Fear of communicating fear versus fear of terrorism: A human rights violation or a sign of our time?

Chika Anyanwu

REVIEW

Fear of communicating fear versus fear of terrorism: A human rights violation or a sign of our time?

CHIKA ANYANWU

School of Communication and Creative Industries, Charles Sturt University, Bathurst, New South Wales, Australia

Abstract

At its very first session, the United Nations General Assembly, adopted Resolution 59(I) which states that "freedom of information is a fundamental human right and … the touchstone of all the freedoms to which the United Nations is consecrated". In 1948, it proclaimed the Universal Declaration of Human Rights in Paris. Article 19 of that Declaration states that "everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers". When we place these basic human rights against current global terror threats, and consequent restrictive antiterror legislations to combat them, the question becomes whether Article 19 is still relevant in the context of today's changed security landscape. The aim of this paper is to explore ways that anti-terror legislations can balance between national security, and the protection of freedom of information.

Keywords: *Article 19*; *Universal Declaration of Human Rights*; *freedom of information*; *anti-terror legislation*; *human rights*; *public safety*; *terror conflicts*; *new wars*; *information technology*; *surveillance society*; *globalisation*; *legislative challenges*; *media frames*; *social cohesion*; *spiral of silence*; *Clausewitzian war*

Introduction

According to Martin Scheinin, the challenges facing human rights advocacy in times of terrorism are complex. He rightly pointed out that people "may think that the human rights movement hasn't got its priorities right if it continues unilaterally to address human rights violations committed by states, but is silent in respect of atrocities committed by terrorists" (ICHRP, 2008, p. iii). It is even more difficult today for human rights advocacy to separate oppressive regimes who use terrorism as subterfuge for the suppression of basic human rights, and governments who are struggling to balance human rights expectations with national security. The challenge therefore is how to find the right balance between basic human rights and the guaranteeing of public safety in a world under siege from terrorism.

Freedom of information in the age of terrorism

According to Walter Benjamin, "the state of emergency in which we live is not the exception but the rule…and the state of emergency is always a state of emergence" (Bhabha, 1994, p. 41). We are undergoing an emergence of new social formations, where no logical conclusion seems to take root both in the actions of resistance groups and the policy of counter resistance by governments. We are in a state of emergence where new media has been used to connect geospatially disparate ideological positions into identifiable resistant nation states (ISIL, Al Qaeda, Boko Haram, Al-Shabaab, etc.). We are in a state of emerging ideological mutation which has become resistant to prescribed democratic solutions. We are in an emergence of new identities and unchartered global interconnectedness.

In her analyses of the changing nature of wars, Mary Kaldor (1999, 2003, 2006, 2013) makes an insightful distinction between what could be regarded as old and new wars, or as she put it, Clausewitzian and post-Clausewitzian wars. By Clausewitzian, Kaldor was referring to old military strategies which was espoused by a Prussian military theorist and strategist, Carl Von Clausewitz. In Clausewitz's posthumously published book *On War*, he prescribed among other things, that a

strong army and heavy military bombardment are good strategies to subdue an enemy. But in today's terror climate, which Kaldor refers to as post Clausewitzian, such military bombardment may not be the best strategy. Examples from Iraqi, Afghanistan and Syrian conflicts have demonstrated that the enemy is not as defined as in conventional warfare, where targeted heavy bombardment would have final effect. Clausewitz also talked about the psychology and complexity of war and believed that it takes strong leadership and courage to lead an army through what he calls the fog of war (Echevarria, 2017). The complexity of terror conflicts can in some respects be described through a Clausewitzian fog because it requires proper understanding before venturing into an attack.

Clausewitz also identified three actors in a war: emotion (people), reason (governments), and chance (military) (Echevarria, 2010). These actors work together in what he calls the trinity of war (Echevarria, 2017; Maurer, 2017). What is important in the trinity of war is that government propaganda can often rouse public emotion to justify war, but in terror conflicts, the enemy is often within, and the boundary and political ideologies polarised. Therefore, Kaldor, in her concept of post Clausewitzian war, reminds us of the impact of globalisation on national and regional security and political landscapes, especially in failed and authoritarian states, where disenfranchised citizens often affiliate with dissident groups to attack the legitimacy of a state. According to her, many of the regional conflicts, especially from African and the Middle Eastern countries almost certainly fall under new wars (Kaldor, 2013).

