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(DE)LEGITIMATING ELECTRONIC SURVEILLANCE: a critical discourse analysis of the Finnish news coverage of the Edward Snowden revelations

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(DE)LEGITIMATING ELECTRONIC SURVEILLANCE: a critical discourse analysis of the Finnish news coverage of the Edward Snowden revelations

In 2013, ex-National Security Agency (NSA) contractor Edward Snowden shocked the world by revealing the American NSA's (and its partners') extensive surveillance programs. The ensuing media discussion became a focal point for the justification and contestation of surveillance in the digital age. This article contributes to the growing body of literature on the discursive construction of surveillance, concentrating on how the practice is (de)legitimized. Methodologically, the paper draws on Critical Discourse Studies, applying the concept of *discourse* and utilizing insights from Van Leeuwen's categories of legitimation and social actor representation. The data come from the media coverage of the Snowden affair in Finland, whose hitherto very limited state surveillance is now being transformed into extensive digital monitoring. The study concludes that surveillance is (de)legitimized through two main discourses, one legitimizing it by constructing it as a tool for protection against terrorism, the other contesting it by depicting it as a threat to the basic building blocks of democracy. The study suggests that the latter understanding tends to be favored in the media, but the critique of surveillance is on a rather abstract level.

Keywords: electronic surveillance; critical discourse studies; Edward Snowden; legitimation; Van Leeuwen; media

1. Introduction

In June 2013, ex-National Security Agency (NSA) contractor Edward Snowden gave the media documents that revealed several surveillance programs and practices carried out by the American NSA and its partners that had until then been hidden to outside view. The revelations showed that the agencies were gathering massive amounts of (mostly) digital data from citizens and allied countries and institutions. It became clear that electronic surveillance was compromising people's privacy to an extent previously unknown. Although there had been a considerable increase in surveillance in the years preceding the revelations, the development had mostly gone unnoticed (e.g. Mathiesen, 2012, p. xix). The Snowden revelations broke the silence and put surveillance at the center of media discussion and political debate.

This article analyzes how electronic surveillance is discursively constructed in discussions in the media following Snowden's revelations. Aligning myself with researchers in the field of surveillance studies, I see surveillance as a considerable societal power (e.g. Fuchs, Boersma, Albrechtslund, & Sandoval, 2012) linked with a range of problems, from a lack of democratic accountability (Lyon, 1994, p. 116) to civil rights violations (e.g. Fuchs, 2008, p. 207). This article therefore takes a critical approach, specifically Critical Discourse Studies (CDS; e.g. Wodak & Meyer, 2016b; Fairclough, 2001a). The particular focus of the article is the way that electronic surveillance is discursively justified and contested, that is, *(de)legitimized*. Due to the high level of controversy surrounding the Snowden affair, the case offers a particularly rich site for an analysis of the legitimation of surveillance (cf. Schulze 2015). Research on the topic is needed since, although important studies have been conducted on the discussion of surveillance in (mostly Anglo-American) public and media discourse (e.g. Barnard-Wills, 2009; Simone 2009), the global aftermath of the NSA scandal and consequent fast-changing understandings of the legitimacy of electronic surveillance still remain largely unexplored (but see e.g. Lischka, 2017; Schulze, 2015).

The main analytical concept in this article is *discourses*, understood as historically contingent and socially constructed perspectives on a particular practice (e.g. Fairclough, 1992; cf. Foucault, 1972). Discourses are related to specific understandings of legitimacy (van Dijk, 1998) and have societal power and consequences, in this case for the acceptance or not of surveillance as well as possible political action regarding it. For a deeper understanding of specific legitimation strategies, I will additionally apply insights from Van Leeuwen’s work on *categories of legitimation* (2007) and *social actor representation* (2008).

The data come from Finnish media coverage of the Snowden affair. The media is a particularly important site of observation here both because of its considerable societal influence (e.g. Burroughs, 2015; Fairclough, 1995) and its central role in the Snowden leaks. Finland is a useful example of a technologically developed country where the Snowden revelations have, for the first time, put global electronic surveillance and its implications for citizens’ privacy on the public agenda. Furthermore, the country is currently involved in the EU data security reform and, on a national level, is developing highly controversial intelligence legislation which would grant Finnish authorities a massively wider reach in the digital world than before. Thus, the Finnish discussion is representative of a site where the topic of global electronic surveillance is emerging but already has the potential to influence crucial tenets of the country’s stand on citizenship and privacy. I will be concentrating on Finland’s most respected newspaper, *Helsingin Sanomat*, which has by far the largest circulation of newspapers in the country and is arguably an opinion leader (Vaara & Tienari, 2008, p. 7).

This article is divided into seven sections. The next two outline the theoretical background of the study. Section 4 discusses the data and Section 5 elaborates on the method. Section 6 discusses the results of the analysis. Section 7 concludes with the societal relevance of the analysis.

2. Electronic Surveillance and Societal Power

NSA surveillance is an example of computerized surveillance that takes advantage of the newest technological advancements, here referred to as *electronic surveillance* (see Fuchs et al., 2012, pp. 1-3 for different concepts used for discussing computing in surveillance). NSA surveillance utilizes computer databases to 'store and process personal information on different kinds of populations' (see Lyon, 1994, p. 8 on electronic surveillance) and exemplifies the way surveillance is becoming increasingly targeted at categories, networks and systems rather than (only) individual subjects (Marx, 2002, pp. 14-15). In addition, the agency's cooperation with large Internet companies exemplifies the weakening of boundaries between commercial and state-conducted surveillance that has been detected in recent decades (e.g. Lyon, 1994, p. 81). NSA surveillance is also a prime example of how surveillance is becoming ever more invisible (e.g. Mathiesen, 2012, p. xviii), automated, intensive and extensive. Discussion of NSA surveillance therefore touches upon the major developments in current surveillance and raises issues that apply to the field as a whole.

