of human rights promotion and protection, this dissertation examines the construction and representation of the right to privacy and surveillance in the post-9/11 and post-Snowden US media. Methodologically, this research draws on Critical Discourse Analysis, applying the concept of discourse, utilising insights from Norman Fairclough's intertextual analysis, and the toolkit outlined by David Machin and Andrea Mayr. The primary data used for analysis comes from the news coverage of three leading daily newspapers in the US. The study concludes that post-9/11 US media constructed the right to privacy as expandable human rights while fighting terrorism, whereas surveillance is a key tool for protecting Americans. However, Snowden's revelation contributed to altering the discourse, and surveillance was constructed as a threat to privacy rights. Finally, this study suggests that the US media are reluctant to refer to international human rights legal instruments although the US is a state party of several international conventions.

**Key words:** Privacy, surveillance, critical discourse analysis, media construction, media representation, national security, social control.

**Word count: 15,427**

# Acknowledgments

I would like to express my gratitude to the European Commission for this master's program and the support they provide. Last two years of this program was the most amazing venture of my life and I am truly grateful for that.

I would like to thank my dissertation supervisor Maayan Geva, for her careful guidance; and all my friends and teachers in Sweden, Spain and the UK, for their friendship and shared knowledge.

I sincerely thank my parents and brothers for being the constant support of my life.

I cannot thank enough my wife Jhuma, for her unlimited love and patience. Last but not least, I thank our beautiful daughter Aadhira, the source of my unending inspiration.

# Table of Contents

<b>Chapter One: Introduction</b>	1-5
1.1 Problem area in focus	1
1.2 Aim and significance of the research	3
1.3 Research questions	4
1.4 Delimitation	4
1.5 Outline	4
<b>Chapter Two: Literature Review</b>	6-18
2.1 Towards a critical relationship between privacy and surveillance	6
2.2 The scope of privacy and its protection	9
2.3 Human rights in the post-9/11 US: Balancing rights with national security	13
2.4 Human rights in mass media	16
<b>Chapter Three: Methodology</b>	19-23
3.1 What is CDA?	19
3.2 Why CDA?	20
3.3 Data collection: Selecting the news articles	21
3.4 Application of the method: Engaging with the data	22
3.5 Addressing the criticisms	22
3.6 Ethical Considerations	23
<b>Chapter Four: Findings &amp; Discussion</b>	24-34
4.1 Privacy and surveillance in post-9/11 coverage	24
4.2 Privacy and surveillance in post-Snowden coverage	29
4.3 Media narrative vs international human rights	31
<b>Chapter Five: Conclusions &amp; Recommendations</b>	35-40
5.1 Limitation of the study	35
5.2 Key findings	36
5.3 Recommendations	39
<b>Bibliography</b>	41-47
<b>Appendices</b>	48-50
Appendix A: News articles used for post-9/11 discourse analysis	
Appendix B: News articles used for post-Snowden discourse analysis	

# Chapter One

## Introduction

From the condition of millions of asylum seekers in Europe to the governments' decision of beef ban in India, human rights issues are often in the headlines. There is a rising media attention to human rights condition across the globe (Hafner-Burton and Tsutsui, 2005), and studies suggest that human rights have become an increasingly salient feature of the international media coverage over the past several decades (e.g. Ramos, Ron, and Thoms, 2007; Clark, 2012). Although media researchers have paid an increased attention either to the amount or the contents of the coverage of human rights violations, few attempts have been made to critically look at the construction of human rights based on the language and its representation in the news reports. This study takes the opportunity to fill in this void and add to the previous research based on an investigation of how media construct and/or represent a contentious human rights issue in general, and the contestation between the right to privacy and surveillance in the United States (US) in particular.

### 1.1 Problem area in focus

On 6 June 2013, the world was astounded by a bombshell story published in the *Guardian*, which revealed for the first time that the US government is collecting millions of its citizens' phone records secretly on a daily basis, indiscriminately and in bulk (Greenwald, 2013). Immediately after the report was published, the debate revolving around the right to privacy and surveillance sparked. A few days later, another *Guardian* report introduced Edward Snowden, an ex-National Security Agency (NSA) contractor who was the source of the previous story and responsible for the biggest leak of classified government documents in the US history (Greenwald et al., 2013). Snowden justified his actions claiming that collecting and storing unlimited personal metadata<sup>1</sup> is highly intrusive to privacy (ibid.); however, the US government sought to defend its mass surveillance practice terming it 'a critical tool' (Ackerman & Roberts, 2013:1A) of protecting the nation from terrorist threats.

---

<sup>1</sup> According to Snowden (Greenwald et al., 2013), metadata is a summary data contains details about data pertaining to the actions of an observed party. In the case of phone records, for example, Metadata is with whom and when someone is talking to, or the geographical locations of the callers etc.

<sup>2</sup> A series of coordinated terrorist attacks carried out by the militant group Al-Qaeda, hijacking civilian airliners and using them as missiles on the World Trade Centre in New York City and the Pentagon in Washington, DC.

It is worth noting that the heightened privacy-surveillance discussion after Snowden's disclosure is actually a continuation of a long-standing debate, particularly prompted following the terrorist attacks of 11 September 2001<sup>2</sup> (the '9/11') in the US. The US government expanded its surveillance practices through several anti-terrorism legislations as a part of the 'war on terror'<sup>3</sup> (Freeman, 2011); which were challenged by the privacy advocates, civil liberty organisations, and human rights scholars (Tanner, 2011). In addition to that, the US media played a significant role in this issue both by participating in and disseminating the debate. This makes a fertile context for advancing a research on how the US media construct and represent the right to privacy when it comes to surveillance.

This study deals with the complex dynamics of a human rights issue and consists of two different aspects: privacy as a fundamental human right and its constant negotiation within evolving communication environment in one hand, and its construction in the public sphere through mass media on the other. However, the second aspect cannot be realised without a clear understanding of the first one. In order to comprehend privacy as a right, this study takes into account that human rights discourse is normatively based on international human rights legal standards. In analysing relevant media narratives, this study tends to examine how human rights are constructed through the language and the structure of the news reports.

Privacy, perhaps one of the most difficult to define and circumscribe among all other human rights, has been vastly changed conceptually since Warren & Brandeis (1890) introduced it to the American society. The modern privacy benchmark at the international level can be found in the Universal Declaration of Human Rights (the 'UDHR') and the International Covenant on Civil and Political Rights (the 'ICCPR'). Both of them guarantee the right to privacy in the almost identical term. Article 17 of the ICCPR states, 'No one shall be subjected to arbitrary or unlawful 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 17 implies that an individual is entitled to a personal sphere of existence and autonomy, and it would be

---

<sup>2</sup> A series of coordinated terrorist attacks carried out by the militant group Al-Qaeda, hijacking civilian airliners and using them as missiles on the World Trade Centre in New York City and the Pentagon in Washington, DC. Around 3000 people were killed.

<sup>3</sup> The war on terror started with the war in Afghanistan against Taliban regime, which had been sheltering Al-Qaeda. In 2003, the US invaded Iraq as the continuation of the war on terror, which resulted in an extremely bloody war and followed by overthrowing its President Saddam Hussein. Iraq war was highly controversial as the US invaded Iraq claiming that it had weapons of mass destruction and was helping Al-Qaeda; however, no weapons of mass destruction were found or any links with Al-Qaeda were established.

protected from both state and private parties. However, it was not until 1988 that Human Rights Committee (HRC) attempts to explain the words ‘arbitrary or unlawful’ in its General Comment No.16, which denote the rights provided by Article 17 are not absolute and may be limited while exercising. Although Volio (1981) held that the rights under Article 17 are protected without qualification as any limitation provision allowing restriction in public interest or similar purposes were not added, Nowak (2005) seems to be reluctant of taking a stringent point of view. Nowak points out, although Article 17 does not explicitly allow exceptions, non-arbitrary or lawful interference ‘requires a precise balancing of the circumstances in a given case, paying regard to the principle of *proportionality*’ (Nowak, 2005:383). Nowak’s view is similar to the HRC as it mentioned in the General Comment No.16, at least four conditions should be met before authorising any interference to someone’s privacy (Human Rights Committee, 1998). They are: (i) interference can only take place on the basis of specific law adopted by the State parties; (ii) this law must specify in detail the precise circumstances in which interferences may be permitted; (iii) interference must be made only by the authority under the law, and (iv) interference must be authorised case-by-case basis (ibid). In addition, HRC commented that Article 17 prohibits all forms of surveillance, guarantees integrity and confidentiality of all form of correspondence, and suggests storing all personal information secured under legal protection. Therefore, HRC implies even if there is a legal framework, it must not grant blanket authorisation of intruding into privacy, rather each case of interference should be scrutinized individually. Apparently, Article 17 does not allow mass surveillance or bulk data interception; however, targeted surveillance may be allowed but it must be legally justified. Despite the protections provided by the international legal instruments, advancement of communication technology poses threats to privacy rights as it has enhanced the capacity of governments and enterprises to conduct mass surveillance and bulk data collection, and the rise of global surveillance in the context of terrorism has also weakened the integrity of privacy.

## **1.2 Aim and significance of the research**

As stated above, the purpose of this research is to explore the media narratives of the right to privacy in the US regarding surveillance. For doing so, this study will collect relevant news articles from mass media, therefore apply critical discourse analysis to comprehend how those were represented and the meaning was constructed. This study builds on previous cross-national studies which have linked states’ human rights performance with a number of

national and international actors (e.g. Hafner-Burton and Tsutsui, 2005; Poe, Tate and Keith, 1999); however, less attention has directed toward the potential role of the mass media in shaping states' human rights performance. Research suggests that the promotion of the rights and success of the rights' advocates depend in part on the media for its capacity of information dissemination to a larger audience (Hafner-Burton, 2014). Besides, modern day media perform as a forum which fosters public discourse (Talbot, 2007), serve as a 'wide-open marketplace of ideas, in which opposing views may meet, contend, and take each other's measure' (Blumler, Dayan and Wolton, 1990:269). Hence, it can be argued, understanding media discourse is essential for expanding international human rights discourse. Since the power and influence of media discourse on constituting people's realities are undeniable (Talbot, 2007), it is worth looking at how media is constructing and representing public discourse of human rights.

### **1.3 Research questions**

RQ1: How has the US media constructed/represented privacy and surveillance after 9/11 terrorist attacks?

RQ2: How has the US media constructed/represented privacy and surveillance after Snowden's disclosure?

RQ3: Whether and to what extent has this construction/representation changed?

### **1.4 Delimitations**

Given that the US is the case study chosen for this study, it will only discuss those human rights treaties to which the US is a party. For example, ICCPR and its jurisprudence developed by the United Nations have taken into account; however, American Convention on Human Rights (ACHR) is not taken into consideration because US is not a party to ACHR. Similarly, reflection is made only on the arguments and related policies advanced by the US government and no other states' regarding surveillance, mainly due to avoiding the complexities of the subject matter. The methodological limitations of analysis are mentioned in the related chapter.

### **1.5 Outline**

This dissertation contains five chapters. The next chapter 'Literature Review' sets the basis to place this study within current academic debates. It also provides theoretical concepts which



will be applied later for discussing the findings of the data analysis. The third chapter 'Methodology' explains why Critical Discourse Analysis is instrumental in addressing the research questions and how the data for analysis was collected. Chapter four is 'Findings & Discussion' where the findings of the analysis are presented and discussed with the application of the theoretical concepts outlined in Chapter Two. Fifth and the last chapter is 'Conclusions & Recommendations' where this study concludes and provides both academic and practical recommendations.

## Chapter Two

# Literature Review

The aim of this study is to examine how media represent contentious human rights issues, to be precise, the tension between the right to privacy and surveillance; therefore, it is necessary to situate the research problem within the state of current scholarships of the related fields. Initial research shows that tension between privacy rights and surveillance is a segment of the broader discourse of balance between promoting human rights and protecting national security, in which privacy is a single piece in the long list of human rights and surveillance is a tool of counterterrorism. Although the presence of a historical tension between human rights and national security can be found in the existing literature in this field (Schofer, 2015), this study has confined its discussion in the post-9/11 US; mainly due to the constraint of space and time for the research. Hence, this chapter is broadly comprised of four sections. It begins with examining the critical relationship between surveillance and privacy, followed by the discussion on the scope of privacy and its protection mechanism, and human rights and national security in the post-9/11 US. Lastly, this chapter looks at the literature discussing media discourse of different human rights in general and privacy specifically.

### **2.1 Towards a critical relationship between surveillance and privacy**

Several scholars (e.g. Cohen, 1987; Dandeker, 1990; Giddens, 1987; Lyon, 1994) take an approach in discussing surveillance that focuses on its effectiveness in bureaucracy. They conceptualise surveillance as a technical process of collection and gathering of data. For the purpose of generalisation, this study will refer this concept of surveillance as the ‘neutral approach’ later in this dissertation. Giddens (1987) primarily sees surveillance as a phenomenon of bureaucratic nation-states, and also a product of modernity. He considers surveillance as a means of administrative power ‘through the storage and control of information’, and ‘concentration of authoritative resources involved in the formation of nation-state’ (Giddens, 1987:181). Echoing Max Weber’s view on bureaucracy as the basis of modern states, Giddens’ approach on surveillance involves two activities. Firstly, the accumulation of coded information for administrative and bureaucratic purposes; and secondly, using that information in direct supervision of population (Giddens, 1987). Similar

to Giddens, Dandeker (1990:vii) is reluctant to consider surveillance in the narrow sense of ‘spying’, rather using the term in the broader sense of ‘gathering of information about and the supervision of subject populations in organisations’. Likewise, Lyon (1994) suggests a neutral understanding of surveillance with both positive and negative effects keeping in mind. He argues surveillance can be undemocratic, coercive, impersonal or intrusive on one hand; however, it has positive effects on everyday life on the other. For example, CCTV installed in a road crossing is not meant to be intrusive rather make sure that no one ends up in the hospital because someone ran a red light (Lyon, 1994).