In the light of the various terror conflicts around the world, it is also reasonable to correct the impression that terror conflicts are restricted to failed states and nations. These wars are "not fought on geopolitical frames but on identity politics...the aim is to gain access to the state for particular groups... rather than to carry out particular policies or programs in the broader public interest" (Kaldor, 2013, p. 2). Terror conflicts attempt at shifting power positions in order to refocus dominant ideology to a perceived alternative (Inglis, 1988). The challenge that confronts modern society is how to handle the ideological conscientisation of ordinary citizens, especially the youth, who may be coerced into radicalisation as a result of authoritarian policies which disempower them from public participation or the development of their potential.

As Kaldor pointed out above, modern society has become polarised as a result of globalisation. In the same vein, information technology has helped to escalate such polarisation. Information technology has helped to blur many distinctions between Western and non-Western societies. Through global information exposure, we are able to understand that there is much poverty and inequality in developed countries as there is in developing countries. Through information technologies, we are able to produce infographic representations of people's socioeconomic and geopolitical locations. Through the same technology, it has become easy for people to find ideological alignments with people from anywhere in the world. Through such alignment people are able to connect with people who share their world views, or experience similar socio-economic conditions as they do, irrespective of their physical location or geopolitical loyalty. This form of political transgression has both challenged national sovereignties as well as jurisdictional legislations. It has also enabled both law abiding and clandestine activities to take place across borders. According to Castells (2009), "the instrumental capacity of the nation state is decisively undermined by the globalisation of core economic activities, by the globalisation of media and electronic communication" (p. 304). The risk is also that free flow of information in a digital age shifts power away from the local to the global (Kofman, 2008). These forms of geopolitical challenges have led some governments to enforce restrictive laws on their citizens' ability to freely use such information technologies to communicate. But the argument this paper makes is that it is only when governments enable open and transparent conversation, that they are able to identify what matters to their citizens and find ways to address them. Freedom of information is therefore the cornerstone on which modern democracy is built, and which empowers citizen to attain self-actualisation. This is entrenched in Article 19 of the Universal Declaration of Human Rights that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." (United Nations, 1948).

The complexity of terrorism and society's inability to discuss it objectively, has further heightened the fear of institutionalised terror and perpetuated terrorism as a norm. According to the ICHRP (2008) report, "because it is so difficult to speak objectively about terrorism, it is therefore essential to speak in careful terms". The fear to communicate our fear, for fear of being persecuted has perpetuated the crises of modern society. The way we can conquer such fear is to speak it. Article 19 is therefore an appropriate tool to enable us conquer our fear.

Freedom of information and human rights

In this section, we look at how freedom of information has been impacted by various anti-terror legislations, and how such anti-terror legislations encroach into human rights violation. When we talk about restrictions to freedom of information, we often look outside democratic societies, and focus our attention on authoritarian governments. But in an era of terrorism, some democratic societies have

become more restrictive than some authoritarian regimes. While autocratic regimes persecute their citizens for speaking out, democratic societies do not directly restrict their citizens from communicating with each other, but instead, interfere in such communications through surveillance, interception and data profiling, which are often used to target some sections of society. Article 19 of the Universal Declaration of Human Rights was clear about non-interference in people's freedom of information. "This right includes freedom to hold opinions without *interference* and to seek, receive and impart information and ideas *through any media and regardless of frontiers*" (United Nations, 1948, emphasis added).

Since the terror attack on the World Trade Centre, and the Pentagon on 11 September 2001, (9/11), the world has become a flux of uncertainties, both in freedom of information, movement as well as safety. The US Homeland security for instance, became an indirect databank for information about other cultures, which are then used to categorise people according to the level of assumed threat to national security (Kenner, 2008). Terrorism has pushed many societies deep into what people like Hall, Critcher, Jefferson, Clarke, and Roberts (1978), Hier (2011), Morgan and Poynting (2012), Poynting (2001), Bessant and Hil (1997) and many others, refer to as a state of moral panic. This is a state that make societies become insular, and xenophobic, and in which politicians and or media, construct narratives to justify the exclusion of others. The argument is that when governments, in pursuit of maintaining national security, intentionally or inadvertently, restrict the rights of law-abiding citizens, such governments could fall fowl of the system it tries to protect, as well as breach Article 29 (2) of the Universal Declaration of Human Rights which states that: everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Unfortunately many countries have failed to balance the need for security, with people's need to freely communicate. Head (2002) believes that even though the cold war has ended, we are still witnessing far-reaching moves against traditional democratic norms. He believes that 9/11 has been used as excuse to bring forward unprecedented measures that substantially expand the powers of security agencies. For example, Kenyan police rounded up media reporters who published an embarrassing article about government budgetary irregularity, and accused them of jeopardising national security. Such misuse and misapplication of powers is symptomatic of many dictatorial and corrupt regimes (Article 19, 30 May 2017).