Surveillance is closely connected to central societal structures. In Fuchs et al's (2012, p. 20) words, it is 'deeply enmeshed into the power relations that shape contemporary society'. It has been found to pose threats to civil rights such as privacy and freedom of opinion and expression (e.g. Fuchs, 2008, p. 207), and to advance social discrimination by the prejudiced targeting of specific groups (Lyon, 2003). In doing so, it also erodes the principle of the right to equality before the law (Lyon, 1994, p. 110). More generally, following Foucault (1977), surveillance research also connects surveillance to coercion, domination and the goal of disciplining people into docile bodies (for a more thorough discussion, see Allmer, 2012, pp. 32-38). Although these concerns are not highlighted by all surveillance scholars (see Lyon, 1994, pp. 24-33), they make it clear that the practice needs to be understood and treated as an important societal force.

3. CDS and Discourses of Legitimation

This study approaches electronic surveillance from the perspective of Critical Discourse

Studies (CDS) (e.g. Wodak & Meyer, 2016b; Pietikäinen & Mäntynen 2009; see, for instance, Wodak & Meyer 2016a and van Dijk 2013 for a discussion on the terminology, i.e. the use of the name *CDS* in comparison to the previously widely used *CDA*), which is concerned with issues relating to power and dominance (e.g. Wodak & Meyer, 2016b) and endeavors 'to make power relationships explicit that are frequently obfuscated and hidden, and to derive results which are also of practical relevance' (Wodak & Meyer, 2016a, p. 19). This links in well with the understanding of the societal relevance of electronic surveillance discussed above. CDS also provides this article with a practical framework since it has proved useful in the study of the legitimation of power relations (e.g. Wodak, 2001, p. 2) and media texts in particular (e.g. Fairclough, 1995). Within the field of CDS, the present study aligns itself with a Foucauldian approach to discourse. Foucault's work is a natural starting point here since his insights on surveillance (Foucault, 1977) were an important source of motivation for this article and, more importantly, his work on discourse accounts well for the role of language use in the construction of meaning and the legitimation of social practices (e.g. 1972; elaboration below). The current study also draws on theoretical insights from contemporary CDS: I adopt the nexus analysis (e.g. Scollon & Scollon, 2004; Pietikäinen, 2015) view of the interconnectedness of micro-actions and macro-level societal issues, indicating the value of situated events and texts in understanding large-scale societal dynamics. I also consider close textual analysis to be useful in making sense of social phenomena, following Fairclough (e.g. 1995). Drawing on insights, too, from multimodally oriented discourse studies (e.g. Kress and Van Leeuwen, 2006), I expect that other semiotic modes besides language potentially contribute to the discursive construction of meaning.

In line with the Foucauldian approach to CDS mentioned above, I start from the assumption that a concept such as electronic surveillance does not emerge from the existence of the object itself, but instead gets formulated discursively (Foucault, 1972, pp. 32-33; cf. Barnard-Wills, 2009, p. 121 for a similar understanding of surveillance). This socially constructive nature of language use – often referred to as *discourse* – gives it substantive societal power. More specifically, different meanings are constructed through *discourses*, which are here understood as ‘socially specific ways of knowing social practices’ (Van Leeuwen, 2008, p. 6) that ‘systematically form the objects of which they speak’ (Foucault, 1972, p. 49). Discourses are, then, culturally specific and relatively stable approaches to particular practices, and as such they have the power to define what kind of knowledge is believable, acceptable and legitimate (cf. Foucault, 1972; Pietikäinen & Mäntynen, 2009). For the present study, the latter characteristic is of particular relevance and makes discourses the main analytical concept of the article.

Different discourses draw upon one another and form interlinked networks of meaning. This has been conceptualized in different ways (e.g. Pietikäinen, 2015 for rhizome; Scollon & Scollon, 2004 for nexus, etc.); following Foucault (1972; also e.g. Fairclough, 2001b), I will refer to it as the *order of discourse*. This concept incorporates the idea that discourses form hierarchies where some have more, some less power at a given time. Dominant understandings have more power than marginalized ones, and recognizing the different positions that discourses have in relation to one another helps understand which points of view carry more weight and which are backgrounded (cf. Fairclough, 2001a, p. 124). Specific orders of discourse contribute to specific social orders (e.g. Fairclough, 2001b, p. 2), meaning that an analysis of discourse relations also sheds light on larger social patterns. In making sense of the connections and discrepancies between specific discourses, I will draw on Foucault’s understanding that different discourses may relate to one another in various, differing ways, including *analogy*, *opposition, complementarity* and *mutual delimitation* (Foucault, 1972, pp. 66-67). Although the discourses Foucault discusses are broader and historically more consistent than the discourses identified in the present study, I believe the same insights can be helpful in examining the discourses occurring in the current data.