However, this neutral approach seems somewhat limited when it comes to critically looking at contemporary surveillance phenomena such as communication and internet surveillance or data retention (Allmer, 2011). Under these phenomena, there are possibilities that a person might be constantly watched or personal information can be exposed. Neutral understanding of surveillance may overlook the fact of asymmetrical power relation and repressive aspects of the society because it sees surveillance in a non-hierarchical and decentralised way (ibid.). Clearly, not everyone in the society has the capacity and technology to surveil. Only state institutions and powerful corporations are able to undertake surveillance, while individuals and private actors are not able to do so (ibid.). Hence, a critical theorisation seems necessary which will not only be limited to explaining the material facts of surveillance, rather consider the presence of power and domination, and take into account the repressive aspects in the society (ibid.).

Unlike previous scholars who conceptualise surveillance neutrally, several researchers (e.g. Foucault, 1991; Gandy, 1993; Fiske, 1999; Bigo, 2008) are highly critical to the notions of surveillance. They consider surveillance being connected to power, domination, coercion, and intrusion. Foucault (1991) is the most notable theorist of this school. He conceptualises surveillance as a mode of social control by which modern capitalist society maintains its disciplinary system and pursues the strategic position of power. Looking back to west European history of Sixteenth-Seventeenth century, Foucault focuses on the rise of the disciplinary society where the authority seeks to control social behaviour of the populace and punishes if anyone fails to comply with the expected social behaviour. Regulation of social behaviour was secured by using several knowledge-based mechanisms because the very foundation of the disciplinary society is the ‘power-knowledge relations’ (Foucault, 1991). According to Foucault (1991:27), power and knowledge are intertwined and ‘directly imply one another’, for example, forms of knowledge reproduce social discourse or cultural norms that are essential to secure power. To explain this, he uses Jeremy Bentham’s utopian idea of

*Panopticon*. Panopticon is a ring-shaped prison structure with a watchtower in its centre. By the virtue of its architecture, inmates in the cells cannot see the guard in the watch tower; however, always find themselves in the sense of being watched. Foucault (1991:200) narrates this architectural-societal structure: 'He is seen, but he does not see; he is the object of information, never a subject in communication'. The sense of being constantly watched changes the inmate's behaviour dramatically; s/he no longer behaves accordingly to their own agency rather fulfil expectations the prison authority may have on him, transforming him to conformist and complaint, thus 'assures the automatic functioning of power' (Foucault, 1991:201). Hence, modern surveillance seems to have two epistemic positions at the same time. It is such a disciplinary practice that is both a product and means of accumulating knowledge about individual behaviour in the form of documentary evidence; and, it creates a Panopticon in the human mind which is a subtle and effective compliance mechanism because of its technical superiority in controlling mass population (Dandekar, 1990). In both these cases, it seems to be a mandate of institutional orthodoxy and reproduction of social discourse. Panopticon is as such a central notion of the operationalisation of power for Foucault (1991:228) that he seems to replace prison with the disciplinary institutions, asking 'Is it surprising that the prison resemble factories, schools, barracks, hospitals, which all resemble prisons?'

Originally published in 1949, Orwell's (2013) dystopian novel *Nineteen Eighty-Four* seems interesting in this context where the author describes an allegorical ruling system called 'Oceania', a totalitarian leader called 'Big Brother' with constant surveillance system implemented through 'thought police' who can actually read public minds. Therefore, there was no privacy of thought as every sound is made can be overheard or every movement will be scrutinised, which confirms 'not only complete obedience to the will of the State, but complete uniformity of opinion on all subjects' (Orwell, 2013:260).

Foucault's panoptic model of surveillance is further developed by Gandy (1993) in the context of contemporary mass surveillance. According to Gandy (1993), surveillance is a high-tech complex system with hierarchical observation. It starts with the collection of information generated through people's daily lives; followed by a complex processing of that information by sorting into categories in order to identify, classify, and assess them; and finally, using that information to control and coordinate the access of products and services of modern capitalist economy (Gandy, 1993). In other word, it appears as a mechanism for using information from one's life and reusing it to control that life afterward. Fiske (1999) adds that surveillance made possible to collect certain knowledge about certain people, which

seems to be a common argument of countering terrorism. However, he believes that it is 'rapidly becoming the most efficient form of power, the most totalitarian and the hardest to resist' (Fiske, 1999:218). He emphasises on the possibility of a surveillance operation in a racialised context, such as black and white people. Bigo (2008) and Amoore (2009) further extends this idea arguing that, in the post-9/11 world, surveillance technologies allows to analyse, build and disseminate the heterogeneous bodies of discourses; such as radical Muslims versus good Muslims, citizens versus immigrants, or image of a terrorist. The algorithmic calculations generated from surveillance technology do not simply militarise society or commercialise security, rather it is a type of continued war using non-conventional weapons which works on the basis of suspicions and prejudices (Amoore, 2009).

If the critical approach to surveillance is taken into consideration, surveillance would be the major antagonist to the right to privacy. Privacy experts (e.g. Solove, 2011) emphasise on the centrality of privacy in everyday life for its correlation with personal autonomy and freedom that constitute an individual with dignity. Human nature tends to protect all its personal deliberations and decisions from public sphere because they fear judgmental eyes of, and disapproval and exclusion from, society (Griffin, 2008). Interference into personal deliberations and decisions could alter the nature of human behaviour and interaction (Lachmayer & Witzleb, 2014), while surveillance tends to control human behaviour towards a social orthodoxy (Foucault, 1991). Several scholars (e.g. Solove, 2011, 2006) seem to agree on the premise that privacy is the sovereignty of an individual, a self-defence mechanism from social scrutiny and the sense of personal freedom at the same time; therefore, potential risks of privacy loss may limit self-development, creativity, exchange of ideas, and dissent. While the panoptic schema of surveillance is about the assertion of power over and in individuals (McMahon, 2015), privacy is about the protective measure of individual sovereignty (Griffin, 2008); therefore, there is a dialectical relationship between privacy and surveillance. Two things could happen when a particular population is forced into certain desired behaviour: a possible resistance or surrendering the personal rights such as privacy. This study will later evaluate what epistemological approach of surveillance was taken by the US media in constructing the relationship with privacy in the post-9/11 and post-Snowden period.

## **2.2 The scope of privacy and its protection**

Although much of the existing scholarship seems to agree on the importance of privacy on personal autonomy (e.g. Lachmayer & Witzleb, 2014; Solove, 2006, 2011; Griffin, 2008), it tends to differ on the contents that constitute the right to privacy. Some have either recognised privacy as the right to be let alone (e.g. Warren & Brandeis, 1890), or control over access to a personal sphere such as territory, body, personality or information (Petronio, 2002). Altman (1977:77) relates to privacy as the control over the flow of personal information arguing, ‘privacy is a boundary control process whereby people sometimes make themselves open and accessible to others and sometimes close themselves off from others’. For Gavison (1980), privacy is about what or to which extent others know about us and how much access they have to our personal information. The common feature of this scholarship seems to be the distinction made between private and public domain, where privacy is seen as a way of drawing line between the two. Individuals constantly renegotiate this separating line between private and public domain (Petronio, 2002), and when the society crosses the border of public domain and intrudes into one’s personal affair, privacy is believed to have been breached (Griffin, 2008).

However, privacy in the modern days seems much more complex as digital technology might challenge one’s ability to control over personal information (McMahon, 2015). This could happen in both voluntary and non-voluntary way. For instance, one could share personal information in a social media platform for a specific audience; however, this data may travel through different media and end up in a non-intended audience (Andrejevic, 2007). Moreover, online shops or search engines keep the record of the transaction or search history which also generates personal information (ibid.). Likewise, the looming interconnectivity between objects in our daily life; from an iPhone to a GPS-footwear or household appliances, can communicate with each-other creating a vast amount of data about our personal lives (McMullan, 2015). This deluge of data will not only pass back and forth between the objects but most likely find its way towards government and corporate reservoirs (ibid.). The separating line between public and private domain, therefore, seems to become blurred, and how privacy is renegotiating with the age of modern technology and increased visibility seems ambiguous (Fornaciari, 2014).

Several recent research (e.g. Solove, 2011; Milanovic, 2015) have focused on privacy from the point of view of its relationship with information disclosure in the digital age; among them, Nissenbaum (2004, 2010, 2015) looks at privacy from the point of the context that the information has been disclosed. She holds that information is delivered in a specific context, considering the roles it might play and relations it has with the context (Nissenbaum,

2004). She argues, in the new technological environment, personal information is turning into a modern commodity as corporations are allowed to collect, use, and sometimes even sell personal data about their clients (ibid.). If the information intended for a specific context migrates to a different; it may lose its integrity, thus privacy can be interfered (ibid.). Regulations, however, need time to evolve in order to protect privacy in different settings, therefore contribute in further blurring the private-public sphere (ibid.). For Nissenbaum, the private-public realm of privacy appears as a false dichotomy, hence, the limitations of regulations fail to provide the safeguard of privacy. She, therefore, applies the theoretical framework of 'contextual integrity', which she claims the appropriate benchmark for privacy protection.

In order to explain contextual integrity, it seems necessary to shed light on how different social norms lead us to disclose information in different contexts. For example, social contexts such as health care, education, business or religion; each of them have different requirements and standards which control the flow of information, and also different expectations for protection of privacy (Nissenbaum, 2004). The context of a patient provides information regarding health problem to a doctor is different than a struggling student who seeks advice from a tutor. These two very different social contexts require different social norms of information disclosure as well as privacy protection. A violation of privacy thus consists of a complex arrangement with multiple variables. It includes the social context in which the practice takes place, the types of information exposed and the social roles of the individuals involved. Additionally, self-disclosure of information is based on some principles which regulate the transmission of information that might be confidentiality, entitlement or necessity, such as doctor-patient confidentiality. Here, contextual integrity is the frame of reference that may be applied to measure in what extent privacy has been respected or which social norm has been followed. However, information technology, and more precisely, public surveillance seems threatening to contextual integrity as it facilitates the de-contextualisation of personal data, thus fundamentally incompatible with privacy protection (Nissenbaum, 2004).

In light of the theoretical framework of contextual integrity, the recent trend of conducting mass surveillance by the governments and bulk data collection seem to pose significant threats to privacy protection as the advancement of communication technology has enhanced the capacity of governments and enterprises to do so. Snowden's disclosure on NSA's surveillance programs does not only reveal American mass surveillance practice on their citizens, but also the practice extends to a global level (Greenwald, 2013). However,

governments often try to justify surveillance on the ground of protecting national security and as a measure of counterterrorism. The US government also sought to defend their surveillance practice terming it ‘a critical tool in protecting the nation from terrorist threats’ (Ackerman & Roberts, 2013:1A). Before a critical look through of legal protection of privacy in this concern provided by the international human rights regime, a brief discussion on the existing privacy protection mechanism in the US seems relevant.

Despite the fact that the US constitution does not explicitly mention privacy as a fundamental right (Griffin, 2008), the Fourth amendment covers some of its aspects, including a restriction on surveillance (Lachmayer & Witzleb, 2014). However, research (e.g. Rumold, 2016; Milanovic, 2015; Sinha, 2013) and case laws (e.g. *United States v Miller*, 1976; *Smith v Maryland*, 1979) show the Fourth amendment’s notable limitation in protecting privacy. According to the Fourth amendment, overhearing someone’s private telephone conversation using technological devices is restricted; whereas if a person voluntarily communicates personal information to a third party such as a bank or telephone company, that person no longer enjoys privacy protection (Lachmayer & Witzleb, 2014). This limitation of the Fourth amendment enables the *Patriot Act* and *Foreign Intelligence Surveillance Act* (FISA) to provide the basis for collecting bulk telephone call records or metadata from a third party (e.g. Google, Facebook) (Lachmayer & Witzleb, 2014; Balkin, 2008). In this way, NSA’s secret programs of bulk metadata collection are approved periodically by the secret FISA Court order.

