

Tereza Krauzová  
Stanislav Matějka

---

**Fighting Terrorism**  
Surveillance  
and Targeted Killing  
in Post-9/11 World

# **Fighting Terrorism**

Surveillance and Targeted Killing in Post-9/11 World

**Tereza Krauzová**  
**Stanislav Matějka**

---

Reviewed by:

PhDr. Jindřich Dejmek, DrSc.

Prof. JUDr. PhDr. Miroslav Mareš, Ph.D.

Published by Charles University, Karolinum Press

Edited by Alena Jirsová

Layout by Jan Šerých

Typeset by Karolinum Press

First English edition

© Charles University, 2018

© Tereza Krauzová, Stanislav Matějka, 2018

ISBN 978-80-246-3812-6

ISBN 978-80-246-3844-7 (pdf)



Charles University  
Karolinum Press 2018

[www.karolinum.cz](http://www.karolinum.cz)  
[ebooks@karolinum.cz](mailto:ebooks@karolinum.cz)



# Contents

Acknowledgements	7
<b>I. Introduction</b>	<b>9</b>
<b>II. Land of freedom or land of surveillance? Right to privacy in the U.S. after 9/11</b>	<b>15</b>
Privacy and surveillance	15
What is the right to privacy	15
Rights of the government vs. rights of the governed	17
Surveillance	20
Historical development of surveillance legislation	22
Legal context of the current surveillance issues	27
Foreign Intelligence Surveillance Act	27
United States Patriot Act	30
Section 218	31
PRISM and upstream acquisition of Internet communications	34
Bulk collection of telephony metadata program	36
Challenges of Pandora's Box	42
Pendulum effect: back to land of freedom	42
Exploitation of the collected data	46
<b>III. Unmanned Aerial Vehicles in U.S. National Security Policy: New Face of War on Terror</b>	<b>52</b>
Unmanned aerial vehicles	52
Definitions	52
History	54
Unmanned aircraft in the military	56
Significant manufacturers	58

Cost-efficiency	59
Limitations to the use of UAVs in the war on terror	63
Legal issues	64
Collateral damage	67
Principles of foreign policy	69
Media coverage	71
Public opinion	72
Public polls	73
Technical, tactical, and operational challenges	74
UAVs in the war on terror	81
Somalia	82
Yemen	84
Afghanistan	86
Pakistan	87
Iraq	88
Revolution in military affairs	91
Theoretical concepts, definitions, schools	91
Warrior ethos and just war	97
<b>IV. Conclusion</b>	<b>101</b>
<b>V. Bibliography</b>	<b>107</b>

# Acknowledgements

It is our pleasure to acknowledge PhDr. et Mgr. Kryštof Kozák, Ph.D., who was our tutor, for his support, valuable suggestions and scholarly advice throughout our research period.

We are also thankful to professor Norma Hervey, Ph.D. and associate professor PhDr. Jiří Vykoukal, CSc., whose timely cooperation enabled us to complete this work.





# I. Introduction

The United States has always been perceived as a land of freedom. Millions of people left their home countries and headed to America in pursuit of a new life. The freedom rhetoric can be easily tracked in speeches delivered by the U.S. presidents. George W. Bush mentioned in his second inaugural address the words “free,” “freedom” and “liberty” forty-nine times in total.<sup>1</sup> Similarly, the U.S. national anthem contains the “land of free” wording.

On September 11, when the terrorist attacks shocked the United States and the whole world, President George W. Bush assured his people: “Terrorist acts can shake the foundation of our biggest buildings, but they cannot touch the foundation of America.”<sup>2</sup> That foundation, as explained by President Obama, is three documents – the Declaration, the Constitution and the Bill of Rights – anchoring “the foundation of liberty and justice in this country, and a light that shines for all who seek freedom, fairness, equality and dignity around the world.”<sup>3</sup>

Since the 9/11 attacks, the threat of terrorism has occupied front pages of newspapers and prime time news on television for almost two decades now. The war on terror declared by President Bush after the 9/11 is waged inside as well as outside U.S. borders. Perception of the threat has led many countries to major reforms in their national security

---

1 William Safire, “Bush’s Freedom Speech,” *The New York Times*, January 21, 2005, available at [http://www.nytimes.com/2005/01/21/opinion/21safire.html?\\_r=0](http://www.nytimes.com/2005/01/21/opinion/21safire.html?_r=0) (last access December 13, 2014).