The specific focus of this study is the role of discourses in *legitimation*. Here, legitimation is understood as creating a positive and acceptable understanding of a specific action (see, for instance, Vaara & Tienari, 2008, p. 3) or, in Van Leeuwen's (2007, p. 94) formulation, as 'an answer to the spoken or unspoken "why" question – "Why should we do this?" or "Why should we do this in this way?"'. To put it simply, then, to legitimize is (implicitly or explicitly) to justify a particular practice; to delegitimize is to do the opposite. As indicated in the discussion on *discourses*, legitimation is not a characteristic of a practice as such but is constructed in discourse (cf. Van Leeuwen & Wodak, 1999, p. 98) and in relation to specific discourses (Vaara & Tienari, 2008, p. 4; Van Dijk, 1998, p. 255). This makes discourses a valuable analytical tool when analyzing (de)legitimation.

Drawing on the theoretical framework described above, this study contributes to a body of research that combines a discourse analytic framework with surveillance themes. I will conclude this section with a brief overview of the most relevant of such studies, starting with pre-Snowden times. Simone (2009) examines the ways the US government justifies surveillance in a website discussing the USA PATRIOT Act, finding that the government strives to construct itself as the protector of innocent citizens against foreign menace. Barnard-Wills (2009, 2011), analyzing surveillance discourses particularly in British society and the British media, concludes that positive media evaluations of surveillance tend to be related to aims such as crime prevention and national security, whereas negative evaluations often relate to privacy and dystopian models of society. Post-Snowden,[i] Schulze (2015) investigates German politicians' strategies for legitimating surveillance. In line with earlier studies, he finds, for instance, legitimation through *security* and *the authority of law*. Lischka (2017) analyzes surveillance discourses and (de)legitimation in British news broadcasts, finding again that surveillance is legitimized by governmental actors on the grounds of security and legality, while delegitimization makes reference to privacy, civil liberties etc. (See also Qin, 2015 on the framing of Snowden, Salter, 2015 on the framing of Glenn Greenwald, and Branum and Charteris-Black, 2015 on a comparison of British newspapers' perspectives on the Snowden case.) Insights from these studies provide the present one with useful reference points and tools for interpreting the societal relevance of the results.

4. Data

The data of this study consist of Helsingin Sanomat articles on Edward Snowden's NSA revelations during the first three months of coverage, that is, in the summer of 2013. This can be seen as a key moment in the Finnish discussion of surveillance, the point when the public was, figuratively speaking, awoken to the realities of global espionage and the topic had the most intensive media coverage. As Helsingin Sanomat puts its articles online, the data were gathered using the newspaper's own search engine. I used the search term *Edward Snowden* and complemented that with related terms such as *verkkovakoilu* (net espionage) and *NSA* until the data were saturated to include all articles at least referring to the Snowden case. This resulted in a dataset of 337 articles, all of them including some text – 73,344 words altogether – and many with multimodal elements such as pictures and videos. The articles range from actual revelations about NSA practices, such as the PRISM program, to Snowden's flight and asylum in Russia and the political consequences of the espionage.

5. Method

As discussed above, the most important analytical concept in the present study is discourses. A myriad of semiotic elements may be significant for their construction, but since the particular concern of this article is the role of discourses in legitimation, I will pay most attention to elements known to be relevant in this regard. I will apply insights from Van Leeuwen's *categories of legitimation* and his analysis of *social actor representation*, both of which have repeatedly proved themselves useful for the analysis of (de)legitimation (e.g. Rasti & Sahragard, 2012; Reyes 2011; see also Lischka, 2017 for related methodology and Barnard-Wills, 2009, p. 337 and Schulze, 2015 for the importance of social actors in the legitimation of surveillance). My use of Van Leeuwen's work is twofold: Firstly, his insights are used as orientation in the early reading of the data to find passages particularly pertinent for (de)legitimation and thus for the discourses that contribute to it. Secondly, after the relevant discourses have been identified, the interrelations between Van Leeuwen's categories, ways of representation and the discourses are further examined to better understand how specific (de)legitimation strategies are employed within these discourses.

Of Van Leeuwen's two methodological frameworks, the categories of legitimation (2007, 2008) have proved to be of greatest importance, and thus a brief word on my application of them is in order. The categories are the following: *authority* (appealing to the authority of a person, institution, tradition or the like), *moral evaluation* (oblique references to specific value systems and moral discourses, often with the use of evaluative adjectives), *rationalization* (appealing to the utility of the action with references to goals, effects or a 'natural order of things') and *mythopoesis* (legitimation through a narrative). They have been developed further by some researchers (e.g. Rasti & Sahragard, 2012; Reyes, 2011), but many of the recent alterations have rendered the framework less useful for me (for instance, by omitting the category of *instrumental rationality* in Reyes, 2011) and I will therefore mostly adhere to the original framework. However, following Zhu & McKenna (2012, p. 530), I will omit *mythopoesis* since it does not fit the rest of the list: it classifies (de)legitimizing statements according to genre instead of content, which might lead to confusion and the omission of 'important discursive features'.

Although it would be possible to concentrate on legitimation strategies alone (cf. e.g. Vaara & Tienari, 2008; Rasti & Sahragard, 2012), this study attempts to connect them to specific discourses. I have chosen this application since I find that several categories can contribute to (and be enabled by) one particular discourse (as will become apparent in the analysis), and therefore an examination of the discourses of (de)legitimation may offer a more extensive picture of how and from where different understandings of legitimacy draw their meaning. Similarly, I believe specific representations can be connected with and contribute to particular discourses (cf. e.g. Fairclough, 1992; Pietikäinen & Mäntynen, 2009), and their examination can thus yield a deeper understanding of the relevant discourses. This conception of the connections between representations, legitimation categories and discourses additionally enables me to analyze not only (de)legitimation strategies but also the way they get arranged in relation to one another in the data (see Section 3 on the *order of discourse*). This is central for understanding the societal significance of particular legitimations.