The United Nations General Assembly’s *Resolution 68/167* on the right to privacy in the digital age not only affirms the protection provided by the UDHR and the ICCPR, but also an important move to protect privacy in the digital era, and arguably, in the privacy-intrusive mass surveillance environment (Joyce, 2015). It also identified the need of either retranslation and reinterpretation of the right underlying in the treaty bodies, therefore up-to-date the jurisprudence in accordance with the technological development; or developing a new normative framework recognising the digital privacy (ibid.). Following *Resolution 68/167*, Office of the High Commissioner for Human Rights (OHCHR) submits a report namely ‘*The Right to Privacy in the Digital Age*’, which observes that NSA’s surveillance programs are unlawful and most likely to violate privacy rights. Stressing on the transparent and non-arbitrary interference, OHCHR report observes that secret rules and secret interpretations of law (including judicial interpretations) do not have the necessary qualities of ‘law’. Moreover, laws or rules giving excessive discretion to executive authorities (e.g. security and intelligence services) do not qualify as law. When it comes to protecting national



security, OHCHR holds mass surveillance is similar to ‘finding a needle in a haystack’ (UN, 2014:9), and it poses relatively more harm on the right to privacy in compare to its achievement. Scholars (e.g. Joyce, 2015; Milanovic, 2015) accolade OHCHR’s report for its timely engagement in the discussion of privacy protection with the context of mass surveillance and highlighting the potential role for digital privacy, however, criticise it for not expanding the existing jurisprudence and not addressing the conceptual challenge involved in the scope of violation. They (ibid.) conclude by advocating further work on the notion of digital privacy and possibly a separate normative framework to address the digital right to privacy. This study uses the jurisprudence of privacy rights developed by the UN bodies in discussing media narratives regarding privacy.

### **2.3 Human rights in the post-9/11 US: Balancing rights with national security**

Since 9/11, preventing terrorism and protecting national security appeared to be a major concern globally, and especially in the US. The US and some of its allies responded to 9/11 initiating the ‘war on terror’; which, according to human rights advocates, has had a detrimental impact on international human rights norms (e.g. Freeman, 2011; Tanner, 2011). The war on terror was broadly comprised of two parts: military actions and enacting a series of anti-terrorism policies. The many human rights violations that were caused by military actions included, detaining and interrogating hundreds of suspected terrorists at Guantanamo Bay and Abu Ghraib was infamous (ibid.). Military actions have also resulted in serious human rights violations of the civilian population of Afghanistan and Iraq (Freeman, 2011). The second fundamental change driven by the war on terror comprises of anti-terrorism laws that were passed by different countries and were highly criticised by human rights scholars. Many of these scholars (e.g. Freeman, 2011; Tanner, 2011) argue against the anti-terrorism policies, claiming that these laws are not in accordance with human rights and may have a negative effect on the enjoyment of these rights. Soon after 9/11, the US Congress passed the Patriot Act of 2001, which contains a wide definition of ‘terrorism’ and provided the basis for a wide range of surveillance mechanisms including wire-tapping and cyber-surveillance, and gave authorities the power to detain foreign nationals on suspicion without the protection of the US constitutional rights (ibid.). In this vein, the US Military Commissions Act of 2006 was made to deny to the detainees in Guantanamo Bay both US Constitutional and international human rights (Freeman, 2011). Tanner (2011) points out the Patriot Act’s highly

intrusive character into individual's privacy, as it granted unprecedented powers to intelligence and security agencies with few accountability measures. Some other countries such as the UK, India, and Australia followed the path paved by the US in terms of enacting anti-terrorism policies (ibid.). The UK already had anti-terrorism legislation for dealing with Irish Republican Army; however post 9/11 it added several pieces of anti-terrorism legislations (e.g. the Anti-Terrorism Crime and Security Act 2001, the Prevention of Terrorism Act 2005, the Terrorism Act 2006), some in possible violation of the human rights provisions of the European Convention of Human Rights (ibid.).

Several studies (e.g. Burke-White, 2004; Forsythe, 2002) suggest that the inherent tension between promoting human rights and protecting national security is an innate attribute of the US political discourse and foreign policy-making process. US policymakers may not have considered human rights and national security mutually inclusive and correlated, rather prioritised national security at the expense of human rights (Burke-White, 2004). Since the attack in the Pearl Harbour in World War II, the US regarded foreign aggression as a major threat to their national security, while human rights norms were not under consideration of foreign policy discussion until the Seventies (ibid.). After the Vietnam War, the US Congress attempted the executive branch hold accountable for human rights; however, executive held human rights are incompatible with national security (ibid.). It is worth noting that this spirit is not characteristic of any particular administration, but the nature of US political discourse on human rights as a whole (Forsythe, 2002). Although the US recognises UDHR, their discourse of human rights is based on the Bill of Rights of the Constitution which is practiced with 'American exceptionalism' (Forsythe, 2002:502). Forsythe (2002) argues American exceptionalism is the heart of American nationalism and political culture, contains that their society is built on the notion of individual freedom and liberty, and a model for the rest of the world to follow. This normative context attributes to the American foreign policy agenda, for both liberals and conservatives (Forsythe, 2002). Moreover, Republicans tend to take a realist approach for their policy setting, giving more importance on the economy and military (ibid.). Therefore, the triumph of national security over human rights was obvious under the administration of President Nixon and his national security adviser Henri Kissinger (ibid.). The same continued under Carter and Reagan administration (Burke-White, 2004; Forsythe, 2002). Although President Clinton mentioned human right as a 'central pillar of America's foreign policy' (Burke-White, 2004:253) and signed the Rome Statute on 2000, it was never submitted in Senate for ratification. Later, after 9/11, Bush administration refused to join the International Criminal Court (ICC). Tanner

(2011) claims this is because, the US feared their military personnel might face trial for war crimes, particularly after the Iraq war. His argument seems to have merit as it reflects the strategic position of the US in the ICC review conference in 2010. Following the conference, the US envoys made it clear saying that the ICC prosecutors cannot charge and prosecute nationals of non-state parties including the US nationals for the crime of aggression as long as the US remains a non-state party (Department of State, 2010). Hence, human rights continued its subordinate position in foreign policy making under Bush administration (Forsythe, 2002).

Schofer (2015) offers a different view from those presented by the previous research, by claiming that 9/11 led to a normative change in human rights discourse in the United States. Building on a social constructivist approach, Schofer (2015) argues that the US has had a long-standing history of promoting fundamental freedoms and civil liberties. However, 9/11 provided a 'world time-context' (see Finnemore & Sikkink, 1998) through which new opportunities for norm entrepreneurs were created, thus the government shifted to a more favourable normative context for counterterrorism where national security and human rights were framed in conflict with each other (Schofer, 2015). The Bush administration framed the war on terror as an ideological struggle, a justifiable context for which people may have to compromise their individual freedoms to some degree to achieve a greater cause, the 'cause of humanity' (Schofer, 2015:298-299). This may also be the basis of legitimising some counterterrorism tactics, such as torture and mass surveillance. President Bush dehumanised the terrorists, therefore they may be abused and tortured (Schofer, 2015) and are not worth of human rights. Similarly, NSA's warrantless wiretapping program was framed as a vital tool in the war against terrorists because it intends to save American lives, hence comprising individual privacy is justified (ibid.).

The war on terror poses challenges for the human rights regime, as the post-9/11 atmosphere triggered a rise in an anti-terrorism counter-norm which was accepted by a large part of the US population and by some US allies abroad (Sikkink, 2013). Countries with strong human rights record apparently gave up on their commitment to human rights (Freeman, 2011). Evans (2006) agrees that the war on terror had weakened human rights norms; however, he argues that it has also reaffirmed those norms through democratic debate and judicial decisions. Both courts and parliaments questioned the legitimacy of some of the human-rights restrictions proposed by executives, hence, had resisted those restrictions (Evans, 2006). There is an apparent consensus that terrorism should be addressed with respect to human rights, however, less consensus on how to do it (Freeman, 2011). This study

will look into the media coverage for how the balance between human rights and national security was accommodated right after the 9/11 attacks.

## **2.4 Human rights in media**

The above three sections of this chapter attempt to explain the issues and academic disagreements surrounding the topic in the examination and the position of different scholarships. A common feature of all those scholarships seems to be their inconclusiveness, and as such, it is very difficult to prioritise one over another. This study does not attempt that either, rather it seeks to look at how those ideas and concepts were translated and interpreted in the public sphere of the media. In order to do so, this section of this chapter looks into the existing literature on how human rights language has been constructed and represented in the media thus far.

Several recent studies suggest that international human rights treaties, UN initiatives for the protection of rights, and quasi-judicial interventions have had a positive impact on increasing media coverage across the globe. These coverage include mass atrocities or genocide (e.g. Savelsberg & Nyseth Brehm, 2015; Brooten, 2015), post-9/11 human rights violations (e.g. Nacos & Bloch-Elkon, 2018), LGBT rights (e.g. Baisely, 2015; Engel, 2013), human trafficking (e.g. Sobel, 2014; Gulati, 2010), and refugee crisis (e.g. Colombo, 2017; Gilbert, 2013). These studies have mostly employed quantitative content analysis as their methodology; therefore, looked at whether different frames of human rights language were used in addressing an issue or an act of violation. Such a study suggests that the US mainstream media have the tendency to rely on official government statements rather than investigating how relevant policies and state actions are continuing to suppress victim's rights (Gulati, 2011). A majority of western media diagnosed mass atrocities as criminal violence instead of genocide (Savelsberg & Nyseth Brehm, 2015). Hence, mass media seem less willing to question government policy; and absence of the human rights language and victims' voices in the narratives actually reflects the dominant view of these issues and helps in continuing human rights abuses (ibid.). In the post-9/11 years, leading US electronic and print media outlets did not explicitly refer to human rights while reporting torture of detainees or overseas drone strikes killing civilians as a part of US war on terror (Nacos & Bloch-Elkon, 2018). US media did not frame counterterrorism policies in the context of human rights, rather it repeated government's statement by framing torture as 'enhanced interrogation' and drone strike as 'collateral damage', thus failed to inform Americans of

grave human rights violations (ibid). Moreover, Brandle's (2018:1) study on UK and US media finds that 'when human rights are covered, they are not covered in detail, and those human rights issues are more likely to be covered when they are not framed as human rights'. This implies that journalists either not interested in employing human rights frame, or they do not consider human rights newsworthy.

While most of the existing studies on media construction of human rights are quantitative by the method, there are few qualitative analyses are found in this field as well. Brooten (2015) particularly shows how *Reuters* has used the critical human rights framework in covering the violence against the Rohingya in Myanmar. *Reuters*' award-winning series reports in 2012 held the local and regional government responsible for their human rights abuses and successfully prompted a UN investigation of those abuses. Although the study criticises *Reuters* as they left unexamined the transnational political and economic forces that contribute to the continuing human rights abuses in Myanmar, it seems that human rights language was used as a powerful tool to raise the voice of the victims and immediate call for action (Brooten, 2015). However, public opinion can change negatively if media take a human rights approach in representing an issue (Engel, 2013). Media focus on a distinct and not widely supported right claim in a multifaceted rights agenda might depress public support across the entire rights agenda (ibid).

A few qualitative studies have discussed media discourse in regards to privacy and surveillance (Tiainen, 2017; Branum & Charteris-Black, 2015; Fornaciari, 2014, Barnard-Wills, 2011). Among them, Barnard-Wills (2011) examines UK and Tiainen (2017) examines Finnish newspapers to determine how practices of surveillance are represented. They find that representations of surveillance practices in the UK and Finland are split between two evaluative schemas. One is a discourse of appropriate surveillance which draws upon the discourse of counterterrorism, crime prevention or national security (Tiainen, 2017; Barnard-Wills, 2011). For example, expenses on new security cameras in Liverpool were framed in such a way that represents it will enhance the capacity of law-enforcement agencies in preventing criminals. This argument was supported by empirical examples of how old security cameras failed to provide conclusive evidence in regards to a murder case. For national security, the examples of the 2005 London bombing or the 1999 Soho pub bombing were brought, emphasising that widespread surveillance practices could contribute to a safer and more secured life. The second schema of interpreting surveillance is the discourse of inappropriate surveillance that draws upon the discourses of the right to privacy and personal liberty. This schema interprets surveillance as coercive practice, a tool that government and

powerful corporations use to monitor and spy on population, a practice that is antagonistic to privacy. Barnard-Wills (2011) argues, negative discourses of surveillance draw upon different moral values for evaluation, get support from legal rights granted by legislations such as European Convention on Human Rights or the Human Rights Act, and sometimes even use the Orwellian 'Big Brother' framework of surveillance as a metaphor.

A corpus study of three major UK newspaper's coverage on Snowden's disclosure and state-surveillance provides important insight into the ideology of the British press (Branum & Charteris-Black, 2015). This study argues that coverage on the same event widely varies as it mainly depends on the ideological position of the press. For instance, *The Guardian* is critical towards state surveillance, depicts it as an abuse of power and frequently refers to the uncontrolled power wielded by the state (ibid.). Moreover, *The Guardian* was also defensive on publishing the actual classified documents leaked by Snowden; hence, justified their action stating that they have done it for public interest and considered it morally correct. *Guardian* suggested that a public debate on the issue is needed to start; and in order to initiate that, people need to know what potentially malpractices are going on behind the public eyes. On the other hand, *The Sun* defends mass surveillance and downplays its possible threats to privacy by highlighting its positive aspects, and argues that serious damage has been done by leaking and exposing classified intelligence data to the public. Representation in *Daily Mail* was totally different than the others, as it focused on Snowden's personal life and whether he is a hero or fugitive. Branum & Charteris-Black (2015) concludes that these may be the indication of the editorial and ideological position of the newspapers as well as their gauges of considering newsworthiness.