In the first 10 years of 9/11, Australia enacted 54 pieces of anti-terror legislations at an average of one new anti-terrorism law every seven weeks, which ranged from restrictions on free speech, sedition offences, censorship, banning of organisations and covert surveillance activities which include searches without warrant (Williams, 10 September 2011). Similarly, Haubrich (2003), observed that France, Britain, Germany and almost all Western countries have embraced extra-judicial legislations, aimed at curbing terrorism. Stored communication is an example of such legislation, which requires Internet service providers to store contact details and people's metadata for at least one year. This was contained in Article 29 of the anti-terror legislation in France. In a similar manner, the Canadian Government's anti-terrorism Bill C-51 (2015) expanded the powers of the Canadian Security Intelligence Service, to monitor online activities of people, while Bill C-24 aimed to strip dual nationals convicted of terrorism offences, of their Canadian citizenship.

The argument is that terrorism is not a conventional warfare. No country is immune from it, and no country owns it. There is no geo-political limitation. Terrorism atrocities do not discriminate on the basis of religion, race, gender or political affiliation. Its ultimate objective is to terrorise societies and governments into self-distrust or state of fear. For example, since 2015, almost all parts of the world have witnessed terror attacks: (Paris, France: 13 November 2015; Brussels, Belgium: 22 March 2016; Nice, France: 14 July 2016; Wurzburg, Germany: 18 July 2016; Normandy, France: 26 July 2016; Berlin, Germany: 19 December 2016; Paris, France: 3 February 2017; Westminster Bridge London, UK: 22 March 2017; Stockholm, Sweden: 7 April 2017; Paris, France: 20 April 2017; Manchester, UK: 22 May 2017; London Bridge, UK: 3 June 2017; Finsbury Park, London, UK: 19 June 2017; Dikwa, Nigeria: 26 September 2017; Chihuahua, Mexico: 26 September 2017; Mogadishu, Somalia: 14 October 2017). The sporadic nature of these attacks go to demonstrate that anti-terror legislations which react to such sporadic attack, without strategically understanding the root cause of terrorism, would be similar to a commander in Clausewitzian fog, who leads its army into a battle of uncertainty. But by engaging the community in an open communication, there is a possibility that some clarity could come through such fog.

In the opening statement of the Inquiry into the Revision of the Telecommunications (Interception and Access) Act 1979 in Australia, Malcolm Stewart, Vice President of the Rule of Law Institute of Australia, highlighted the dangers in any form of arbitrary discretion in legislation, especially when such legislation is "too broad or not well defined, so much so that it might be unpredictable, uncertain and be used in a way which

does not provide for equality before the law" (The Rule of Law Institute of Australia, 15 July 2014). For example, under normal legal process, a person is physically served a notice and made aware of the need to search his/her premises. But in the case of electronic surveillance and interception, "recordings of telephone calls, emails, SMS, Internet records, metadata, voicemails et cetera, could take place without the person ever finding out that this has occurred" (The Rule of Law Institute of Australia, 15 July 2014). The other danger is that such powers can be abused by law enforcement authorities. For example, in the United Kingdom, police admitted using a new spy law to monitor journalists' communications with their sources (Hutcheon, 13 December 2015). In April 2017, an Australian Police Commissioner, admitted that the Australian Federal Police acquired the call records of a journalist without a warrant, although he admitted it was an error of judgement (Royes, 28 April 2017). In June 2017, the Japanese government passed a new anti-terror law, which criminalised the planning of serious offences. It claimed the new law was necessary to prevent terrorism ahead of the Tokyo 2020 Olympics.