Before moving on to the analysis, it must be noted that the particular type of data examined in this study has certain implications for the analysis of both legitimation strategies and discourse order. To start with, journalistic articles are highly layered texts (e.g. Fairclough, 1995, pp. 48-49), in which citations and interviews are transformed for the purposes of journalistic narration. The Finnish Guidelines for journalists (Council for Mass Media, 2014), which set an ethical framework for journalists and to which Helsingin Sanomat as a newspaper has committed itself, require that voice must be given to those who are being criticized. Especially with regard to controversial issues such as electronic surveillance, following these guidelines leads to a multitude of competing viewpoints and discourses. These voices are, however, often hierarchically organized (Fairclough, 1995, pp. 81-85): preference for particular viewpoints can be expressed through various more or less subtle linguistic means, and even news articles that conventionally strive for an impression of neutrality (Fairclough, 1995, see also Richardson, 2007, pp. 86-89 for *objectivity*) can contribute to this hierarchical organization, for instance obliquely, through their word choices. In fact, seeming neutrality may even serve to further normalize a particular discourse order. These dynamics must be accounted for in the analysis. Furthermore, since the decision over whose voice is heard in the media is always intentional (cf. Richardson 2007, pp. 87-88), it would be possible to conceptualize quotations from and references to views of external actors fundamentally as (at least) related to the category of *appealing to authority*. However, as discussed above, the credibility afforded to different voices varies in the news coverage. Because of this, further analysis of, for instance, social actor representation and discourse representation (e.g. Fairclough, 1995, p. 79-85) needs to be conducted to understand the relevance of the choice of the actors voicing particular discourses. I will therefore limit my use of this legitimation category to instances where the expertise of one actor is explicitly used to legitimize the perspective of another.

I started the analysis of the data by mapping key moments in which electronic surveillance was most clearly (de)legitimized. It soon became clear that the semantic elements most relevant for the present study were linguistic. The first reading was followed by a close analysis of the relevant text passages. Several discourses were identified. The analysis concentrated on two that most clearly took a stand on the (il)legitimacy of electronic surveillance, and they were further examined for their legitimation strategies, their positioning in the data, and broader societal connections. (Cf. e.g. Pietikäinen, 2012 for the cyclical process of qualitative/nexus analysis). These results are discussed in detail and with examples[ii] in the next section.

6. Analysis

I call the two discourses most relevant for legitimation and delegitimation *the discourse of security* and *the discourse of threat*, respectively. The names signify the explanation these discourses give for either the acceptance or rejection of the legitimacy of electronic surveillance. The discourse of security legitimizes electronic surveillance by presenting the practice as a means of protecting society from external threats, especially terrorism. This discourse appears typically in passages where advocates of surveillance – most prominently American officials – are quoted explicitly arguing in defense of surveillance (cf. Simone, 2009 and Lischka, 2017). As these statements tend to appear in the form of direct or indirect quotations, they are clearly demarcated from their textual contexts and they are therefore easily read as speeches for the defense. This may cause the legitimation to lose some credibility. The discourse of threat, on the other hand, delegitimizes surveillance by claiming that the practice poses a danger to society by infringing basic rights, such as privacy, which form the backbone of the desired social order. In opposition to the clearly demarcated discourse of security, this discourse is typically interwoven with the narration through particular linguistic choices (see e.g. the representation of Snowden and the NSA workers, below), making it less conspicuous and therefore, perhaps, easier to accept. This discourse is also voiced by a great variety of actors, from Finnish expert interviewees to journalists and politicians, and the multiplicity of realizations leads to variation in the particularities of the conceived threat. The discourse of security and the discourse of threat relate to each other, in Foucault's (1972, pp. 66-67) terminology, through an interesting mixture of *complementarity* and *opposition*: both discourses share the goal of preserving a specific social order, but construct the role of surveillance in relation to this objective in opposite ways – one as the shield against possible threats and the other as the threat itself. (See Lischka, 2017 for similar findings in the British media.)

6.1. The Discourse of Security

The discourse of security is the most prominent of the discourses to legitimize electronic surveillance in the data. Its justification of surveillance relies on the construction of the practice as the means to an acceptable end, that is, security. More specifically, the discourse constructs electronic surveillance as an obvious and necessary, legal and democratically controlled way to protect the USA. Typically, this is realized by clear references to surveillance as a tool in the prevention of terrorism. The discourse gains legitimating power from the conception that there is something threatening western societies as we know and cherish them (cf. Schulze, 2015, p. 201). Although the 9/11 attacks are seldom explicitly mentioned, this threat can be traced back to the post 9/11 'climate of fear' (e.g. Nacos, B. L., Bloch-Elkon, Y. & Shapiro, R. Y., 2007), the emphasis on a continuing terrorist threat (e.g. Dunmire, 2007), and the resulting need for and rightfulness of counter-action (e.g. Anker, 2005). The connection to the attacks is made by references to terrorism, a concept which, following the 2001 attacks, has reached the status of 'a term for the central narratives of the culture' (Jackson, 2007). References to security have also been found to be typical of legitimations and positive constructions of surveillance in previous studies (e.g.