Fornaciari (2014) presents a mixed method study on the media coverage of privacy. This study concludes that, in the 1960s, media tend to discuss privacy in terms of dignity, autonomy, and freedom. From the 1970s, the tendency started to change and media increasingly discussed privacy in terms of property and ownership. This change of media discourse moved closer towards capitalist ideology and the value of privacy is considered in terms of materialistic context rather than based on its value as a right. Over the last decade, media constructed privacy as a social norm; however, failed to recognise its articulation in a legal framework as a fundamental human right. During the peaks of technological development, media often get confused in finding the responsible one of protecting and promoting privacy, hence may have contributed to spreading privacy as such a stratified and complex concept (ibid.). Such findings, however, only make clear the need for a critical analysis of media discourse in the context of the privacy-surveillance debate.

## Chapter 3

# Methodology

The aim of this study is to examine how mass media construct and represent the right to privacy in relation to surveillance in two different but intense contexts. To achieve the aim, Critical Discourse Analysis (the ‘CDA’) was used as the methodological framework for this research. This chapter discusses the CDA method and why it was chosen, how the primary data for analysis were collected, the common criticisms of this method and how this research addressed those criticisms, and a justification for not using any other relevant method. This chapter also reflects on the study’s limitations and ethical consideration at the end.

### 3.1 What is CDA?

CDA has been defined as a research method to understand social process and social relations in a given society by analysing its discursive practices (Jørgensen and Phillips, 2002). It is based on the assumption that discursive practices are the continuous process of texts production and consumption in our everyday life, which contributes to the constitution of our social world and meaning-making process (e.g. Jørgensen and Phillips, 2002; Wodak and Meyer, 2009). CDA is considered as an ‘epistemological shift’ in the social research that based on ‘radical questioning about the nature of knowledge’ and carefully scrutinising the ‘increasing textualisation of the contemporary world’ (Lee and Petersen, 2011:139). According to Van Dijk (2001:352), CDA is ‘a type of discourse analysis research that primarily studies the way social power abuse, dominance, and inequality are enacted, reproduced, and resisted by text and talk in social and political contexts’. One of the most popular definitions of CDA may be given by Fairclough and Wodak (1997:258):

CDA sees discourse – language in use in speech and writing – as a form of ‘social practice’. Describing discourse as social practice implies a dialectical relationship between a particular discursive event and the situation(s), institution(s) and social structure(s), which frame it: The discursive event shaped by them, but it also shapes them....Discursive practices may have major ideological effects....through the ways in which they represent things and position people (Fairclough and Wodak, 1997:258).

Two central notions of CDA are found in the definition: language is an important element of material social processes, and social realities are constructed through discourses. The sources

of the discourses, such as news texts, political speeches or advertisements, which may seem neutral or mere facts, however, ideological presuppositions may be hidden underneath the surface structures of language (Machin and Mayr, 2012). CDA challenges that taken-for-granted assumptions of the texts allow revealing the connections between language, power, and ideology that are hidden from people (ibid.).

There is no single or homogenous version of CDA in operation; scholars working under the broad umbrella of CDA school may work with diverse theories and various focuses (Wodak and Meyer, 2009). Researches in CDA have covered a wide range of topics such as mass communication, racism, nationalism or identity, economy, pedagogy or organisational analysis (Jørgensen and Phillips, 2002). However, all researches are bound by a concern for the investigation of the reproduction of ideology in language (Machin and Mayr, 2012).

### **3.2 Why CDA?**

This research used critical discourse analysis of the news texts not only to reveal the conceptualisation and actual practices of the right to privacy related to surveillance but also what kind of power interests are reflected and reproduced in these texts. It also scrutinised the language used in media in generating taken-for-granted claims about surveillance and the media's reinforcement on hegemonic ideologies of national security. In the process of analysing news articles, this study utilised insights from Fairclough's (1995) intertextual analysis of media texts and followed the CDA model outlined by Machin and Mayr (2012). The intertextual analysis was used because it identifies the connection between the 'text' and 'discourse types' in the CDA framework (Fairclough, 1995). Discourse type is the combination of genres and ideologies embedded in the text which subsequently reflects on the meaning-making process (ibid.). Therefore, the intertextual analysis was a key tool to find the types of discourses that were produced from the news articles. Machin and Mayr's (2012) CDA model is particularly suitable to carry out this study because this is a useful integration of a set of tools often used by linguists and critical discourse analysts, and shows how these tools can be used to analyse a range of media texts.

This study did not use any other methods such as content analysis because it tends to examine the research problem from a qualitative approach. Instead of examining what is on the surface of the news texts, this research is keen to examine what is underneath the surface. Although interviews of the authors and editors of the media texts could have been taken for



better understanding the dynamics of the newsroom, it was not possible simply because of the time constraints and limited logistics supports.

### **3.3 Data collection: Selecting the news articles**

Although CDA has no specific data collection method (Wodak and Meyer, 2009), this study systematically collected a representative sample of primary data for analysis considering the details about the data source. A combination of a purposive and representative sampling method for qualitative social science research was used to collect these data (Silverman, 2014). In order to accomplish the dissertation's objective, this study collected news articles as the primary data for analysis from three leading newspapers in the US: The *New York Times* (NYT), The *Washington Post* (WP) and *USA Today*. As of September 2014, USA Today had a circulation over four million (Alliance for Audited Media, 2014) making it the top circulated newspaper; whereas NYT and WP had a daily subscription of over two million and almost one million (ibid.) respectively. Popular belief is that all these three newspapers are ideologically oriented to liberal political doctrine; however, without any academic reference, it seems impossible to label them as such.

A systematic dataset was generated (see Barnard-Wills, 2011) which consists 40 news articles from these three newspapers. The dataset was considered as a single field of discourse (Jørgensen and Phillips, 2002) for the purpose of analysis. The articles of the dataset were collected by a systematic search from the news database Nexis (2018). A search term and a time frame were applied across the full sample. For each newspaper, 'privacy' and 'surveillance' were used as the search terms for the period from 10 September 2001 to 10 December 2001 (three months following 9/11 attacks), and from 6 June 2013 to 6 September 2013 (three months following Snowden's revelation). The time-frames were taken based on the assumption that the first three months are the key moment of the discussion on the issues. Newspapers offered an extensive coverage almost every day in first three months and published several articles on privacy and surveillance. A total of 110 articles were found in the post-9/11 timeframe, of which 45 from NYT, 41 from WP and 24 from USA Today. In the post-Snowden time-frame, a total of 207 articles were found, of which 65 from NYT, 83 from WP and 59 from *USA Today*. As critical discourse analysis requires thorough reading, and due to logistical limitations, a list of 40 articles (20 from post-9/11 and 20 from post-Snowden time-frame; for the full list of articles see Appendix A & B) was created using a random-number generator (<http://www.randomizer.org>) by picking random articles from a

total of 317 articles. If selected articles were not clearly related to the events (9/11 terrorist attacks & Snowden's disclosure), they were discarded and further random numbers were selected. After the sample was finalised, each article was numbered from 1 to 40 (e.g. doc01, doc02,....doc 40, see Appendix A & B) to ease the analysis process.

### **3.4 Application of the method: Engaging with the data**

This section demonstrates how the method was applied in analysing the data. This study carried out textual analysis (Fairclough, 1995) of the data utilising the toolkit outlined by Machin and Mayr (2012). For example, in the process of textual analysis, the researcher scrutinised the semiotic choices in the news texts that construct the concepts of privacy and surveillance; therefore, analysed what the words connote in the context. The news texts were also examined if there are some words that are used repeatedly (overlexicalisation) or not used at all (lexical absence) in constructing the ideas, or if certain pronouns are used instead of nouns to make a structural opposition between privacy and surveillance advocates. This study also took into account of what types of quoting verbs were used in representing the speeches and speakers, and also how the actions of the actors are represented in the news articles. Actions were analysed by looking at the transitivity and verb processes. The researcher also examined the presence of presuppositions about privacy and surveillance, because presuppositions in media texts are widespread as they disseminate taken-for-granted concepts (Machin and Mayr, 2012). In addition, rhetorical tropes and metaphors used to portray privacy and surveillance were duly examined, as they are highly effective but abstract concepts to persuade the audience (*ibid.*). Noteworthy, analysis of data was more focused on the qualitative attributes of the texts and words, although, sometimes the quantitative attributes (e.g. the number of occasions a word is used) were taken into consideration.

### **3.5 Addressing the criticisms**

A common criticism of CDA is the texts or data used for analysis are arbitrarily selected and they lack representativeness (Wodak & Meyer, 2009). The reason for this criticism is mainly the absence of an accepted method of data collection in CDA approaches. However, this study overcame this criticism with systematically collecting data and the procedure is extensively discussed in the previous sections. Moreover, to make the analysis 'transparent so that any reader can trace and understand the detailed in-depth textual analysis' (Wodak &

Meyer, 2009:11); how the data was collected, selected and downsized are clearly explained into the description of the methodology.

Widdowson (1995) claims CDA is not distinctively a method of analysis; rather a type of interpretation which actually demonstrates the particular discourse perspective of the interpreter. It prioritises context over text; therefore, the discourse of the text producer may not match with the discourse of the interpreter, and the interpretations are often 'subtle, stimulating and, paradoxically, seductively persuasive' (Widdowson, 1995:169). To address the criticism of prioritising context over text, this study starts with a textual analysis; then the findings were analysed and discussed against relevant socio-political context and academic scholarships (Wodak & Meyer, 2009). An analysis of media materials does not account for the production and consumption processes (Machin & Mayr, 2012); however, any methodology focuses on some elements and excludes others.

### **3.6 Ethical Considerations**

This research did not conduct any interviews and/or gathered any other qualitative data by any form of human interaction which may have sensitive information; therefore, does not raise serious ethical issues such as protection of sensitive contents and/or its provider. All the data used for analysis and presented in the findings are open access and available online. However, there is always a potential risk of researcher's bias. This risk was avoided through the systematic selection of data following the scientific method and analysing them within the methodological framework which is already discussed in the previous sections.

## Chapter Four

# Findings & Discussion

The goal of this research was to investigate how mass media construct and represent the right to privacy under surveillance focusing on post-9/11 and post-Snowden media coverage in the US. To achieve the goal, 40 news articles from three different US dailies were selected and Critical Discourse Analysis method was applied for analysis. This chapter presents the findings of the analysis. It consists of three sub-sections that present the findings and discussion in relation to existing studies that are already discussed in Chapter 2.

### 4.1 Privacy and surveillance in post-9/11 coverage

#### 4.1.1 Positioning surveillance in the discourse of security

The analysis was started with lexical and textual analysis; presenting finding thus starts with the same. A common trait of post-9/11 news coverage is the words that have been used to describe surveillance are mostly positive. 20 news articles from *New York Times*, *Washington Post*, and *USA Today* were analysed for this period. Strikingly, 12 among those 20 articles explicitly describe surveillance as a government initiative that aims to keep people safe from further terrorist attacks. For example, words such as ‘safety tool’, ‘anti-terrorism power’, ‘power to thwart terrorism’, ‘potent tool to conduct global terrorism investigation’, ‘technology to keep people safe’ (e.g. doc01, doc07, doc14, doc15; see Appendix A) are being used to signify surveillance. The lexical choices in these reports construct surveillance as a product of modern technology which has the capacity of supervision of population and keeps them safe (e.g. Giddens, 1987; Dandeker, 1990). The discourse type demonstrates the ‘neutral approach’ of surveillance (see Chapter 2). Describing surveillance as a ‘tool’ or ‘weapon’ used to prevent terrorism is a type of instrumental rationalisation providing means-oriented legitimation (Wodak & Meyer, 2009). Means-oriented legitimation is a concept that constructs the meaning to the audience providing a sense of rightness, whereas the word ‘weapon’ is used as an instrument to rationalise the concept. Excerpt 1 is from the lead of a report published just after a week of the 9/11 terrorist attacks narrating the necessity of the anti-terrorism legislations. These legislations enhanced government’s wiretapping and constant surveillance power, which were passed in the Congress within a month of 9/11.

#### Excerpt 1

Attorney General John Ashcroft **vigorously defended** Wednesday a new Justice Department rule allowing the government to indefinitely detain legal immigrants during a **national emergency**. He also asked Congress to make **'urgent changes'** in U.S. laws for **greater surveillance** and **search powers** to **thwart terrorism** in the **wake of last week's attacks**. (see doc9, Appendix A)

Here, Ashcroft is reported as justifying both of his demand of indefinite detention of legal immigrant and increased surveillance with the reference of terrorism prevention. In the first sentence, use of 'vigorously' and 'urgent changes' construct the forcefulness of his claim, and 9/11 attack is signified as 'national emergency'. In the second, 'increased surveillance' is instrumentally rationalised by 'thwart terrorism' as this is for the goal to protect the country. This rationalisation provides Ashcroft's claim as a legitimate meaning, which also may transfer to a reader. In no way, Ashcroft's claim was challenged in that report.

Excerpt 2 is an example of how the ideology of surveillance is hidden in the metaphors which tend to persuade readers (Machin & Mayr, 2012). Following is a headline of a report about installing face recognition cameras across the country, where the author claims people's orientation about surveillance cameras has been changed after 9/11.