The danger in the Japanese case is that planning is not the same thing as execution. Under such anti-terror legislation, people are already presumed guilty before committing a crime. Such action goes contrary to Article 11(1) of Universal Declaration of Human Rights, which states that "everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence" (United Nations, 1948). While it can also be argued that preventative actions could save lives, and that coordinated security systems could enable quick response in times of emergency, it could also be argued that more often than not, such powers are vested in the hands of one person, often politicians, who have no specialist military or judicial background to understand the difference between tactical response and political populism (Baxendale, 18 July 2017).

From the above cases, it is obvious that balancing terror threats with human rights is a very complex process, but when laws are enacted to deal with perceived threats, the ubiquity and ambiguity of such laws often overshadow other national priorities, as well as encroach into civil liberties of citizens. The danger in such scenario is that such infringements often increase the chance of further resistance, or push some people into a spiral of silence.

Freedom of information versus surveillance of information technology

In his 1886 book published in German titled, Jenseits von Gut und Bose (translated as Beyond Good and Evil), Friedrich Nietzsche, a German philosopher, brought a different perspective to moral thoughts. He challenged our concept of good and evil, as well as human agency. He cautioned that "he who fights with monsters might take care lest he thereby become a monster because when you gaze long into an abyss the abyss also gazes into you" (Nietzsche, Tanner, & Hollingdale, 1990, aphorism 146). This principle is an important ethical lesson in our bid to fight terrorism. There is need to be cautious so that we do not end up terrorising the citizens that we set out to protect and that the law does not become so authoritarian that terrorism becomes the victor.

Information technology, for example, is meant to assist us navigate the complex labyrinth of modern society, to connect us with each other and to help us share the values of what it is to be humans. But the ubiquitous nature of information technology has also enabled it to be used as surveillance tool to monitor people's activities. Such intrusion into personal communication spaces does not just breach Article 19 of the Universal Declaration of Human Rights, it has also helped create a society similar to those described by Eric Blair, commonly known as George Orwell, in his novel, Nineteen Eighty-Four (Orwell, 1949). In the novel, Orwell describes a dysfunctional society where people are oppressed and are under constant surveillance by the state. Those who try to fight such tyranny (Winston), meet the brutal force of the state, and finally succumb to its party ideology. Individualism is denied because the watchful eye of the state sees every movement of everybody, hence the term, "Big Brother is watching you". It should also be noted that this surveillance society inspired the popular franchised television series Big Brother, in which contestants' private lives are laid bare on national television for the duration of their stay in the Big Brother house.

If anti-terror legislations are not tempered with the right balance to enable individual freedom and self-actualisation, modern democracy will lose its fundamental principles of liberty and freedom, and become the dystopian regime in 1984. In her analysis of current terror legislations, Habib (2017) saw parallels between Orwell's dystopian state, and current anti-terror environment "where people are controlled into what to think, how to act and how to live by the government who uses fearmongering, media control and corruption to control the masses". When such a situation evolves, people will begin to normalise the Big Brother paradox which says that, "war is peace, freedom is slavery, ignorance is strength" (Orwell, 1949, p. 6).

The danger in such a society is that people would start to celebrate tyranny and forget the true value of free speech and information, which the United Nations sees as a "fundamental human right and . . . the touchstone of all the freedoms" (Callamard, 2008). Through such oppressive regime, people would be disempowered from thinking, speaking or

challenging government policies. The only choice left would be to abide by the power of the party polity, or be subjected to obedience through torture like the character of Winston in 1984. The other risk is that when a suppressed group of people subverts power by either pretending to be loyal to the ruling party, or through force, that their legitimacy and actions could become more dangerous than the state of affairs from which they escaped. For example, Edward Snowdon, a computer programmer who worked as contractor for the Central Intelligence Agency (CIA), helped to leak classified secret government documents which embarrassed the US government. In his forward to the Australian Cybersecurity strategy 2017, the Prime Minister of Australia, Malcolm Turnbull, acknowledged, that "as the Snowden disclosures demonstrate, often the most damaging risk to government or online business security is not "malware" but "warmware"; the ability of a trusted insider to cause massive disruption to a network or to use legitimate access to obtain classified material and then illegally disclose it" (Department of the Prime Minister and Cabinet, 2017). I argue that when citizens feel that they have lost the power to make informed decisions, participate in the running of their society, or have trust in their governments and are afraid to openly discuss their concerns, they often resort to sabotaging the very establishment that they once cared for. One of the ways to reconnect and establish trust is to have open dialogue and an empowered citizenship. These are the cornerstones of Article 19.