Schulze, 2015; Barnard-Wills, 2011; Simone, 2009; cf. Qin, 2015 and Salter, 2015).

The discourse of security employs many interrelated legitimations that can be examined through Van Leeuwen's categories. For instance, it is brought into play with the means-oriented legitimation of *instrumental rationalization,* for instance when surveillance is described as a 'tool' or 'weapon' used to prevent terrorist attacks or terrorism. Excerpt 1 exemplifies this. It comes from a news article which was published near the start of the revelations, discussing the Prism program and its social implications.

Excerpt 1

1 United States Director of National Intelligence James Clapper admitted the existence of the Prism program on Thursday evening. According to him, it is **one of the most important foreign intelligence sources**, and information acquired through it **is used to protect the country** from **'a wide variety of external threats'**. (*The United States harnessed internet giants for intelligence*, 8 June 2013)

Here, Clapper is reported as legitimizing electronic surveillance through instrumental rationalization, defining it as the means to the desired goal of protecting America. The need for this kind of protection is presupposed by the post 9/11 understanding of imminent threat. Excerpt 2 exemplifies the workings of this further, in connection with supplementary legitimation strategies. Like the previous excerpt, it also comes from a news article published soon after the first revelations. The focus of this article is American reactions to the revelations.

Excerpt 2

1 Barack Obama, the president of the United States, defended the NSA's intelligence practices on Friday. According to Obama, **terrorism cannot be prevented without burdening privacy rights**. He welcomed **discussion** about the line between security and privacy.

[…]

2 Obama remarked that intelligence programs are **under the oversight of the Members of Congress**.

3 'They are people you have elected. They have been kept up to date. They have the authority to intervene if they wish to', Obama said.

4 In Congress, the Senate intelligence committee chair Dianne Feinstein vigorously defended the programs. **'This is called protecting America'**, Feinstein said. According to her, the phone data monitoring program **has already prevented terrorist attacks**.

(*US taken by surprise by extent of espionage*, 8 June 2013)

In the first paragraph, the security discourse is evoked through coherence relations (e.g. Fairclough, 1995, p. 122), which construct security as the goal of surveillance. The first sentence, reporting Obama's defense of the intelligence practices, creates an expectation that the next sentence will continue with the defense in more detail. The second sentence, then, can only be sensibly understood by equating terrorism prevention and the previously mentioned intelligence practices (surveillance). The importance of the constructed goal is highlighted in the second and third sentences with the equation of security and terrorism prevention, utilizing the post 9/11 understanding of threat discussed earlier. The second sentence emphasizes the validity of the goal by presenting it as a presupposed fact, needing no justification. This is achieved through the expression '[t]errorism cannot be prevented without […]'. (The first paragraph also constructs a privacy-security continuum, to which I will return shortly.)

In the second and third paragraphs, Obama continues to legitimize surveillance by appealing to the *institutional authority* of democratic procedure. Together with his invitation in the first paragraph to a discussion on the limits of security and privacy, this constructs surveillance as a democratic project that not only protects all Americans but is also ultimately under their control. The fourth paragraph continues with the legitimations, in this case by Dianne Feinstein's '[t]his is called protecting America'. This is what Van Leeuwen (2007, p. 99) calls *abstraction*, a form of 'distilling from [practices] a quality that links them to discourses of moral values'. In the last sentence of the paragraph, Feinstein is reported to be appealing to the positive effects of surveillance, a further example of *instrumental rationalization*.

With regard to the struggle over discursive dominance in the data, the security discourse has one particular advantage: its answer to the 'why' question of surveillance can be taken for granted, even when the legitimation of surveillance is on some level questioned. This happens, for instance, in the following excerpt form *Merkel rebuked the USA for snooping – 'the ends do not justify the means'* (15 July 2013), an article describing the German political reaction to the Snowden revelations.

Excerpt 3

1 'I expect a clear commitment from the US government that in the future, German **laws** will be respected on German soil. We are on **friendly** terms and partners in cooperation. We **cooperate** in the field of defense, and we must be able to **trust** each other', Merkel said in an interview on the ARD channel on Sunday evening.

2 According to her, Germany and the United States **must cooperate in the fight against terrorism**, but 'as we see it, the **ends do not justify the means**'.

Here, Merkel is reported to be delegitimizing surveillance by questioning its means, explicitly formulated in the headline 'The ends do not justify the means'. In the first paragraph, the delegitimation is based on an appeal to both *institutional authority* (surveillance is against German law) and *instrumental rationalization* (pointing to the harmful effects surveillance has on friendly relations and military cooperation). However, the security discourse is evoked in the presupposed 'why' of surveillance: the headline implies an acceptable purpose by directing the critique at the means ('why this way') but leaving the ends (the goal of the practice and therefore, ultimately, the answer to the question 'why') untouched. In the second paragraph, the need for cooperation in the fight against terrorism is mentioned in a way that only makes sense if it is accepted as the purpose of surveillance, constructing security as the goal through coherence relations. This is particularly interesting since, at this point, the Snowden documents have only recently revealed that the USA had been spying on various embassies and EU offices, information which could throw some doubt on the claimed goal of security. Disregarding this part of the revelations limits our understanding of NSA surveillance, which is not without consequence: Barnard-Wills (2009, p. 337) suggests that presenting surveillance practices in isolation and disregarding linkages between them 'may well retard the development of public critiques of surveillance as resistance to a particular surveillance practice does not frequently extend to widespread general resistance'. Moreover, the assertion that Germany and the USA 'must' cooperate accepts the necessity of surveillance. The excerpt is, then, an interesting mixture of explicit delegitimation of the particularities of surveillance and subtle legitimation of the practice on a broader scale.

