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Security Paradigm in the Age of Mass Surveillance

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ABSTRACT

In this age of social media and technological advancement, people are more connected than ever. People are connected to each other, to their physician, grocery and clothing store. They are shopping online and sending personal and intimate messages. People are being tracked wherever they go simply from their phones. These are the foot prints which they are leaving. The foot prints through CCTV cameras, their social media and their internet searches. Spy agencies use these foot prints for profiling and to keep citizens safe from anti-social elements. There is a draw back of these measures as they cost citizens of their fundamental right of privacy and most importantly, the breach of trust. Analytical approach has been employed to identify the risks involved into mass surveillance and data breach of the citizens. Right activists believe that this data is at risk and it might go into the hands of terrorists, populist far-right or authoritarian governments who in turn might use this data to target political opponents. In this fast-changing environment, national security paradigm is shifting in these recent times.

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Introduction

An international debate has started for the protection of the rights of the citizens from illegal collection of user data by the security agencies. The debate began after the disclosure of controversial mass surveillance program by spy agencies. The data of the users was compromised from e-mails, public internet facilities, social networks and search engines of people's cell phones and personal computers (Gallington, 2018). This paper has tried to find out the threats to the security of common citizens, shifting of the paradigm of security and its expected outcomes and impacts on common citizens.

According to the European Union Agency for Fundamental Rights defines Mass surveillance as “the distributive close observation of an entire population, or a

substantial fraction of the entire population.” (European Union Agency for Fundamental Rights, 2015). These days it is a common practice for governments to collect data of their citizens in the name of national security to protect them from harmful and anti-social elements to maintain a certain social order. The controversial thing about these programs is that they often violate the right to privacy and social freedom of a citizen. Some right activists believe that it can lead to an authoritarian or a police state.

When a novel titled, *Nineteen Eighty-Four* was published in 1949, it created frenzy and a sense of shock and depression among its readers. It is a dystopian novel which is set in 1984 about a society, which is wary of perpetual war, propaganda and most importantly omnipresent government surveillance (Orwell, 1992). Those terrifying effects were an illusion until the year 2013, this dystopia became a reality when *Guardian* reported that US National Security Agency (NSA) had collected personal data of millions of Americans illegally (Greenwald, 2013). The information was allegedly provided by a whistleblower. It was followed by reports in major newspapers around the world about a massive code worded surveillance program known as PRISM by the NSA. It hacked into the data of nine major internet companies such as Facebook, Microsoft, Google, and Yahoo. Shortly, after this *Guardian* revealed that the man responsible for the leaks, he was an ex-CIA system analyst named Edward Snowden. These developments showed horrible realities of the abuse of power by the secret agencies and especially US spy agencies. These spine chilling revelations sent shock waves around the world because of the extent of government interference in the private affairs of its citizens, all in the name of national security. The scope of this paper was to study the era of post-Snowden leaks and to investigate the changes in the concept of national security.

Conceptual Frame Work

National security is a subjective, relatively ambiguous term. Its ever evolving and independent nature makes it difficult to define. Arnold Wolfers define it as, “National security objectively means the absence of threats to acquired values and subjectively, the absence of fear that such values will be attacked” (Stoessinger, 1963). In this modern technological advanced stage, the concept of security is being, " understood as a shared freedom from fear and want, and the freedom to live in dignity. It implies social and ecological health rather than the absence of risk... [and also is] a common right and as a shared responsibility." (Group, 2016). In addition to these, new elements are being added to the such as cyber security, violent non-state actors, environment, air, space etc.

The modern age is marked by governments’ massive surveillance of individuals which has given security a new dimension. Mass surveillance is the observation of substantial part of the population or of a whole population’s actions and behaviors for the purposes of spying and in some cases profiling of individuals of that population. It may be used in influencing, controlling and possibly for the protection of individuals. Basic idea of conducting the surveillance of individuals is to conduct “Systematic ongoing collection,” and analysis of data and the timely dissemination of information to those who need to know so that the action can be taken. “The continued watchfulness over the distribution and trends of incidence through the systematic collection, consolidation, and evaluation of morbidity and

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mortality reports and other relevant data, together with dissemination to those who need to know” (Choi, 2012).