In the Clausewitzian fog discussed above, an army looks up to their leader for direction when the terrain is uncertain. Similarly, in times of security threat, citizens look up to their leaders for guidance and direction. But when leaders manipulate public consciousness through political fearmongering, control information access, and monitoring of people's messages, (Habib, 2017), such society falls into what Noelle-Neumann (1974) describes as a "spiral of silence". People begin to self-censor their behaviours and activities, for fear of victimisation or social ostracisation. Neumann says that one's "willingness to expose one's views publicly varies according to the individual's assessment of the frequency distribution and the trend of opinions in his social environment" (Noelle-Neumann, 1974, p. 45).

We should also acknowledge that in times of crises, citizens openly display patriotism and collective resilience through various means, often to the exclusion and disenfranchisement of dissenting voices, or people perceived to be in opposition of popular opinion. In Neumann's analysis:

> voicing the opposite opinion, or acting in public accordingly, incurs the danger of isolation. In other words, public opinion can be described as the dominating opinion which compels compliance of attitude and behaviour in that it threatens the dissenting individual with isolation, the politician with loss of popular support (Noelle-Neumann, 1974, p. 44).

What this situation calls for, is true representative leadership, where a leader understands the power of public emotion, but rather than use it for self-promotion, channels it into building an engaged community. It is also important to use moments of crises to build a united community because through open conversation, people are able to embrace their differences, and understand their uniqueness.

In an analysis of American political future, Milikh (29 July 2015), recalled Democracy in America, the work of Alexis de Tocqueville (1835). Alexis de Tocqueville was a French historian, political scientist, diplomat and politician, who was also regarded as a martyr of liberty, because he died fighting against class division even though he came from an aristocratic background. He also talked about tyranny of the majority, where minority voices are often silenced by majority moral values. This position can be likened to contemporary public opinion, which Noelle Neumann's "spiral of silence" discussed. In times of polarised debate such as terrorism, many people are afraid to speak up for fear of being classified or castigated as terror sympathisers. Milikh says that "the influence on the mind of democracy and the majority weakens and isolates individuals, and that this situation creates fertile ground for a new kind of oppression which will be worse than any previous oppression in human history". In his analysis of Tocqueville's work, Horwitz (1966), also pointed out the destructive force of despotism, especially when it coerces "those who are oppressed to glorify their oppression and honour their oppressor" (p. 303). I argue that such society will struggle to reach its full potential because in a cognitive dissonance experiment carried out by Festinger and Carlsmith (1959), people were found to be more likely to align their views to a preferred or imposed views if they are empowered to change their attitudes, rather than when they merely hear or are forced to change such attitudes from outside.

We can use France as an example. The state of emergency instituted in the wake of terror attacks in France in 2015 has been successfully extended five times until mid-2017. There is still public support for such restriction. The people can make such informed decisions because many of them personally witnessed the attacks and understood the government's desire to keep the people safe. The French have also witnessed more terror attacks since 2015 than any other European country. It is particularly important to use the French situation as an example because, the Universal Declaration of Human Rights was adopted at the 10 December 1948, United Nations General Assembly, held at the Palais de Chaillot in Paris, France, yet terror threats have turned this land of human rights into a land of

restricted rights. What we are arguing is that at times of state emergency, certain restrictive laws could be imposed to keep the people safe, but such laws need open communication and should not disempower the people from making informed decisions.

Another important issue to consider when dealing with Article 19, is the role media plays in framing the discourse of inclusion and exclusion. According to Spencer (2012), the media's construction of terrorism play an important role in the way people perceive and react to terrorism. Terrorism has often been framed as war, a crime, an uncivilised evil, and as a disease. Spence argues that such construction has the tendency to sway people's opinions about counter terrorism policies and laws, without giving them the opportunity to interrogate the counter measures put in place to address them. Media therefore has the capacity to influence and persuade public opinion in many ways. Part of the fourth estate role of the media is to understand the important position it occupies as social surveillance, correlation and self-efficacy for the public and to use such powerful positions to engender cohesion rather than division.