There are also instances in the data where the security discourse is partially linked to the discourse of threat. In such cases, as in the previous excerpt, the legitimation of surveillance is questioned but the goal of security is maintained. The discourse of threat delegitimizes surveillance by constructing it as a threat to various building blocks of the current social order, for instance the right to privacy (see below). When these two come together, security and privacy are constructed as the opposite ends of a continuum, where one is difficult to achieve without sacrifices on the part of the other (cf. Solove, 2011 for the privacy-security discussion; also Barnard-Wills 2009, pp. 234-235). One example of this could be seen in the first paragraph of Excerpt 2, and the next excerpt offers another. It has been taken from an expert analysis contemplating the societal significance of the Snowden revelations.

Excerpt 4

1 **Both intelligence operations and the right to privacy are essential in a modern society**. Finland must actively participate in the **international discussion** on how to reconcile them.

[…]

2 Both of the above mentioned are necessary – and indispensable. The right to privacy is included in the current understanding of democracy, but fostering security requires intelligence operations.

(*Intelligence operations should not violate individual rights*, 13 June 2013)

Here, surveillance is assessed through the problem of balancing security and privacy. Typically, in examples that raise this issue, the solution is 'discussion'. This solution saddles society with the responsibility for coming up with appropriate responses to the problem and, therefore, relieves the person voicing the problem of the necessity of making any further suggestions. The privacy-security continuum, then, entails the possibility of both the contestation and affirmation of the legitimacy of surveillance. Concrete solutions to the problem are exceptional in this context.

The security discourse is, however, challenged and undermined in the data to such an extent that its position cannot be said to be dominant. A central reason for this is that it is typically presented as being voiced by American officials, whose position in the affair is hardly neutral, as indeed is made clear by the way they are depicted (see below). As already mentioned, this stands in contrast to the way the discourse of threat is evoked by the seemingly objective narrator. The texts even go so far as to highlight the potential bias of American officials, for instance with strategies of discourse representation. One example of this is Excerpt 1, where James Clapper was reported to have 'admitted' the existence of the Prism program, and then defined it as an important source of intelligence used for protecting the USA from 'various external threats' (quotes original). Here, the verb 'admit' depicts surveillance as something to hide, and thus emphasizes Clapper's interest in defending himself in the affair. Some suspicion of

Clapper's motives is further constructed in the second sentence, where the phrase 'various external threats' is in quotation marks. The quotation marks are interesting since there is nothing so special about this expression that it could not have been rephrased like the rest of the indirect quotation. They therefore serve to at least potentially highlight the haziness of the explanation and to draw a clear distinction between Clapper's and the journalist's voice (see Fairclough, 1992, p. 119 and Richardson 2007, p. 87 for 'scare quotes' and Fairclough 1995, p. 81 for the importance of boundaries between the represented discourse and the journalist's voice). Moreover, the security discourse can be undermined by the way writers refer to it; this happens in the data, for instance, when the existence of the security legitimation is acknowledged by referring to surveillance as something committed 'in the name of' security or 'by appealing to' terrorism prevention. Such expressions challenge the sincerity of the legitimation.

In conclusion, the discourse of security legitimizes surveillance by constructing it as a necessary part of a safely functioning society. According to Barnard-Wills (2009, p. 336), this can normalize surveillance and thus 'complicate[s] any attempts to resist or challenge surveillance practices; such contestation must first rearticulate the practice into the realm of the contingent' (cf. Foucault, 1972 on discourse). The discourse occupies an ambiguous position in the data: its definition of the goal of electronic surveillance also appears in connection with delegitimations, which limits both the questions that can be asked about surveillance (Barnard-Wills, 2009, p. 227) and conceivable answers. However, it tends to appear in citations from American officials, making it easy to question its credibility and ultimately preventing it from reaching a dominant position.

6.2. The Discourse of Threat

The discourse of threat delegitimizes electronic surveillance by constructing it as a threat to various key tenets of our society. These range from good international relations to economic interests, but most typically surveillance is portrayed as a danger to the intertwined understandings of civil rights, societal openness and democracy (cf. Barnard-Wills, 2011). These are also common concerns in the academic literature on surveillance (see Section 2). Realizations of the discourse in the present data can be further divided into three perspectives, namely, on various explicitly defined *civil rights*, the unexpected *powerlessness* of citizens, and the risk of a *surveillance state*. All of these construct the same preference for an open and democratic society, and they appear closely interconnected. Nevertheless, what specifically they are criticizing varies and, for the purposes of this analysis, I will discuss them separately.

The first of the three perspectives discussed here relies on an understanding of electronic surveillance as an intrusion upon civil rights, most prominently privacy. This means that it challenges the view of surveillance as a practice that works for the good of all citizens, thus contesting one of its most important justifications. The rights under threat may be depicted as part of the legal framework of our society, thus giving *institutional authority* to the delegitimation. Alternatively, the importance of the endangered rights can be presupposed and/or can rely on the positive connotations of the expressions used to refer to them (as in Excerpt 5). In a direct evocation of this perspective, it is stated that surveillance intrudes upon civil rights and is thus undesirable. Such statements resemble Van Leeuwen's category of *instrumental rationalization*, delegitimation through negative effects. Another way to convey the discourse is to compare electronic surveillance with human rights violations such as torture and secret prisons, which can be seen as delegitimation through *analogy* (Van

Leeuwen, 2007, p. 99). Surveillance can also be reduced to civil rights intrusions already at the level of naming, for instance when the NSA activities are referred to as *civil rights violations*.