#### **Excerpt 2**

Surveillance: From **'Big Brother'** to **Safety Tool** (see doc20, Appendix A)

This is a simple headline consists of only seven words; however, it already tells everything. The metaphorical employment of 'Big Brother' is clearly an attempt to draw the image from George Orwell's dystopian novel *Nineteen Eighty-Four*. The narrative of Big Brother in the novel contains certain characteristics: a totalitarian leader, a hostile state, constant surveillance, lack of freedom and complete obedience (Orwell, 2013). It is a popular shorthand in the English language with highly judgemental value. Big Brother is completely a negative metaphor to portray surveillance, however, according to the headline and subsequent text, 9/11 has changed the landscape and surveillance has become a safety tool. The headline plays with two discourses at the same time. On one hand, when surveillance is symbolised with Big Brother, it connotes the discourse of social control by powerful others (e.g. Foucault, 1991; Gandy, 1993; Fiske, 1999). On the other hand, symbolising surveillance as a safety tool implies the discourse of security (Lyon, 1994). The later discourse overpowers the first one, which is prevalent in the narrative of the report. Excerpt 3 is from the same report, which could be an example of how post-9/11 media helped to expand the discourse of security.

#### **Excerpt 3**

But now some people who once thought surveillance cameras were inconsistent with the **values of an open society** have tentatively embraced them. “I was really struggling with this,” said **Mayor** Meyera Oberndorf of Virginia Beach. “But people are **feeling so unsettled since 9/11** that they wanted this. They kept saying, ‘How can you deny us **a tool that will keep us safe?**’ ” (see doc20, Appendix A)

According to the report, the Mayor was among those who considered surveillance inappropriate for democracy; however, since 9/11, the way of thinking has been changed. Once again, surveillance has been instrumentally rationalised as a safety tool. Noteworthy, this report does not explicitly mention privacy which a reader might expect to be included. Privacy is a fundamental human right and certainly important value of an open society; however, specific lexical absence seems intentional to suppress the discourse of human rights and triggers the discourse of security.

Excerpt 4 epitomises how security discourse is constructed as the goal of surveillance through using specific reporting verbs in a reported speech. Reporting verbs have a coherent relation with the discourse that the author wants to convey (Fairclough, 1995).

#### **Excerpt 4**

Bush **commended** the House’s quick action, “I urge the Congress to quickly get the bill to my desk,” Bush said, “**We** must strengthen the hand of law enforcement to help **safeguard America** and **prevent future attacks** – and we must do it now.” (doc6, see Appendix A)

Firstly, a metapropositional verb ‘commend’ has been used which reflects author’s interpretation of Bush’s speech (Machin & Mayr, 2012). A neutral structuring verb such as ‘say’ could have used; however, it does not serve the purpose. ‘Commend’ is assertive and it implies that the main two branches of the state, the legislation, and the executive, are in agreement in regards to the anti-terrorism laws with broader surveillance power. When such assertiveness is created about making new laws, the next possible question a reader might ask: why? That reply is given in the reported speech – keeping America safe by preventing terrorism. Secondly, Bush and the Congress form a collective identity, which is reflected in the pronoun ‘we’. Interpreters need to decide what ‘we’ refers back to (Fairclough, 1995), and they might find that President Bush and the Congress collectively are one single actor who wants to make the law enforcers stronger. This collective identity provides legitimisation to extended surveillance power as the Congress is the institutional authority of the democratic procedure. Thirdly, the urge of making these laws as soon as possible is expressed through two separate clauses. Overemphasise on enacting quick laws can be interpreted as an evidence of over-persuasion for the security discourse (Machin & Mayr, 2012). Lastly,

‘safeguard America’ exemplify the rhetoric of the speech, which Machin & Mayr (2012) calls persuading with abstraction. Too often rhetorical tropes are used to connect the discourses of moral values with the actual practices (ibid.).

#### **4.1.2 Division of protagonists: ‘us’ and ‘them’**

Post-9/11 news coverage does not only represent surveillance as a weapon to fight back terrorism, it also represents privacy as an antagonist to surveillance. The discourse of human right is suppressed in the news narratives by the security discourse, and human rights activists or privacy advocates have become an opposition group. The language here is more conclusive which is unusual in the genre of hard news, however, reflects the newspaper’s own ideological standpoint in regards to the issue. Excerpt 5 is such an example.

##### **Excerpt 5**

To **those** concerned about individual rights, such measures (surveillance mechanisms) seem nearly Orwellian in **their** intrusiveness....In **our** newfound concerns over safety, **we** may no longer care about the costs in terms of lost privacy or real dollars – think billion. (doc14, see Appendix A)

More than 12 news reports constructed the concept of surveillance in post-9/11 in terms of efforts to provide safety and security. However, while evaluating the language used in the texts, an implied division of protagonists was noticed. The positioning and the context of using the pronouns divide the protagonists into two distinct groups: people who care about safety and who care about privacy. Too often pronouns like ‘we’, ‘us’ or ‘them’ are used in the news articles which may provoke the reader to align alongside or against a particular idea (Machin & Mayr, 2012). The signifiers (‘we’, ‘our’) served to provide a shared identity of those who are more concerned about safety after 9/11, thus do not care about privacy anymore. The narrative also makes it clear that the price of safety is huge. People have to give up privacy and spend billion dollars on surveillance and security technologies. Likewise, using another set of signifiers (‘those’, ‘their’), the authors actually excluded them from ‘us’, because they think surveillance may be intrusive to privacy. The authors chose to use the signifiers and it indicates their intention to divide the actors and discourses. Moreover, this act of exclusion is also an indication that the author's ideology do not belong to those people who are worried. Although the articles analysed from three newspapers are well balanced with statements and ideas from both sides, most of them implicitly divide the principle protagonists into two separate groups. One group is those who care about safety, thus surveillance is a necessary tool to secure their security. It is openly stated that this group is

willing to give up some individual rights, i.e. privacy. The other group is those who care about individual rights. It does not necessarily mean that this group does not care about being safe and secure, although the representation may give the impression that this group only care about privacy right.

#### 4.2.3 Privacy - security trade-off

Post-9/11 coverage repeatedly suggested that some personal freedom and liberty including privacy should be sacrificed to ensure safety and security.

##### **Excerpt 6**

1 Given the unspeakable act, **Americans** will tolerate **some restraint on their liberties** for the **sake of security**....With terrorism, **our** only defence might be **infiltration** and **surveillance**. So **we**'re going to have to choose **between security and privacy**. (doc15, see Appendix A)

2 **Americans** are willing to **trade** some **personal freedom** in return for **security**. (doc18, see Appendix A)

This excerpt exemplifies how post-9/11 news coverage suggested giving up some fundamental rights to fight back terrorism. Noteworthy, there is certainly no evidence that majority of the Americans (although the word 'Americans' connote each and every person of the country which is nearly impossible) willing to give up their fundamental human rights, media statement is very much conclusive and presupposed. However, the 9/11 terrorist attacks provide the opportunity for the American political class to infringe upon fundamental human rights based on the concept that security and privacy cannot be mutually inclusive; hence, privacy should be sacrificed in return for security (Burke-White, 2004). Media representation reproduces the same contextual meaning through its texts.

Following the analysis of all 20 post-9/11 media articles, findings suggest that the discourse of national security is the most prominent of the discourses to justify and legitimise surveillance. US media, through its language and narration, constructed the discourse of security which apparently made surveillance acceptable to the readers. Even though the news articles raised the voice of those people who are opposing surveillance for its possible threat to privacy right, that voice was suppressed by the prominence of the security discourse. More specifically, media representation of surveillance was more aligned with an official or governmental statement instead of independent investigation. The discourse of security constructs increased surveillance as an obvious and necessary safety tool to prevent the further terrorist attack. This discourse was articulated by providing references to the high-end



technological details of different surveillance equipment. These technological details and their metaphorical representation could create a sense of security in the readers' mind.

The discourse was legitimised by the reference of anti-terrorism legislations as this is the only democratically controlled way to protect the country. Even highly controversial FISA court (e.g. Lachmayer & Witzleb, 2014; Balkin, 2008) was represented as an integral part of the anti-terrorism investigation and the Patriot Act's potential threat to privacy (Tanner, 2011) was ignored. Moreover, the explicit mention of post-9/11 trauma and devastations helped to draw the picture of 'climate of fear' (Nacos & Bloch-Elkon, 2007), and urge of proper counteraction.

Previous studies confirm the normative change of human rights discourse in the US following 2001 terrorist attack (Schofer, 2015), and references to security have also been found to be a typical argument of undermining human rights discourse (Barnard-Wills, 2001). It is also been found that rise of security discourse following the terrorist attack caused a serious erosion of human rights (e.g. Freeman, 2011; Tanner, 2011; Evans, 2006). This study finds that media often used security and surveillance synonymously after the terrorist attack, and also security had been used as a source of legitimate construction of surveillance which actually confirms previous studies (e.g. Barnard-Wills, 2011; Nacos & Bloch-Elkon, 2018). The oppositional relationship between security and human rights was translated into the relationship between surveillance and privacy. Too often media suggested the 'trade-off' between surveillance and privacy, and it was privacy which was recommended to be compromised to keep the country safe.

## **4.2 Privacy and surveillance in post-Snowden coverage**

On 6 June 2013, British daily the *Guardian* exposed the global surveillance programs run by NSA with the help of whistle-blower Edward Snowden. Immediately after the disclosure, the news coverage of the NSA's secret programs repeated a similar discourse on security to that of post-9/11. However, this attribute changed after a while, and the coverage became more critical which was rather absent in post-9/11 coverage. Media reports started questioning the legitimization of surveillance, and therefore, the presence of the discourse of social control and the discourse of fundamental right is noticed.

### **4.2.1 The prevailing discourse of security**

Similar to previous findings, the discourse of security constructs mass surveillance as a critical tool to fight terrorism. Although the 9/11 attacks are not often explicitly mentioned, phrases such as ‘protecting the country’, ‘fight terror’ can be traced back to the post-9/11 emphasis on a continuing terrorist threat. Excerpt 7 comes from a report which was published only two days after Snowden’s disclosure, where President Barack Obama justified keeping phone records to track terrorists.

**Excerpt 7**

Mr. Obama acknowledged that he had **hesitations** when he **inherited** the program from George W. Bush, but told reporters that he soon became convinced of its necessity. “**You can’t have** 100 percent security and also then have 100 percent privacy and zero inconvenience,” he said. “We’re going to have to make some choices as a society.” (see doc28, Appendix B)

The first sentence is a common figure of rhetoric, where President Obama at the same time defended the surveillance programs, however, shifted the burden of enacting the programs to his predecessor who is a political opposition. Then the discourse of security was constructed by setting it as the goal of surveillance and describing a ‘necessity’. Although this excerpt and also the whole report does not mention 9/11 for once, Obama’s reported speech utilises the post-9/11 understanding of the equation of privacy and security which is already discussed earlier. It is presented as a presupposed fact (Fairclough, 1995) to achieve the goal that trading off privacy for the security needs no justification. The expression “you can’t have...” and “make some choices...” contains the pre-constructed meaning that it is already been proved, therefore, need no explanation. Researches show that American political ideology does not consider human rights and national security mutually inclusive regardless of political orientation (Burke-White, 2004), although Democrats tend to accommodate human rights language in their security discourse in compare to Republicans (Forsythe, 2002). Terrorist attacks on 9/11, therefore, only strengthen the security discourse and a source of justification for human rights violation (e.g. Freeman, 2011; Tanner, 2011). After 9/11, security discourse has become an integral part not only of American political culture but also in popular culture such as entertainment media. However, Snowden’s discloser considerably weakened security discourse and emerged the discourse of social control, which will be discussed next.

#### **4.2.2 The perception of social control**

On 13 June, *Guardian* published another report by which people came to know about Edward Snowden and the leaked classified documents became as the sources of news articles. These

documents showed how NSA collects the bulk amount of personal data regardless of any connection with terrorism. Despite an inherent presence of the security discourse, post-Snowden news coverage exhibited increased usage of the metaphors such as ‘Big Brother’ or ‘Orwellian’ while representing NSA’s surveillance practice. These metaphors have been used at least 9 times in 14 news articles among the 20 articles that have been analysed. Following examples connote the wide use of ‘Big Brother’ and its metaphorical domain.

**Excerpt 8**

1 What gives President Obama the authority to be **Big Brother** to American citizens? (see doc39, Appendix B)

2 These are far-reaching decisions about the very nature of American society that should be up for debate, not imposed unilaterally by an all-knowing, paternalistic **Big Brother**. (see doc31, Appendix B)

. In the novel, surveillance is mobilised as a tool of social control and any legitimate use of surveillance is entirely diminished. Therefore, it is very hard to evaluate surveillance in an impartial way when Big Brother metaphor is used in its portrayal. *USA Today* explicitly compares President Obama with Big Brother, which will instantly draw upon the picture of Obama as a totalitarian leader in reader’s mind. *New York Times* uses the same metaphor to portray surveillance practices as coercive, domination and abuse of power.

‘Orwellian’ is another metaphorical trope same as Big Brother, which is also a dominant representation of surveillance in post-Snowden media coverage. Noteworthy, there is a tendency to use ‘Orwellian’ as a signifier for state or society. However, both of them persuade the readers to a textual imagery of oppression and control. It also eases the communication at the time of talking about human rights, because it is impossible to enjoy fundamental rights in a totalitarian society. Thus, the metaphorical tropes actually serve two purposes at the same time. They reflect the state of contemporary society; at the same time provide an anti-thesis on how the society should be.