Media opinion polls as discussed above, are tools of persuasion. Leaders often use opinion polls to bolster their positions in power or consolidate populist ideologies, rather than use them to take a reflexive approach to policies. This is the type of leadership which Simpson and Neumann describe as "fated to live in ignorance and powerlessness, trapped by emotionally loaded stereotypes and a bone-deep fear of social isolation" (Simpson, 1996, p. 154). The 2016 US Presidential election is an example of how opinion polls can be deceptive, or can lead leaders into a false belief of achievement or to complacency. All the opinion polls put Hillary Clinton ahead of Donald Trump. But at the end, it seemed like the silent majority who felt marginalised, voiced their opinion outside the mainstream poll, and put Donald Trump into the White House.

While opinion polls have place as snapshot on issues, they cannot replace open conversation where people express their views, and where leaders understand in real time, what affects their citizens. By real time and open conversation, it does not mean only face to face, or conversations in close physical proximity, it includes the use of available tools of communication which enable citizens to engage with their leaders. These strategies have been identified to be successful by early political scientists) (Lazarsfeld, 1944; Lazarsfeld, Berelson, & Gaudet, 1948; McClung Lee, 1949). For example, in their analysis of how people vote at elections, Paul F. Lazarsfeld et al. (1948) said that "personal influence is more pervasive and less self-selective than the formal media... in short, politics gets through, especially to the indifferent, much more easily through personal contacts than in any other

way" (p. 15). As we noted above, Festinger and Carlsmith (1959), also found that people are more likely to align their views to a preferred or imposed views if they are empowered. Such empowerment comes through trust, open communication, self-actualisation and participatory public sphere.

Conclusion: Balancing freedom of information and public safety

In Mascheroni's notion of cultural citizenship and culture of citizenship, she describes a social and cultural practice that originates when individuals recognise themselves as citizens, to develop a sense of belonging in a collective "we-ness", by sharing knowledge, norms and values, and engage in practices which are embedded in particular places" (Mascheroni, 2013, p. 96). It could be argued that when such citizenship is inclusive through open communication, that geopolitical sovereignties gain more allies than enemies. Katzarska-Miller, Reysen, Kamble, and Vithoji (2012) defined global citizenship as about "awareness, caring, embracing cultural diversity, promoting social justice and sustainability, and a sense of responsibility to act" (p. 167). These are important values that connect us as global citizens and as each other's keeper. But for these values to manifest, there needs to be the ability for people to freely communicate their shared values, understand their differences, and appreciate their future. Citizenship is incomplete in a modern democracy if public discourse is sidelined. According to Arendht, "the polis, properly speaking is not the city-state in its physical location: it is the organisation of the people as it arises out of acting and speaking together, and its true space lies between people living together for this purpose, no matter where they happen to be" (Christensen, Jansson, & Christensen, 2011, p. 125).

Modern day media technology transgresses geopolitical borders or what we often regard as sovereign territory, and according to Buckner and Russell (2013), "the rise of discourses surrounding globalisation and global citizenship may shift focus away from a nation-dominant narrative toward a global narrative, which may imply a fundamental reconceptualisation of the nation-state's purpose or identity" (p. 738). It may also imply understanding ourselves as part of a global citizenship with rights to freely traverse borders and politics. Therefore, to restrict freedom of information or movement, or push people into a spiral of silence, we risk becoming an Orwellian state. John Stuart Mill, the English philosopher and liberal thinker, said that for governments to "refuse a hearing to an opinion, because they are sure that it is false, is to assume that *their* certainty is the same thing as *absolute* certainty". He stated that "all silencing of discussion is an

assumption of infallibility" (Mill, 1859). He believed that by having open conversation and being open to debate, we have the chance of correcting our errors or at least, confirming our assumptions.

While nobody wants to be caught off guard, especially when it comes to matters of national security, we should also not lose the essence of that which we are trying to protect, our freedom, individuality, identity and participation. Our ability to freely communicate, to feel a part of our community, to trust and be trusted, irrespective of our skin colour, religious affiliation, socio-political leaning, socio-economic class are fundamental principles that are embedded in both Section 59.1 of the 1946 United Nations General Assembly and Article 19 of the Universal Declaration of Human rights.