The debate has started about the broadening of the concept of National Security in this modern age. Does this securitization of digital space serve to protect the citizens? The debate is about the rapidly changing nature of the concept of security since 9/11. It is usually counted as few factors such as when new threats emerge or perception of threats, shifts in international balance of power, new warfare which also includes technological changes or domestic political change can change definition and concepts of security (Acharya, 2010). The employment of non-traditional surveillance methods by the spy agencies, has increased in recent times whether it is legal or not. Modern security technology is a double-edged sword that may work to eliminate threats but at the same time it creates concerns and new threats as well. In this ultra-digital age of post-truth politics, threat perception and pre-emption has become difficult as is seen many terrorist attacks that took place after the establishment of PRISM program. After every incident of terrorism, it is pressed that there is a need to increase in surveillance by the means possible. It is done to garner the public support for the already operating surveillance system (Gellman & Poitras, 2013).

Historically, the state is treated as a referent object with realist construct of security. It included traditional elements of security like the military might, securing borders, armaments etc. It mainly focused on external threats, which had four components deterrence, defense, balance of power and alliance building and later when warfare changed its course with technological advancement, it started adding new elements of security in its fold which started making it a complex phenomenon. At the end of World War I, notion of collective security became famous and many major countries joined the club of the League of Nations to form a collective front in the face of aggressiveness and war. That did not last longer and failed with the non-participation of USA. Another watershed moment was the end of the second World War, which changed the world order and with it the threat perception also changed. It changed after the use of nuclear weapons.. During the cold war, chances of asymmetric warfare increased and thus many new elements entered the lexicon of security paradigm. During the Cold War period USA and USSR emerged on the map of world as two super powers and world did observe a new security system. Both super powers during this period did not come into direct confrontation except the incident of Cuban Missile crisis which had potential to create violent conflict between USA and USSR but it was avoided. During the whole Cold War period both USA and USSR did select different states of the world as their play ground to settle their score over there through overt and covert operations. During this time period various ethnic, territorial, ideological and religious conflicts did pose a serious threat to the peace and security of the world and a number of strategies had been formulated by dominant states to contain these threats. Understanding and managing the cold war became the priority for several nations. Cold War fears of massive weapons dominated the world which was constructed on realist paradigm. Cold war security was characterized by complete political and military competition in international politics. During cold war, there remained a deadlock between two major powers of the world which created increased insecurity in the world and especially among the client states of US and USSR (Eroukhmanoff, 2018). Then there came an era of American hegemony

with disintegration process of USSR. USA became the dominant economic, technological and political power. America used its power to influence the world security system. America did initiate various policies to lead the world system with the collapse of USSR.

US became the sole superpower and world system changed to unipolarity. Attacks of September 11, 2001 recreated a sense of threat and it became a defining moment in national security policy for Americans and for many other important players of the world. Many new potential threats began to appear which instilled fears in general public around the globe. It was the beginning of many new fears regarding personal security in the minds of citizens. This was a unique period in the history as many new threats such as fear of Weapons of Mass Destruction (WMDs), radical ideologies, cyber-attacks, environmental challenges, fear of domestic and foreign terrorists and in recent times mass shootings on American soil by the so-called 'lone wolfs' (Mishra, 2017). These threats in turn invited a fierce reaction and counter-measures from governments in the name of security which had everlasting impact on personal freedoms because of the mass surveillance programs by the governments. These programs produce serious concerns for citizens. One of the major concerns of them that it infringes personal liberties (Roussinos, 2018). But governments of various states did initiate various strategies to contain security threats and on the name of citizens safety and security did intervene in the personal freedom of citizens. Different new technologies have been used by states to observe the activities of various groups of people of society on the name of security. It has been observed that citizens of developed states show their greater concern regarding their personal freedom and they resist against all those policies of government which can hinder their personal freedom. A different attitude of citizens of developing states can be observed regarding any interference by the state in their personal freedom on the name of security. Most of the citizens do not have idea about the concept of personal freedom in developing states and they do not know how to resist against state if state does monitor citizens on the name of security.