Moreover, in a subtler and therefore discursively persuasive way, the understanding of electronic surveillance as a threat to civil rights is evoked in the coherence relations of the articles, and this makes it more difficult to contest. One example of this is the next excerpt, which comes from the subheading of an article that discusses Snowden's future and his options after his identity has been revealed.

Excerpt 5

1 He [Snowden] hopes to be granted asylum in some country that **defends the freedom of the internet**.

(*Internet surveillance exposer Snowden: "I don't intend to hide"*, 11 June 2013)

Here, the requirement that the country providing asylum 'defends the freedom of the internet' only makes sense if surveillance is understood as a civil rights issue, specifically that of Internet freedom. The power of this discourse is reinforced by the way Snowden's and the journalist's voices converge; even though the wish for asylum is clearly presented as Snowden's, the decision to leave the clearly evaluative reference to the *freedom of the internet* uncommented can be seen as a way of legitimating this interpretation (compare this with the treatment of Clapper's 'various external threats', above). This incorporation of the discourse into the journalist's voice gives it special weight (Fairclough, 1995, p. 81).

The second perspective highlights the powerlessness of the ordinary citizen (or reader) in the face of electronic surveillance. This creates an air of suspicion that draws on the understanding that societal practices such as surveillance ought to be transparent (cf. Barnard-Wills, 2009, p. 235). This sense of powerlessness is achieved by emphasizing the secretive nature and unexpected extent of the practice. The first is typically evoked in expressions such as *expose*, *secret*, *shock* and the second by adjectives such as *massive*,[iii] all of which serve as *moral evaluations* that emphasize the extent to which citizens/readers have been oblivious to surveillance practices and thus at the mercy of the surveillants. Since these evaluations often appear as subtle lexical choices in an otherwise neutral-seeming journalistic narration, they tend to have particular credibility (cf. Fairclough, 1995, p. 82). They are also used in the headlines and subheadings of news articles, which means that they occupy a prominent position in the data (ibid.). Consequently, although they do not offer any actual solutions to the situation they present as problematic, they leave no doubt about the need for some kind of change.

As a further example, the next excerpt comes from an extensive discussion of the Prism revelations and their societal implications for Finland and the EU. Here, Professor Jukka Manner is quoted explaining how widely the surveillers have access to our personal information through smart phones.

Excerpt 6

1 **In reality**, we do not **even** know **all the kinds** of information the operating systems are sending. (*The USA's snooping also extends to phones*, 9 June 2013)

The delegitimizing power of this statement lies in the assumption that we should know what happens to our own information. The contradiction between the actual and the desirable state of affairs is conveyed by the expressions *in reality, even* and *all the kinds*, the first two highlighting the unexpectedness of the surveillance generally, the last the unexpected extent of the freely flowing information. All in all, this statement emphasizes "our" vulnerable position in relation to the wide-reaching surveillance.

The third perspective on the discourse of threat is one which, rather than emphasizing our lack of control, stresses that there are others who have an excess of it, which can lead (or has already led) to dystopian societal conditions (cf. Barnard-Wills, 2011, p. 558 for *perceptions of control by powerful others*). When this view appears in connection with civil rights, the loss of these rights is typically depicted as either the start or the outcome of the surveillance state. In a way, then, this perspective explains the often presupposed relevance of civil rights.

The threat of a surveillance state is evoked through a range of textual elements. Perhaps most obviously this happens by means resembling Van Leeuwen's (2007, p. 99) *analogies,* here comparisons to tyrannical governments, the Soviet Union, and Orwell's Big Brother. Especially the latter is a very strong discursive device, as it leaves no room for negotiation; in Barnard-Wills' (2009, p. 230) words, here 'any positive side to surveillance is diminished'. One example of the surveillance state perspective can be found in the column, *The evil eye stares* (9 June 2013), in which the writer combines questions of civil rights and the surveillance state by arguing that sacrifices in values such as democracy and privacy in order to sustain security may lead to totalitarian conditions:

Excerpt 7

1 This ideology of surveillance **resembles the tyrannical communist governments** against which the USA waged a cold war **for decades**.

This example shows how a comparison between a strongly negatively laden concept – *tyrannical communist governments* – and the *ideology of surveillance* works to delegitimize the practice. Furthermore, the reference to 'decades' of cold war highlights the absurdity of the situation and can be seen as a kind of delegitimation by reference to *time* (Van Leeuwen 2007, p. 99).

The representations of Snowden himself play an important part in the threat of the surveillance state (cf. Lischka, 2017, p. 678 for mythopoetic delegitimations of surveillance): in connection with this perspective, he is depicted as a lonely hero battling an insurmountable super power, a constellation which closely resembles Orwellian (and most other) dystopias. The impression is achieved, firstly, by the constant *nomination* (Van Leeuwen, 2008, p. 41) of Snowden, which is juxtaposed with the *categorization* or even *impersonalization* of NSA workers and US politicians (particularly important, because the actors conducting the surveillance are essential for the legitimacy of the practice, as noted by Barnard-Wills, 2009, p. 337). Snowden is also referred to with expressions such as *freedom fighter of the internet*, and his actions are described as *noble* and *heroic*. Conversely, the surveillers are called, among other things, *snoopers*, *surveillers* and even *regime* or *machinery.* Thus, Snowden is depicted as an actor who is central and easy to relate to in an affair full of faceless surveillers. This is further highlighted by characterizations of the USA's search for Snowden as a *hunt*, which greatly bolsters the Orwellian impression. The ways, then, in which the actors involved in the affair are represented strengthen the understanding that electronic surveillance is the gateway to a surveillance state and, as discussed above, greatly reduce the credibility of the legitimations called upon by the surveillers.