The discourse of social control seems to delegitimise surveillance by constructing it as a threat to some key principles of the society (Tiainen, 2017), among which fundamental human rights and democratic values are mostly in danger (Barnard-Wills, 2011). From a Foucauldian perspective, this is how the modern capitalist society expects to control the social behaviour and ensures the automatic functioning of power (Foucault, 1979). This concern raised by post-Snowden coverage and thus questioned the intention hidden in the surveillance programs. Although media do not challenge the view of surveillance as a practice that works for securing safety for the population and prevent terrorism, they raised

the question of how NSA and other security agencies have used surveillance. They expressed concern on the fact that intelligence officials could know all the factual aspect of a person's daily life, hence emphasising the on the discourse that an individual might have lacked control on his/her own life.

Post-9/11 legislations extended security officials' surveillance powers and their access to personal data. It was not until Snowden exposed the classified intelligence data that the media evoked the discourse of social control and concluded that the society might be undergoing a dystopian 'Orwellian' stage, where everything is being controlled (e.g. Barnard-Wills, 2011; Tiainen, 2017). The comparison with Communist East Germany or the Soviet Union (see doc30, Appendix B) connotes the threat to democracy fearing government's "totalitarian" attitude by "creating a surveillance state" (ibid.).

#### **4.2.3 The discourse of privacy**

Post-Snowden media coverage showed a significant deviation from previous security discourse by questioning the legitimacy and procedure of surveillance. Previously, media discourse was aligned with official explanations by presenting surveillance as a tool for ensuring security. Snowden's revelation made media realise that there might be something more in surveillance than securing people, and they started to worry about what might intelligence organisations and homeland security doing with the bulk of personal information. Media conclude that the bulk personal data gathering might not be the sole purpose of security; hence, the American citizen's privacy has been breached. This phenomenon can be discussed from the point of view of contextual integrity. One example is next excerpt, where a US media item questioned NSA's data mining and FISA court orders of intercepting communications for not being connected with terrorism.

##### **Excerpt 9**

The nation's top intelligence official on Wednesday declassified documents that reveal how the National Security Agency mistakenly intercepted as many as 56,000 Internet communications from Americans with **no connection to terrorism**... "This highly intrusive breach highlights the need for **reforming the FISA court system** to assure greater respect for **constitutional rights**, and to ensure that the **American people have faith and trust** in the institutions charged with **keeping us safe**." (see doc 40, Appendix B)

It is previously discussed that the source of legitimation of surveillance is driven by the continuing threat of terrorism. Media uncritically conveyed the discourse of security and re-negotiate privacy for the sake of security. Snowden's disclosure pointed out that even if there is no terrorist connection; people's personal communication has been intercepted. The

framework of contextual integrity considers itself the benchmark of privacy because people disclose or agree to disclose personal data on the specific context. After 9/11, prevention of terrorism provided that specific context which was utilised by the security discourse. Additionally, the FISA court was repeatedly narrated as an important part of a global terrorism investigation. However, US political elites considered mass surveillance programs highly intrusive to privacy when surveillance data gathered do not meet the specific purpose. Next excerpt is one of the several statements made by US policymakers, which are also represented by direct expressive verbs and reported speech.

**Excerpt 10**

“Press reports that the **National Security Agency broke privacy rules** thousands of times per year and reportedly sought to shield required disclosure of **privacy violations** are extremely disturbing,” House Minority Leader Nancy Pelosi said. (see doc26, Appendix B).

It is worth noting that the words that have been used to explicitly mention NSA’s surveillance strategy as a coercive practice, not surveillance itself. The post-9/11 security discourse was rationalised by fighting terrorism, and that rationalisation still apparent from previous two excerpts. Surveillance is not represented as a coercive practice in post-Snowden coverage; however, the practice of surveillance by NSA and its counterparts is seen as coercive, hence, resulting in privacy violation. The inference made at the end of the report that the FISA court and NSA may have failed to protect constitutional rights because they have failed to serve the purpose of surveillance of ensuring security.

### **4.3 Media narrative vs international human rights**

Press freedom is one of the founding principles of American democracy, which is secured and cherished by the First Amendment of the constitution of the United States. The guarantee of a free press is not only a requirement of modern democracy but also an implication of added scrutiny on the formal check-and-balance system (Nacos & Block-Elkon, 2018). In line with this logic, the US media have an implied responsibility to be a watchdog, by critically inquiring into government decisions and policies. It then follows that is not enough if media fulfil their duty by being a ‘marketplace of ideas’ or by merely informing people of current political debates. Post-9/11 US media coverage showed reluctance to question government policy and future plan to fight back terrorism based on a series of policies. Instead of a critical examination of official discourse, US media reflected the discourse of security same as the political elites and assisted to represent 9/11 as the ‘world-time context’

when human rights can be traded off for the sake of security and safety. Although 9/11 terrorist attacks were unprecedented and catastrophic, and no viable argument cannot be made against the importance of preventing such terrorist attacks. However, real protection cannot be achieved with the cost of lost fundamental rights as it will consequently make people vulnerable and unprotected from abuse of power. In such an event of 9/11, the media, therefore, cannot hold back from safeguarding human rights and line up behind government's statement. They were needed to critically evaluate international human rights legal conventions, and more specifically, the most important values on which US constitution based on, liberty and freedom.

One of the major attributes in post-9/11 media narratives is increased mentioning of the security-human rights (or surveillance-privacy) trade-off. UDHR confirms that human rights are equal and inalienable; therefore enjoyment of rights cannot be negotiated or distinction of rights cannot be made in any given situation. In regards to the right to privacy, international human rights language is very much clear that privacy is not something that can be traded-off for security. Regarding mass surveillance, United Nations has already clarified that it is most likely to violate human rights; therefore, it cannot be used on a daily basis.

Another common feature of US media representation is they barely provide the reference of international human rights legal standards. Among all 40 news articles that have been analysed for the purpose of this research, only one of them (Excerpt 11) explicitly mentioned about international standards.

**Excerpt 11**

NSA surveillance practice should be compliant with **international legal standards** that protect people from unlawful surveillance. Compliance would involve **setting up a system** to ensure that mistakes are **identified and corrected** before **someone's rights have been violated**. (see doc27, Appendix B)

Although this article does not mention what are the legal standards or what obligations the US has in protecting people from unlawful surveillance, it recognised should be set by which surveillance could be legally controlled and regulated. This idea bears resemblance to the compliance mechanism outlined by the United Nations General Assembly that surveillance practices should be transparent and operationalized on one to one basis.

## Chapter Five

# Conclusions & Recommendations

The aim of this research was to explore media narratives of the right to privacy in the US in regards to surveillance. Since media is a contributing factor for protection and promotion of human rights (Hafner-Burton, 2014), this study was undertaken to examine media performance in constructing the concept of privacy under surveillance. Hence, three research questions were set out in the introduction. The questions are - how has the US media constructed/represented privacy and surveillance after 9/11 terrorist attacks, and after 2013 Snowden's disclosure; and, whether and to what extent the representation has changed? To answer the questions, this study employed CDA as the research method to examine selected media materials. The findings were discussed in support of the existing researches that are already discussed in Chapter 2. Finally, this chapter reflects on the research process and its limitations, key findings and possible recommendations.

### 5.1 Limitation of the study

Although this study systematically created the sample for analysis and followed CDA approach with complete integrity, this sample is a small section of large number media materials. Therefore, this study acknowledges its limitation for using small sample size; although, textual analysis of a single news report could identify the embedded discourse type (Fairclough, 1995). Moreover, there is always a risk in CDA of making a subjective judgment in conducting analysis. The researcher, however, consciously tried to avoid the subjectivity by strictly following the method. In addition, news generation is a dynamic non-linear process and any representation of a specific issue depends on several circumstantial factors. The published materials that appear in the newspapers are the finished product that had undergone a long and complex editing process in the newsroom. The methodology applied for this research can only reflect upon that finished product. The dynamics in the background of news generation is left unattended when the research methodology concentrates on the output alone. However, this research could have accommodated those unattended questions by interviewing concerned reporters/news editors. Unfortunately, due to time constraints and limited logistics support, interviewing journalists was not possible.

## 5.2 Key findings

### 5.2.1 Post-9/11 representation

An examination of US news coverage after the 9/11 terrorist attacks reveals an overwhelming presence of the ‘security discourse’, which contributed to suppressing the right to privacy. National security has been a consistent and key component of US politics and policy-making processes. Human rights are typically considered incompatible with security (see Chapter Two). Nevertheless, following 9/11 attacks the discourse of security became ubiquitous in the media language and surveillance was constructed as a key tool of the war on terror. Surveillance was repeatedly described as ‘weapon against terrorism’, ‘key tool to security’ and so on. Both US politicians and media outlets made surveillance fundamental to a safe society through discursive practices. The post-9/11 ‘climate of fear’ provided a favourable normative context to expand the security discourse, which in fact led to a normative change of human rights. Privacy was constructed as an antagonist to security; therefore, the discursive trade-off of human rights and surveillance emerged. The Bush administration constructed the war on terror as an ideological battle and asked people to compromise their individual freedoms in order for America to be a winner. The media, forgoing the role of a watchdog, reproduces the official story. Their construction of 9/11 as such ‘world-time context’ (e.g. Finnemore & Sikkink, 1998) meant that fundamental human rights were expendable.

This dissertation’s findings on post-9/11 media coverage very much resemble the findings of earlier studies. Media tend not to question government policies on security issues (e.g. Savelsberg & Nyseth Brehm, 2015), and the human rights discourse was deliberately ignored (e.g. Nacos & Block-Elkon, 2018). The narratives actually reproduce the dominant discourse which likely to violate human rights (e.g. Barnard-Wills, 2011). These representations conflict with the view by which watchdog media in a democracy should produce an egalitarian critique on surveillance when post-9/11 political climate constructed it as a key tool for security. However, the media adopted the official version and made that version rather conclusive using rhetorical tropes which are likely to resonate with its audience. Technological advancements of several surveillance techniques and their usage were presented in a subtle way, which misrepresented the implications of surveillance practices in real life. Moreover, the surveillance critics and privacy advocates were presented as some type of separate group, using the ‘us’ and ‘them’ categorisation. This categorisation



is the indication of media tendency to differentiate right from wrong, or drawing the audience to a conclusive end (Fairclough, 1995).

### **5.2.2 Post-Snowden representation**

Although post-Snowden media coverage was significantly different from earlier representations of privacy related to surveillance, this study identified a compelling presence of the security discourse. This presence confirms that the security discourse is now embedded in US political culture. It has become an undeniable fact that the US values national security as an utmost priority (Balkin, 2008), which is practiced with ‘American exceptionalism’ in order to uphold its supremacy (Forsythe, 2002). However, some media outlets started to critically inquire into the surveillance practices after Snowden leaked the classified documents. They started to consider the possibility that surveillance might be a coercive practice that might pose threat to the fundamental human right to privacy. Despite a notable absence of international human rights discourse in media narratives, US media drew the attention of its audience to that their society is built on the notion of individual freedom and liberty as articulated in the Bill of Rights, and that these rights have become volatile due to secret surveillance programs run by the NSA. Media reports were seemingly concerned that the government’s initiative to collect data arbitrarily might have some serious consequences on individuals’ autonomy. The perception of social control then came to the forefront of media representations and was represented by popular cultural shorthand. Continuous references to a ‘Big Brother’ dystopian society in the narratives exhibited the concerns that the US might have derailed from its founding principles and is transforming into a totalitarian state. The shortcoming of this metaphor is that it is rather conclusive and leaves little room to defend surveillance practices (Tiainen, 2017). A likely outcome is that the audience could draw an inference not clearly understanding the consequences of mass surveillance but based on the judgemental value of the metaphor.

Another key finding of this research was that the media’s unquestioning belief in the usefulness of surveillance practices, which were also legitimised through anti-terrorism legislations as matters of national security, had significantly decreased after Snowden’s revelation. The premise of surveillance was challenged as media began questioning the motivation behind surveillance, which was no longer seen as used solely as an anti-terrorism tool. The extensive collection and gathering process of private information from one context to another apparently was seen as a violation of the right to privacy. Consequently, media called for more scrutiny of government policies and stricter regulations of surveillance

practices same as the jurisprudence developed by the UN system. In order to protect privacy rights, UN jurisprudence always stressed the importance of non-arbitrary surveillance, which should be strictly regulated by a transparent judicial system.

While this dissertation is focused on government surveillance, it is worth noting that Snowden's disclosure opened up conversations on several timely issues. By shifting the conversation to critically reflect on surveillance rather than accept it uncritically, post-Snowden media coverage revealed that the right to privacy had been severely ignored in the age of digital technology when control over personal data is significantly limited. In this context, media raised important concerns relating to personal data stored in the social, financial and technological institutions and urged for an oversight of their protection.

### **5.2.3 Changes in media discourse**

The third research question set out for this study was to compare between post-9/11 and post-Snowden media coverage in order to inquire if there has been a qualitative change in representation. Findings have revealed several key differences as well as few similarities in the discursive construction of privacy and surveillance.