As the topic is related to national security and that too is related to the present scenario, there isn't much literature available on the issue, but the effort has been made to search for the material in order to fully analyze the situation. It is often advocated the governments have the right to monitor its citizens for the sake of their safety but there is also a need to evolve a proper mechanism of check and balance on system which monitor citizens for their safety. There are different views held by people such as Cynthia Wong, who is an internet's right advocate. She counts the many harms of massive surveillance. It is feared that the hacked or willful extraction of data may land in the hands of demagogues, terrorists or populist leaders, which would have a very drastic effect on the individual security (Wong, 2017). Before digging deep into the concept there is a need to put little background of the concept. Professor Donald M. Snow's book, *National Security*, offered glimpses into the past and shares with us the history. It also offers various other aspects of security whether traditional or non-traditional and various challenges to it (Snow, 2019).

Security as a concept in international relations studies is experiencing drastic changes and it is still developing from its traditional outlook. More and more non-traditional elements are being added into it, which have other major challenges

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and states have been facing different issues to insure various levels of national security. It has become difficult for states to maintain a balance between traditional and non-traditional elements. W. Murray in his book *National security challenges for the 21st century*, discussed in great lengths about the challenges to the paradigm of security. Murray has counted several challenges in the modern age that state and individuals are facing (Murray, 2003).

The issues of fundamental rights being violated even in the most liberal democracies, all in the name of national security. The debate is whether it is right for the governments to violate some of the basic rights of the citizens to protect them from harmful elements. Governments though have right to for the safety of citizens to initiate various policies but not to disturb basic rights of citizens. It also being debated to which extent the measures are bearing fruit. These topics are covered in some of the research articles and the articles by tech experts, international organizations and right activists. Some of the articles include such as a report published by European Union Agency for Fundamental Rights titled *Surveillance by intelligence services: fundamental rights safeguards and remedies in the EU Mapping Member States' legal frameworks*, offers glimpses of the work done in the case of rights violation and intrusion of privacy by the European governments and offers some safeguards and measures to keep intact the integrity of the citizens. There is another article in the Journal of Law and Policy for the Information Society. Its title is *NSA Surveillance: The Implications for Civil Liberties* by Shayana Kadidal. It discusses on the same issues but with its special focus on National Security Agency. There is another debate going on whether these mass surveillance programs are helpful in keeping citizens safer or not. T. Houston also investigates whether controversial PRISM program is successful in keeping the public safe or not.

There are wide ranging implications for surveillance program that is the mining of the data infringes the civil liberties of the people and the other is that the data which is being mined by the companies and governments may be misused at the hands of the governments themselves or a possible leak would give them into the hands of non-state actors. Governments after collecting data about various aspects of life of their citizens may use this data in a responsible way not to harm anyone but if it is in the hands of non state actors then chances to misuse of this data will be maximum and this will be a major implication of mass surveillance system. These are the serious concerns for the citizens. These concerns have been discussed in the works of R Jorgensen, Kadidal, Bowcott & Ackerman and C. Shaw. The rise of populist regimes and their possible impact on the future is discussed in the book *What is Populism?* by Jan-Werner Muller.

The article did try to find out following questions such as: What are the challenges to the national security in the age of mass surveillance? What is the effectiveness of the mass surveillance in meeting the security challenges of modern age? What are the impacts of the securitization of the digital space? What are the implications of the massive surveillance by the government?