Declaration of interest

No potential conflict of interest was reported by the author(s).

References

Article 19. (2017). *Not worth the risk: Threats to free expression ahead of Kenya's 2017 elections*. Retrieved from https://www.article19.org/resources.php/resource/38766/en/%E2%80%9Cnot-worth-the-risk%E2%80%9D:-threats-to-free-expression-ahead-of-kenya%E2%80%99s-2017-elections

Baxendale, R. (2017). Australia to get super security home affairs ministry. *The Australian*. Retrieved from http://www.theaustralian.com.au/national-affairs/australia-to-get-super-security-home-affairs-ministry/news-story/350a35982473f7995021d51f5436bf42

Bessant, J., & Hil, R. (1997). *Youth, crime and the media: Media representation of and reaction to young people in relation to law and order*. Hobart, Australia: National Clearinghouse for Youth Studies.

Bhabha, H.K. (1994). *The location of culture*. London, UK: Routledge.

Buckner, E., & Russell, S.G. (2013). Portraying the global: Cross-national trends in textbooks' portrayal of globalization and global citizenship. *International Studies Quarterly*, *57*, 738–750. doi:10.1111/isqu.12078

Callamard, A. (2008). *Freedom of expression and advocacy of religious hatred that constitutes incitement to discrimination hostility and violence*. Paper presented at the Expert Meeting on the Links Between Articles 19 and 20 of the ICCPR, Geneva. Retrieved from https://www.article19.org/pdfs/conferences/iccpr-links-between-articles-19-and-20.pdf

Castells, M. (2009). *Power of identity: Economy, society, and culture* (2nd ed.). Hoboken, NJ: Wiley-Blackwell.

Christensen, M., Jansson, A., & Christensen, C. (2011). *Online territories: Globalization, mediated practice, and social space*. Bern, Switzerland: Peter Lang Publishing.

Department of the Prime Minister and Cabinet (2017). *Australia's cyber security strategy*. Retrieved from https://cybersecuritystrategy.pmc.gov.au/

Echevarria, A.J. (2010). *Preparing for one war and getting another?*. Retrieved from http://www.StrategicStudiesInstitute.army.mil/

Echevarria, A.J. (2017). War's changing character and varying nature: A closer look at Clausewitz's trinity. *Infinity Journal*, *5*, 15–20.

Festinger, L., & Carlsmith, J.M. (1959). Cognitive consequences of forced compliance. *Journal of Abnormal and Social Psychology*, *58*, 203–210. doi:10.1037/h0041593

Habib, R. (2017). George Orwell knew what our future held. Retrieved from http://www.news.com.au/.

Hall, S., Critcher, C., Jefferson, T., Clarke, J., & Roberts, B. (1978). *Policing the crisis: Mugging, the state, and law and order*. London, UK: Macmillan.

Haubrich, D. (2003). September 11, anti-terror laws and civil liberties: Britain, France and Germany compared. *Government and Opposition*, *38*, 3–28. doi:10.1111/1477-7053.00002

Head, M. (2002). Counter-terrorism laws: A threat to political freedom, civil liberties and constitutional rights. *Melbourne University Law Review*, *26*, 666.

Hier, S.P. (2011). *Moral panic and the politcs of anxiety*. Abingdon, UK: Routledge.

Horwitz, M. (1966). Tocqueville and the tyranny of the majority. *Review of Politics*, *28*, 293. doi:10.1017/S0034670500007105

Hutcheon, P. (2015). Scottish police used spy laws against journalist sources 12 times: Holyrood hearing this week. *The Herald - Sunday Herald*. Retrieved from http://www.heraldscotland.com/news/14142175.Revealeds_against_journalist_sources_12_times/Scottish_police_used_spy_law

ICHRP (2008). *Talking about terrorism risks and choices for human rights organisations*. Retrieved from http://www.ichrp.org/

Inglis, F. (1988). *Popular culture and political power*. New York, NY: Harvester Wheatsheaf.

Kaldor, M. (1999). *New and old wars: Organized violence in a global era*. Stanford, CA: Stanford University Press.

Kaldor, M. (2003). *Global civil society: An answer to war*. Cambridge, UK: Polity Press.