#### *Privacy as a fundamental human right*

After the 9/11 attacks, US media were ambivalent about privacy; therefore, its construction as a fundamental human right was implicit and vague. Post-Snowden media expressed directly and explicitly that privacy is a fundamental human right that must be protected by the law.

#### *Questioning the motivation and challenging presupposed concepts on surveillance*

The widespread presupposition that surveillance is an anti-terrorism weapon, which was raised after 9/11, broke down after Snowden's disclosure. Media started questioning the motivation of surveillance, considered its likelihood of it violating human rights, and evaluated related official political statements critically. Rather than rely on official government statements, media started their independent evaluation and own investigation, which were unlikely in the post-9/11 coverage.

#### *Call for increased scrutiny of the laws underpinning surveillance*

The anti-terrorism legislations passed immediately after 9/11 which legitimised increased surveillance were called for thorough scrutiny after global surveillance disclosure. News

reports also called for an overhaul of the laws governing intelligence agencies so that the whole process of surveillance would be more transparent.

### *Human rights discourse hardly used*

Both post-9/11 and post-Snowden news coverage exemplified that international human rights language is still significantly absent in US media discourses. Even after the surveillance disclosure, media barely referred international laws in its coverage. Moreover, the references of the federal or constitutional laws were ambiguous in this regard as it was neither specific nor explanatory.

Above changes in the representation of privacy and surveillance seem to an indication that mass media are getting more concern about promotion and protection of privacy. In addition to that, media take into account surveillance's potential role of human rights violator. It does not mean that media are less concern about terrorism; rather more concern about human rights. However, seldom use of human rights discourse in media narratives suggests that news producers/editors either unaware about the international human rights instruments or do not consider them as newsworthy.

## **5.3 Recommendations**

### **5.3.1 Academic Recommendations**

As stated above in the previous section, further studies can be conducted to fill the gap of this research by examining the insights of the news producers. A study on the newsrooms of media production could answer some critical questions such as, why human rights discourse was overlooked, or what were the reasons behind the differences in representation of the post-9/11 and post-Snowden representations. Although this study has made some speculations on these issues based on the previous studies, research has yet to adequately engage with these questions.

In addition, this study is only focused on media construction and representations of privacy and surveillance. However, it might be worth researching the receivers of the discourses, i.e. its audience. Academic research on the impact of media discourse is highly recommended as it may reveal how media discourse is consumed, and how it influences policymakers or the general public on complicated issues, especially when there are possibilities of grave human rights consequences. Human rights promotion does not exclusively depend on transnational or domestic networks but also on the media at large.

### **5.3.2 Practical Recommendations**

The human rights discourse articulated in the UDHR is based on the principles that all human rights are universal and inalienable, and applicable irrespective of geographical territory, culture or political system. The international human rights framework is so far the widely acceptable mechanism for protecting fundamental rights. Since there is no global police force that can enforce the fulfilment of human rights, protection and promotion of rights are still very much dependent on states. Hence, in general terms, a more widespread use of human rights language in media coverage would extend the normative power of the international human rights regime which can prevent states from carrying out abusive practices.

Examining the core issue discussed in this thesis – the right to privacy, this study addressed the arbitrary use of surveillance in the US and the lacking protection of the right to privacy in national legislation. Therefore, it is strongly suggested that surveillance would be regulated by constant judicial oversight and that national legislations would be developed in accordance with international human rights standards.

# Bibliography

Alliance for Audited Media (AAM), 2014. September 2014 *US Newspaper data now available*. [online] Available at: <<https://auditedmedia.com/news/blog/2014/october/september-2014-us-newspaper-data-now-available/>> [Accessed 2 April 2018].

Allmer, T., 2011. Critical Internet Surveillance Studies and Economic Surveillance. In C. Fuchs, C., Boersma, K., Albrechtslund, A. & Sandoval, M. (ed.), *Internet and Surveillance: The Challenge of Web 2.0 and Social Media*. New York: Routledge. pp.124-143.

Altman, I., 1977. Privacy regulation: Culturally universal or culturally specific? *Journal of Social Issues*, 33(3), pp.66-84. Available through: Gothenburg University Library website <http://www.ub.gu.se> [Accessed: 1 March 2018].

Amoore, L., 2009. Algorithmic War: Everyday Geographies of the War on Terror. *Antipode*, 41(1), pp.49–69. Available through: Gothenburg University Library website <http://www.ub.gu.se> [Accessed: 1 March 2018].

Baisley, E., 2015. Framing the Ghanaian LGBT rights debate: competing decolonisation and human rights frames, *Canadian Journal of African Studies / Revue canadienne des études africaines*, 49:2, 383-402. DOI: 10.1080/00083968.2015.1032989.

Balkin, J. M., 2008. The Constitution in the National Surveillance State. *Minnesota Law Review*, 93, pp.1–25. Available through: Gothenburg University Library website <http://www.ub.gu.se> [Accessed: 1 March 2018].

Barnard-Wills, D., 2011. UK News media discourses of surveillance. *Sociological Quarterly*, 52(4), pp.548–567. Available through: Gothenburg University Library website <http://www.ub.gu.se> [Accessed: 1 March 2018].

Bigo, D., 2008. Globalized (In)Security: The Field and the Ban-Opticon. In: Bigo, D. & Tsoukala, A. (ed.). *Terror, Insecurity and Liberty: Illiberal Practices of Liberal Regimes after 9/11*. London: Routledge. pp.10-48.

Blumler, J.G., Dayan, D. & Wolton, D., 1990. West European Perspectives on Political Communication: Structures and Dynamics. *European Journal of Communication*, 5(2), pp.261–284. DOI: 10.1177/0267323190005002007.

Brandle, S., 2018. Media Coverage of Human Rights in the USA and UK: The Violations Still Will Not Be Televised (or Published). *Human Rights Review*, 2018, 1-25. DOI: 10.1007/s12142-018-0495-5.

Branum, J. & Charteris-Black, J., 2015. The Edward Snowden affair: A corpus study of the British press. *Discourse & Communication*, 9(2), pp.199–220. DOI: 10.1177/1750481314568544.

Brooten, L., 2015. Blind Spots in Human Rights Coverage: Framing Violence Against the Rohingya in Myanmar/Burma. *Popular Communication*, 13(2), pp.132–144. DOI: 10.1080/15405702.2015.1021466.

Cohen, S., 1987. *Visions of Social Control: Crime, Punishment and Classification*. Cambridge: Polity Press.

Dandeker, C., 1990. *Surveillance, Power, and Modernity: Bureaucracy and Discipline from 1700 to the Present Day*. New York: St. Martin's Press.

Deflem, M. & McDonough, S., 2015. The Fear of Counterterrorism: Surveillance and Civil Liberties Since 9/11. *Society*, 52(1), pp.70–79. DOI: 10.1007/s12115-014-9855-1.

Engel, S.M., 2013. Frame Spillover: Media Framing and Public Opinion of a Multifaceted LGBT Rights Agenda. *Law & Social Inquiry*, 38(2), pp.403–441. DOI: 10.1111/j.1747-4469.2012.01319.x.

Engel, S.M., 2013. Frame Spillover: Media Framing and Public Opinion of a Multifaceted LGBT Rights Agenda. *Law & Social Inquiry*, 38(2), pp.403–441. DOI: 10.1111/j.1747-4469.2012.01319.x.

Evans, M.D., 2006. International law and human rights in a pre-emptive era. In: Buckley, M. & Singh, R. (ed.) 2006. *The Bush Doctrine and the War on Terrorism: global responses, global consequences*. London: Routledge. pp.189-99.

Fairclough, N & Wodak, R., 1997. 'Critical Discourse Analysis', in T.A. van Dijk (ed.), *Discourse studies : a multidisciplinary introduction. Vol. 2, Discourse as social interaction*. London: Sage, pp. 258-284.

Fairclough, N., 1995. *Media discourse*. London: Edward Arnold.

Fairclough, N., 2009. A dialectical-relation approach to critical discourse analysis in social research. in: Wodak, R. & Meyer, M. (ed.) *Methods of Critical Discourse Analysis*. (2<sup>nd</sup> ed.) London : SAGE, pp. 162–186.

Finnemore, M. & Sikkink, K., 1998. International norm dynamics and political change. *International organization*, 52(4), pp.887–917. Available through: Gothenburg University Library website <http://www.ub.gu.se> [Accessed: 1 March 2018]

Fiske, J. 1999. *Media Matters: Race and Gender in U.S. Politics*. Minneapolis: University of Minnesota Press.

Fornaciari, F., 2014. *Privacy Frames: How the Media Write, Discuss, and Afford Privacy*. PhD. University of Illinois at Chicago. Available through: Available through: Roehampton University Library website <https://capitadiscovery.co.uk/roehampton> [Accessed: 14 March 2018]

Forsythe, D., 2002. US foreign policy and human rights. *Journal of Human Rights*, 1(4), pp.501–521. DOI: 10.1080/1475483021000031353.

Foucault, M., 1991. *Discipline and Punish: The Birth of the Prison*. Harmondsworth: Penguin.

Freeman, M., 2011. *Human rights : an interdisciplinary approach*. 2<sup>nd</sup> ed., fully rev. and updated., Cambridge: Polity.

Gandy, O., 1993. *The Panoptic Sort: A Political Economy of Personal Information*. Boulder: Westview Press.

Gavison, R., 1980., Privacy and the limits of law. *Yale Law Journal*, 89(3), pp.421-371. Available through: Gothenburg University Library website <http://www.ub.gu.se> [Accessed: 1 March 2018]

General Assembly resolution 68/167, *The right to privacy in the digital age*, A/RES/68/167 (21 January 2014). Available through: <https://undocs.org/A/RES/68/167> [Accessed: 9 April 2018].

Giddens, A., 1987. *The Nation-State and Violence: Volume Two of a Contemporary Critique of Historical Materialism*. Cambridge: Polity Press.

Greenwald, G., 2015. *No Place to Hide*. Penguin.

Greenwald, G., 6 June 2013. NSA collecting phone records of millions of Verizon customers daily. *The Guardian*. Available from: <https://www.theguardian.com/world/2013/jun/06/nsa-phone-records-verizon-court-order> [Accessed: 10/14/16]

Greenwald, G., MacAskill, E., Poitras, L., 11 June 2013. Edward Snowden: the whistleblower behind the NSA surveillance revelations. *The Guardian*. Available from: <https://www.theguardian.com/world/2013/jun/09/edward-snowden-nsa-whistleblower-surveillance> [Accessed: 10/14/16]

Griffin, J., 2008. *On human rights*, Oxford: Oxford University Press.

Gulati, G., 2011. News Frames and Story Triggers in the Media's Coverage of Human Trafficking. *Human Rights Review*, 12(3), pp.363–379. DOI: 10.1007/s12142-010-0184-5.

Hafner-Burton, E. & Tsutsui, K., 2005. Human Rights in a Globalizing World: The Paradox of Empty Promises. *American Journal of Sociology*, 110(5), pp.1373–1411. Available through: Gothenburg University Library website <http://www.ub.gu.se> [Accessed: 1 March 2018]

Hafner-Burton, E.M., 2014. A social science of human rights. *Journal of Peace Research*, 51(2), pp.273–286. DOI: 10.1177/0022343313516822.

Human Rights Committee, *Concluding observations on the fourth periodic report of the United States of America*, CCPR/C/USA/CO/4 (23 April 2014). Available through: <https://undocs.org/CCPR/C/USA/CO/4> [Accessed: 9 April 2018].

Human Rights Committee, *General Comment No. 16*, HRI/GEN/1/Rev.9 (Vol. I) (8 April 1988). Available through: [http://undocs.org/HRI/GEN/1/Rev.9\(Vol.I\)](http://undocs.org/HRI/GEN/1/Rev.9(Vol.I)) [Accessed: 9 April 2018].

*International Covenant on Civil and Political Rights (ICCPR)*, A/RES/21/2200 (16 December 1966). Available through: <http://www.un-documents.net/iccpr.htm> [Accessed: 9 April 2018].

Jørgensen, M. & Phillips, L., 2002. *Discourse analysis as theory and method*, London: Sage Publications Ltd.

Joyce, D., 2015. Privacy in the digital era: human rights online? *Melbourne Journal of International Law*, 16(1), pp.270–285. Available through: Gothenburg University Library website <http://www.ub.gu.se> [Accessed: 1 March 2018]

Lachmayer, K. & Witzleb, N., 2014. The challenge to privacy from ever increasing state surveillance: a comparative perspective. *University of New South Wales Law Journal*, 37(2), pp.748–783. Available through: Gothenburg University Library website <http://www.ub.gu.se> [Accessed: 1 March 2018]

Lee, A. & Petersen, A., 2011. Discourse Analysis. In: Somekh, B. & Lewin, C., 2011. *Theory and Methods in Social Research 2*. ed. London: Sage. Ch.16.

Lyon, D., 1994. *The Electronic Eye: The Rise of Surveillance Society*. Minneapolis: University of Minnesota Press.

Machin, D. & Mayr, A. (2012) *How to do critical discourse analysis : a multimodal introduction*, London ; Thousand Oaks, Calif.: Sage.