With the revelation of Snowden and initiative of many surveillance program, security paradigm shifted, and it started to include many complex elements. Shift in security paradigm occurs because of certain reasons. It happens when new ideas emerge in international relations literature, emergence of new threats and

perception of threats, shift in the distribution of power or new international leadership, new warfare, domestic political change (Acharya, 2010). Keeping in view to these changes, it is a fact that post 9/11 legislation shifted focus back to national security from human security. The culture of surveillance “contradicts the vision and values of human security concept (Hille, 2015).

The evolving nature of the security paradigm compelled this concept to change with every landmark event in the history of international relations studies, whether it is a change in balance of power or of technological advancement. All these factors lead into change of threat perception. In this post-Snowden era, security paradigm experienced huge change due to above mentioned factors. According to a Pew Centre Research Poll, more than fifty percent of US citizens are dissatisfied from their government in relation to their security and thirty-five percent are more concerned for clamping on civil liberties (Madden & Rainie, 2015). People are shifting towards civil libertarianism and freedom from fear more than ever. It resulted from the backlash and outrage of data breach result from the surveillance that engulfed the globe especially across Europe and America. In US, Congress forbid NSA from collecting data from hacking of cell phones but in UK parliamentary Committee of Intelligence and Security recommended to maintain the surveillance program with the same techniques as mentioned above (Siddiqui, 2015).

In liberal democratic countries, where citizens enjoy certain liberties, they tend to resist these kinds of authoritative measures by their governments. Governments initiate various suppressive measures to intervene in the internal life of their citizens for collecting their personal data through the use of different technological devices on the name state security. It creates a specific level of distrust among people and government and this mistrust have potential to create a gulf between rulers and ruled. Presence of trust deficit between policy makers and citizens can be harmful for future security of state. People think it as a breach of social contract in their personal security and resist it and it can cause friction between them and their governments and it also result in a frustration which has negative impact on security. In addition to this there is another argument about surveillance being a lousy idea that terrorist may use their homegrown encryption tools for dodging surveillance and because of this reason it hasn't able to completely stop major terror incidents. It is a basic human instinct to hide personal things from people and has some secrets. In this abusive use of power, Snowden revealed that NSA abused its powers and hacked into the cameras of people's phones, personal computers, emails and personal messages. This scenario has the capacity to become another security issue.

Implications

There are many implications for this mass surveillance program if it would continue in future without defining certain limitations regarding performance of surveillance system. At present, world is experiencing the rise of far right and populism who fits with the Müller's theoretical populist regime which divides a nation into two pure compartments supporters and opponents (Müller, 2016). The election of Donald Trump, Brexit, Narinder Modi in India and Tayyip Erdoğan of Turkey are a few leading examples of this. There are the dangers of populism in the mass surveillance age, as any illiberal government or a regime might abuse this

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data such as the fear that these populist leaders would exploit this hacked data to target their political opponents and dissidents which may have further security implications. There are far-right groups who were charged after the winning of Trump's election and there is a fair chance that they would be. There is a chance that governments might blackmail their citizens to abandon some of their fundamental rights because those governments have very personal and intimate data of their citizens. It is a fair argument that the surveillance is meant for counter-terrorism operations with its hypothetical harms but by looking at the history and those people who lived in constant fear under the agencies like of KGB, Hoover's FBI or Stasi; knows that it may turned disastrous.

If things turned out this way, there is a possibility that a country can drift towards an electronic police state. This situation was observed in Thailand during the coup d'état of 2014, which imposed repressive measures to monitor the social media and 'like' and 'share' activity of the content that was critical of the regime would land people in jail. Sometimes rulers especially those who do not enjoy internal legitimacy adopt coercive measures to suppress their local populations on the name of to maintain law and order situation. Such regimes violate fundamental rights of their citizens; people who resist against such repressive measures of government are being captured by the government and put behind the bar without any crime.