Kaldor, M. (2006). The "new war" in Iraq. *Theoria: A Journal of Social and Political Theory*, *109*, 1–27.

Kaldor, M. (2013). In defence of new wars. *Stability: International Journal of Security and Development*, *2*, 1–16. doi:10.5334/sta.at

Katzarska-Miller, I., Reysen, S., Kamble, S.V., & Vithoji, N. (2012). Cross-national differences in global citizenship: Comparison of Bulgaria, India, and the United States. *Journal of Globalization Studies*, *3*, 166–183.

Kenner, A.M. (2008). Theorizing surveillance: The panopticon and beyond by Lyon, D. Global Surveillance and Policing by Zuriek, E., and Salter, M. *The Communication Review*, *11*, 104–108. doi:10.1080/10714420701715563

Kofman, E.Y.G. (2008). *Globalization: Theory and practice*. (3rd ed.). New York, NY: Continuum International.

Lazarsfeld, P.F. (1944). The election is over. *Public Opinion Quarterly*, *8*, 317. doi:10.1086/265692

Lazarsfeld, P.F., Berelson, B., & Gaudet, H. (1948). *The people's choice: How the voter makes up his mind in a presidential campaign* (2nd ed.). New York, NY: Columbia University Press.

Mascheroni, G. (2013). Performing citizenship online: Identity, subactivism and participation. *Observatorio (OBS) Journal*, *7*, 93–119.

Maurer, D. (2017). *The clash of the trinities: A new theoretical analysis of the general nature of war*. Retrieved from http://www.carlisle.army.mil/

McClung Lee, A. (1949). Lazarsfeld, Paul F., Bernard Berelson, and Hazel Gaudet. The people's choice: How the voter makes up his mind in a presidential campaign. (2nd ed.) xxxiii, 178. New York: Columbia University Press, 1948. *The ANNALS of the American Academy of Political and Social Science*, *261*, 194–194. doi:10.1177/000271624926100137

Milikh, A. (2015). Alexis de Tocqueville predicted the tyranny of the majority in our modern world. *The Daily Signal* Retrieved from http://dailysignal.com/2015/07/29/born-225-years-ago-tocqueville-predicted-the-tyranny-of-the-majority-in-our-modern-world/

Mill, J.S. (1859). *On Liberty, by John Stuart Mill*. Retrieved from http://www.bartleby.com/130/

Morgan, G., & Poynting, S. (2012). *Global Islamophobia: Muslims and moral panic in the West*. Farnham, UK: Ashgate.

Nietzsche, F.W., Tanner, M., & Hollingdale, R.J. (1990). *Beyond good and evil: Prelude to a philosophy of the future* (2nd ed.). Harmondsworth, UK: Penguin.

Noelle-Neumann, E. (1974). The spiral of silence a theory of public opinion. *Journal of Communication*, *24*, 43–51. doi:10.1111/j.1460-2466.1974.tb00367.x

Orwell, G. (1949). *Nineteen eighty-four: A novel*. London, UK: Secker & Warburg.

Poynting, S. (2001). Middle Eastern appearances: "ethnic gangs", moral panic and media framing. *Australian and New Zealand Journal of Criminology*, *34*, 67–90.

Royes, L. (2017). AFP officer accessed journalist's call records in metadata breach. *ABC News*. Retrieved from http://www.abc.net.au/news/2017-04-28/afp-officer-accessed-journalists-call-records-in-metadata-breach/8480804

Simpson, C. (1996). Elisabeth Noelle-Neumann's "spiral of silence" and the historical context of communication theory. *Journal of Communication*, *46*, 149–175.

Spencer, A. (2012). The social construction of terrorism: media, metaphors and policy implications. *Journal of International Relations and Development*, *15*, 393–419. doi:10.1057/jird.2012.4

The Rule of Law Institute of Australia. (2014). *Interception warrants, stored communications and telecommunications metadata*. Retrieved from https://www.ruleoflaw.org.au/metadata-interception/

United Nations (1948). *Universal declaration of human rights*. Retrieved from http://www.un.org/en/universal-declaration-human-rights/

Williams, G. (2011). The laws that erode who we are. *Sydney Morning Herald*. Retrieved from http://www.smh.com.au/federal-politics/political-opinion/the-laws-that-erode-who-we-are-20110909-1k1kl.html