In conclusion, the discourse of threat strongly delegitimizes surveillance and draws on various essential societal concerns regarding electronic surveillance. By making it clear that the current situation is untenable, this discourse is an invitation to protest. The discourse appears throughout the news coverage, also in prominent positions, and it can be conveyed through subtle lexical choices. Its main themes tend to be accepted as a presupposition by the writers of the articles. Furthermore, as it relies on concepts that are deeply intertwined with our understanding of democracy, its message is hard to contest. However, the grand scale of these concepts may also strip the discourse of some power; its critique of surveillance characteristically remains on a rather abstract level, which means that the discourse offers no detailed answers as to how the situation can actually be improved. Also, since the importance of civil rights is typically presupposed, the actual relevance of those rights for the lives of ordinary citizens is not a central topic for consideration and elaboration. This stands in stark contrast to the very material threats formulated by the security discourse, and might therefore reduce the persuasiveness of this discourse when it actually comes down to making societal changes.

7. Conclusion

An examination of the Finnish news coverage of the Snowden case reveals two major discourses that (de)legitimize electronic surveillance. The discourse of security constructs surveillance as fundamental to the security of society, while the discourse of threat considers it a danger to democracy. Following the idea that discourses produce their objects (Foucault, 1972), the discourses here identified constrain the way electronic surveillance can be understood, discussed and regulated.

To speculate on the societal consequences of the two discourses, their respective positions and ordering must be considered. In this data, the discourse of threat is dominant. Especially references to dystopian societies leave little room for defending surveillance. The news coverage produces, then, a demand for change. This emphasis can, to an extent, be explained by the journalistic practices that require a particular topic to be established as newsworthy (cf. e.g. Kunelius 2003); Finland was not directly involved in the espionage affair during the period concerned, but the (alleged) civil rights breaches give the topic immediacy and construct a universal problem that demands also the Finns' attention. This validates the continual coverage of the Snowden revelations.

However, several factors reduce the immediacy of this demand. First, the widely presupposed usefulness of surveillance in matters of national security makes it difficult to contest the practice altogether. Often, this rules out any serious societal critique and leads to rather superficial and open-ended demands for a discussion on the limits of privacy and security. Secondly, the discourse of threat fails to address the concerns the security discourse raises over terrorism. Consequently, it offers no alternative ways of achieving the most widely accepted societal benefits of electronic surveillance. Silence on these matters is especially salient because, in contrast, voices defending surveillance do address concerns posed by the discourse of threat, for instance by pointing to the parliamentary oversight of surveillance. Thirdly, the critique posed by the discourse of threat relies heavily on relatively abstract concepts, and this stands in contrast to the immediacy of the (terrorist) threat suggested by the discourse of security. As a consequence, there is a long way to go from accepting the abstract dangers expressed by the discourse of threat to actual societal change.

Many of the findings of the present study are in line with the results of earlier research on discourse and surveillance, which indicates significant if not complete overlap between surveillance discourses across countries and societal platforms. Barnard-Wills (2009, 2011) detects similar discourses in the British pre-Snowden discussion of surveillance in various contexts, including the media, and political and financial sectors. Parallel discourses have also continued to circulate in the British media after the Snowden revelations (Lischka, 2017). (Cf. also Schulze, 2015 for similar legitimations in German political discourse.) In Britain, however, greater emphasis on security legitimation has been identified (e.g. Lischka, 2017; see, however, e.g. Branum & Charteris-Black 2015 for the substantial differences in ideologies between particular UK newspapers), which indicates a difference in the relations of dominance between Finnish and British discourses after the Snowden revelations. The difference might result from the differing roles of the two countries in the NSA affair, with Britain one of the surveillers and Finland one of the surveilled. Also the fact that Britain has been a target of terrorist attacks in recent decades while Finland has not may contribute to the difference. Moreover, Lischka (2017, pp. 679-680) highlights the vague nature of the delegitimizing arguments in the British data; she found that '[c]ivil liberties and people's privacy remain abstract, intangible terms' and '[t]hus, threats to civil liberties and privacy appear negligible compared to terrorist threats […]'. She criticizes the media for not giving the audience a chance to 'understand the less concrete contra-surveillance arguments' (2017, p. 680). Given the abstract nature of the delegitimations examined in the present study, these concerns also seem relevant in the Finnish context. In conclusion, then, the discourses and (de)legitimations found in the present study seem to be widespread and, considering the concerns raised by surveillance studies regarding the societal consequences of surveillance, wanting in precision and concreteness.

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[i] See also Kaisa Tarvainen's master's thesis.

[ii] The excerpts have been translated from Finnish to English by the author, with special stress on retaining precise meanings in expressions relevant for legitimation. The emphases (in bold) are the author's.

[iii] In original Finnish *massiivinen*, which can be argued to entail a sense of disproportion especially in relation to a controversial issue like surveillance.