McMahon, R., 2015. *Surveillance and Privacy in the Digital Age: A Primer for Public Relations*. MA. Arcadia University. Available through: Roehampton University Library website <https://capitadiscovery.co.uk/roehampton> [Accessed: 14 March 2018]

McMullan, T., 23 July 2015. What does the panopticon mean in the age of digital surveillance? *The Guardian*. Available from: <https://www.theguardian.com/technology/2015/jul/23/panopticon-digital-surveillance-jeremy-bentham> [Accessed: 20/10/17]

Meyer, M. & Wodak, R. (2009) *Methods of critical discourse analysis* 2. ed., Los Angeles ; London: SAGE.

Milanovic, M., 2015. Human rights treaties and foreign surveillance: privacy in the digital age. *Harvard International Law Journal*, 56(1), pp.81–146. Available through: Gothenburg University Library website <http://www.ub.gu.se> [Accessed: 1 March 2018]

Nacos, B. & Bloch-Elkon, Y., 2018. US Media and Post-9/11 Human Rights Violations in the Name of Counterterrorism. *Human Rights Review*, pp.1–18. DOI: 10.1007/s12142-018-0498-2.

Nissenbaum, H. (2004) Privacy as contextual integrity. *Washington Law Review*, 79(1), pp.119–157. Available through: Gothenburg University Library website <http://www.ub.gu.se> [Accessed: 1 March 2018]

Nissenbaum, H., 2010. *Privacy in Context. Technology, Policy, and the Integrity of Social Life*. Stanford: Stanford Law Books.

Nissenbaum, H., 2015. Respecting Context to Protect Privacy: Why Meaning Matters. *Science and engineering ethics*, pp.Science and engineering ethics, 12 July 2015, pp. DOI 10.1007/s11948-015-9674-9.

Nowak, M., 2005. *U.N. covenant on civil and political rights : CCPR commentary*. 2<sup>nd</sup> rev. ed. Kehl: Engel.

Orwell, G., 2013. *Nineteen Eighty-Four*. Fairfield: 1st World Library.

Petronio, S., 2002. *Boundaries of Privacy: Dialectics of Disclosure*. New York: State University of New York Press, 2002.

Poe, S.C., Tate, C.N. & Keith, L.C., 1999. Repression of the Human Right to Personal Integrity Revisited: A Global Cross-National Study Covering the Years 1976–1993. *International Studies Quarterly*, 43(2), pp.291–313. DOI: 10.1111/0020-8833.00121.

Ramos, H., Ron, J. & Thoms, O.N.T., 2007. Shaping the Northern Media's Human Rights Coverage, 1986—2000. *Journal of Peace Research*, 44(4), pp.385–406. DOI: 10.1177/0022343307078943.

Roberts, D. & Ackerman, S., 6 June 2013. Anger swells after NSA phone records court order revelations. *The Guardian*. Available from: <https://www.theguardian.com/world/2013/jun/06/obama-administration-nsa-verizon-records> [Accessed: 10/14/16].

Rumold, M., 2016. *Assessing the Legality and Proportionality of Communications Surveillance in United States Law*. [pdf] Geneva: necessaryandproportionate.org. Available at: <https://necessaryandproportionate.org/country-reports/united-states-america> [Accessed: 01 March 2018]

Savelsberg, J.J. & Nyseth Brehm, H., 2015. Representing Human Rights Violations in Darfur: Global Justice, National Distinctions. *American Journal of Sociology*, 121(2), pp.564–603. DOI: 10.1086/682403.

Schofer, M., 2015. Human Rights and National Security Post 9/11. *Security and Human Rights*, 26(2-4), pp.294–307. DOI: 10.1163/18750230-02602012.

Sikkink, K., 2013. The United States and torture: does the spiral model work? In: Risse-Kappen, T., Ropp, S.C. & Sikkink, K., 2013. *The persistent power of human rights from commitment to compliance*, Cambridge: Cambridge University Press. Ch.8.

Silverman, D., 2014. *Interpreting qualitative data*. 4<sup>th</sup> ed., London: Sage.

Sinha, G. A., 2013. NSA Surveillance since 9/11 and the Human Right to Privacy. *Loyola Law Review*, 59, pp.861–1049. Available through: Gothenburg University Library website <http://www.ub.gu.se> [Accessed: 1 March 2018].

*Smith v Maryland* [1979] United States Supreme Court, No.78-5374, Decided: 20 June 1979. [online] Available at: <https://caselaw.findlaw.com/us-supreme-court/442/735.html> [Accessed: 9 April 2018].

Sobel, M. R., 2014. Chronicling a crisis: media framing of human trafficking in India, Thailand, and the USA. *Asian Journal of Communication*, 24(4), pp.315-332, DOI: 10.1080/01292986.2014.903425.

Solove, D.J., 2006. A Taxonomy of Privacy. *University of Pennsylvania Law Review*, 154(3), pp.477–564. Available through: Gothenburg University Library website <http://www.ub.gu.se> [Accessed: 1 March 2018]

Solove, D.J., 2011. *Nothing to Hide: The False Tradeoff between Privacy and Security*. Yale University Press.

Talbot, M., 2007. *Media Discourse: Representation and Interaction*. Edinburgh University Press.

Tanner, E., 2012. Globalization, Terrorism, and Human Rights: The Mouse that Roared. In: Addicott, J.F., Bhuiyan, J.H. & Chowdhury, T.M.R., 2012. *Globalization, international law, and human rights*, New Delhi: Oxford University Press. Ch.4.

Tiainen, M., 2017. (De)legitimizing electronic surveillance: a critical discourse analysis of the Finnish news coverage of the Edward Snowden revelations. *Critical Discourse Studies*, 14(4), pp.402-419. DOI: 10.1080/17405904.2017.1320296.

*United States v Miller* [1976] United States Supreme Court, No.74-1179, Decided: 21 April 1976. [online] Available at: <https://caselaw.findlaw.com/us-supreme-court/425/435.html> [Accessed: 9 April 2018].

Van Dijk, T.A., 2001. Critical Discourse Analysis. In: Schiffrin, D., Tannen, D. & Hamilton, H.E., 2001. *The handbook of discourse analysis*, Oxford: Blackwell. Ch.18.

Volio, F., 1981. Legal Personality, Privacy and the Family. In: L. Henkin, ed. *The International Bill of Rights: The Covenant on Civil and Political Rights*. 1981. New York: Columbia University Press.

Widdowson, H.G., 1995. Discourse analysis: a critical view. *Language and Literature*, 4(3), pp.157–172. DOI: 10.1177/096394709500400301.

William W. Burke-White, 2004. Human Rights and National Security: The Strategic Correlation. *Harvard Human Rights Journal*, 17, pp.249–281. Available through: Gothenburg University Library website <http://www.ub.gu.se> [Accessed: 1 March 2018]

Wodak, R. & Meyer, M., (ed.) 2009. *Methods of Critical Discourse Analysis*. (2<sup>nd</sup> ed.) London: SAGE Publications Ltd.

# Appendices

## Appendix A: Newspaper articles used for post-9/11 discourse analysis

<b>The Washington Post</b>	
doc01	Eunjung Cha, A. & Krim, J., 2001. Privacy Trade-Offs Reassessed; Objections to Surveillance Technology Face New Test After Attack. <i>Washington Post</i> . 13 Sep. p.E01.
doc02	Krim, J., 2001. Anti-Terror Push Stirs Fears for Liberties; Rights Groups Unite To Seek Safeguards. <i>Washington Post</i> . 18 Sep. p.A17.
doc03	Lancaster, J. & Pincus, W., 2001. Proposed Anti-Terrorism Laws Draw Tough Questions; Lawmakers Express Concerns to Ashcroft, Other Justice Officials About Threat to Civil Liberties. <i>Washington Post</i> . 25 Sep. p.A05.
doc04	Gugliotta, G. & Krim, J., 2001. Push for Increased Surveillance Powers Worries Some. <i>Washington Post</i> . 25 Sep. p.A04.
doc05	Lancaster, J., 2001. Hill is Due To Take Up Anti-Terror Legislation; Bill Prompts Worries Of Threat to Rights. <i>Washington Post</i> . 9 Oct. p.A03.
doc06	Lancaster, J., 2001. House Approves Anti-Terrorism Bill; Bush Cheers Lawmakers' Quick Action, but Civil Liberties Advocates Are Alarmed. <i>Washington Post</i> , 14 Oct. p.A12.
doc07	Rubinfeld, J., 2001. Privacy Exposed; The more invasive the technology, the better. <i>Washington Post</i> , 26 Oct. p.A35.
<b>USA Today</b>	
doc08	Snider, M., 2001. Privacy advocates fear trade-off for security. <i>USA Today</i> . 13 Sep. p8D.
doc09	Biskupic, J. & Lee, J., 2001. Ashcroft defends rule to detain legal immigrants. <i>USA Today</i> . 20 Sep. p10A.
doc10	Locy, T. & Willing, R., 2001. Surveillance warrants keep secret court busy. <i>USA Today</i> . 4 Oct. p10A.
doc11	Benedetto, R. & Willing, R., 2001. Senate Oks anti-terror bills. <i>USA Today</i> . 12 Oct. p.8A.
doc12	Willing, R., 2001. Anti-terror bill extends government's reach. <i>USA Today</i> . 25 Oct. p.7A.
doc13	Kornblum, J., 2001. Researcher scans the security scene. <i>USA Today</i> , 6 Nov. p.3D.
doc14	Snider, M., 2001. Technology offers a feeling of security. <i>USA Today</i> , 15 Nov. p.1D.
<b>The New York Times</b>	
doc15	Schwartz, J., 2001. Scouring the Internet in Search of the Tracks of Terrorists. <i>New York Times</i> . 17 Sep.p.2.
doc16	Toner, R., 2001. Some foresee a sea change in attitude on freedoms. <i>New York Times</i> , 14 Sep.p.16.
doc17	Flynn, L.J., 2001. Online privacy expert shifts focus to security. <i>New York Times</i> , 12

	Nov.p.4.
doc18	Tierney, J., 2001. The big city; for air safety, An E-Z Pass using retinas. <i>New York Times</i> , 20 Nov.p.1.
doc19	Richtel, M., 2001. New Economy; In an era of tighter security, how much cyberfreedom are we willing to surrender? <i>New York Times</i> . 3 Dec.p.3.
doc20	Egan, T., 2001. Surveillance: From 'Big Brother' to Safety Tool. <i>New York Times</i> , 6 Dec.p.1.

## Appendix B: Newspaper articles used for post-Snowden discourse analysis

<b>The Washington Post</b>	
doc21	Dionne Jr, E.J., 2013. Lean toward freedom. <i>Washington Post</i> . 13 June. p.A21.
doc22	Sullivan, S., 2013. Obama's chief of staff defends NSA surveillance. <i>Washington Post</i> . 17 June. p.A02.
doc23	Wallsten, P., 2013. Testimony hurts oversight of spying. <i>Washington Post</i> . 11 Jul.p.A01.
doc24	Robinson, E., 2013. Snowden gave us a gift. <i>Washington Post</i> . 30 Jul. p.A13.
doc25	Nakashima, E., 2013. Skepticism deepens about NSA program. <i>Washington Post</i> , 1 Aug. p.A01.
doc26	Nakashima, E., 2013. Lawmakers call for more control of NSA programs. <i>Washington Post</i> , 17 Aug. p.A03.
doc27	Brown, W., 2013. NSA: Follow International Law. <i>Washington Post</i> . 17 Aug. pA14.
<b>The New York Times</b>	
doc28	Baker, P. & Sanger, D.E., 2013. Obama Defends Mining of Data. <i>New York Times</i> . 8 June. P.11.
doc29	Castle, S., 2013. British agency is cleared of illegal data gathering. <i>New York Times</i> . 18 Jul. p.14.
doc30	Calmes et al., 2013. Obama Says Surveillance Helped in Case in Germany. <i>New York Times</i> . 20 Jun. p.6.
doc31	Baker, P. & Sanger, D.E., 2013. Obama Defends Mining of Data. <i>New York Times</i> . 8 June. P.11.
doc32	Clifford, S. & Hardy. Q., 2013. Attention, Shoppers: Store Is Tracking Your Cell. <i>New York Times</i> . 15 Jul. p.1.
doc33	SCHRANK, L.H. & Zarate, J.C., 2013. Data Mining, Without Big Brother. <i>New York Times</i> . 3 Jul.p.25.
doc34	Baker, P., 2013. After Leaks, Obama Leads Wide Effort On Damage Control. <i>New York Times</i> . 29 Jun.p.11.
<b>USA Today</b>	
doc35	Sacrifice privacy for security? <i>USA Today</i> . 10 Jun. p.9A.
doc36	Rieder, R., 2013. When discovering a leak is a good thing; Decisions about U.S. society should be up for debate, not imposed. <i>USA Today</i> . 13 Jun. p.4B.
doc37	Why you should worry about government's data grabs. <i>USA Today</i> . 19 Jun.p.6A.
doc38	Johnson, K. & Jackson, D., 2013. NSA in the cross hairs; Momentum builds toward upending once-secret programs. <i>USA Today</i> . 2 Aug.p.1A.
doc39	Sievert, R., 2013. Secret programs keep us safe. <i>USA Today</i> . 2 Aug.p.10A.

doc40	Johnson, K. & Madhani, A., 2013. NSA Admits new privacy violations; thousands with no ties to terror watched. 22 Aug. p.1A.
-------	---