Kate Martin who is a former senior counter-terrorism official had served as director of Center for National Security Studies said that existing surveillance capabilities are creating "the potential for a police state" (Martin, 2014). States have to maintain their surveillance activities but with certain limitations according to their existing laws and should not harm liberties of individuals. Governments in developing states through collecting data under various surveillance systems can be in a position to misuse available information against various individuals of societies and victimize the members of opposition parties. For example through recording videos and audios any individuals of a country who is serving on any position can victimized. Spy agencies perform various functions for the sake of security of state. But there is also one observation mostly in the developing polities the role of spy agencies do not remain impartial. These agencies show their association with different political factions or political parties. There is a need to formulate laws which can provide guidelines to spy agencies to perform their functions without any prejudice in the best interests of state. Spying technology should be used within certain limitations which is necessary for state security.

The breach of data can be a violation of International Law. Ben Emmerson QC who is UN's special rapporteur on counter-terrorism is of the view that mass spying technology is corrosive "of on line privacy and impinges on the very essence of the right guaranteed by [the UN's International Covenant on Civil and Political Rights]." (Emmerson, 2014). There is a need to carefully use this technology and a need for legislation to curb the abuse of power and which holds proper checks and balances on spy agencies. Netherlands held a referendum in this regard and majority voted against the government's unchecked surveillance powers. People want it to be changed so that their fundamental rights are not violated. European Union many times has stressed that existing surveillance laws violates basic features of human rights. Defense of liberty must be the first priority of the government. People have to become more vigilant regarding their liberty.

Sometimes governments try to intervene in the personal life of citizens on the name of security. One can observe after 9/11 terrorist incidents a number of actions which have been taken by the developed states including USA and also by developing states including Pakistan to counter terrorism had potential to violate existing human rights. State no doubt have various responsibilities to perform and to insure state security is one of the major responsibility of state but to work for protection of human rights of citizens cannot be ignored.

When people feel that liberties are at stake and become a liability for the government there may arise a feeling of deprivation, frustration which leads to insecurity. World is fast changing and many latest equipment and technologies have been developing with every passing day. With acquiring of sophistication, governments round the world are spying on their own citizens in the way that never happened before. This is being done on a massive scale which is known as mass surveillance. With this technological advancement, concept of national security has changed and many new challenges are springing up for governments as well as for the citizens. Mass surveillance is infringing upon the personal freedoms of citizens which cause frustration and thus increasing the sense of insecurity among them.

Conclusion

One of the main responsibilities of government of any state either developed or developing state is to provide internal as well as external security to its citizens so that citizens can spend their lives with full liberties and could flourish their potential to participate in the process of development of their country constructively and positively. Governments of different have been taking various measures on the name of national security. A number of changes have been taken place in the concept of national security since the First World War to 9/11 terrorist attacks on USA. In the contemporary are dominant states of the world are paying attention not only on the promotion of traditional security but also emphasizing on concept of human security. This is one side of the picture that states want to promote well being of their citizens through initiating various policies at their domestic platforms and also working through the platform of International financial institutions for well fare of citizens of those states which cannot afford to initiate various policies to serve their nationals. The other side of the picture on the name of national security most of the influential states did initiate various scientific and advanced technological projects to find out different mechanisms to intervene in the privacy of different states and interference in the life of citizens of different states. These states as it has been explained by the authors of this article in above mentioned paragraphs, do not feel any type of hesitation to interrupt privacy of their own nationals on the name of national security. The acts of intervention in privacy of citizens' life have potential to create frustrations among citizens and frustrated citizens would not be able to participate positively in the development of states. Their attitude will be negative towards policies of government. Powerful states sometimes try to intervene with their technological advancement in the life of citizens of developing polities on the name of their national security or for insuring their national security. Such actions of these developed states will become a major source to create a sense of deprivation in the hearts of citizens of developing polities and citizens under this deprivation citizen will become a tool in hands of any agency or organization to initiate any action to

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disturb the security of developed states. Governments of developed or developing states should show respect regarding fundamental rights of their citizens. States should initiate various policies to insure internal as well external security of their citizens but should not behave like a police state.

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