2 Citation from the George W. Bush’s address on September 11, 2001, *CNN*, September 11, 2001, available at <http://edition.cnn.com/2001/US/09/11/bush.speech.text/> (last access December 13, 2014).

3 “Remarks by the President on National Security,” *The White House*, May 21, 2009, available at <http://www.whitehouse.gov/the-press-office/remarks-president-national-security-5-21-09> (last access December 13, 2014).

policies. In the forefront of this development is the United States with its most advanced technologies at hand and very specific responsiveness to threat to homeland. In the years after the attacks, the United States has come with number of military, security as well as legislative concepts and innovations in order to defeat terrorism and protect security of its people.

Even though these measures seem to be effective, as no other comparable attack has occurred on U.S. soil, many experts are voicing their concerns and the public debate is increasing especially after each revelation of the dark sides of the war on terror's tools and measures.

On the domestic level, civil rights organizations, academic experts and also authors of some of the provisions have been voicing concerns that the new pieces of antiterrorism legislation, intelligence provisions and military tools ceased to observe constitutional protection. In addition, in June 2013, Edward Snowden, a former employee of the National Security Agency, revealed together with journalist Glenn Greenwald secret files containing information about clandestine government surveillance programs affecting all U.S. citizens.

On the level of waging war outside the U.S. borders, the morality of Unmanned Aerial Vehicles (UAVs) and other related issues has become a topic of heated public discussions in the U.S. First of all, it is arguably one of the most important changes in the U.S. military conduct in years. Second, the use of these systems plays a substantial role in shaping both national security policy and the foreign policy of the United States. The issue of robotic, possibly autonomous and lethal systems presents a great challenge for ethicists, military experts, foreign policy analysts and practitioners, philosophers and other thinkers.

For these reasons, it is vital to think conceptually about the facts at hand regarding the use of lethal unmanned aircraft, commonly referred to as drones, as well as surveillance measures and legislation. As the world becomes more and more interconnected through a wider access to computers and the Internet, the debate on any such significant issue is becoming ever more global in a literal sense. In such a debate, there is a much greater risk of unintentional or even intentional misinterpretation, deliberate lies and propaganda by persons groups or even nation states stepping in with their respective agendas.

Nowadays, advanced technology offers wide range of possibilities how to intrude one's privacy and effectively kill people and legal and ethical considerations have to catch up the reality. The main aim of the publication is therefore to examine these two ambivalent sides of the war on terror – use of the UAVs abroad and issues related with the revealed

government surveillance programs in the United States. Both UAVs and surveillance legislation shall protect the security of American people and both raise significant concerns on under which conditions these tools are being used. Authors of this publication seek to answer the following questions: has the United States shifted from the land of freedom into the land of surveillance? What is the statutory and constitutional framework of the current surveillance measures? How are the UAVs in the war on terror currently being used and what are the limits of the utilization of UAVs in the war of terror? For this purpose, this work consists of two major parts focusing on further partial issues.

The first part called *Land of freedom or land of surveillance? Right to privacy in the U.S. after 9/11* examines the contradiction between the proclaimed freedom and the factual complex surveillance intruding privacy, whose legality and constitutionality is being questioned. After 9/11, a vast number of antiterrorism acts, executive orders, presidential directives and intelligence programs in the name of national security have been introduced. This work focuses on the two major National Security Agency eavesdropping programs, revealed by Edward Snowden. The first of them is the bulk collection of telephony metadata conducted under Section 215 of the USA Patriot Act and the other is PRISM and upstream acquisition of Internet communications pursuant to Section 702 of the Foreign Intelligence Surveillance Act of 1978 modified by the Amendments Act of 2008.

In order to elaborate on the legal context of the surveillance issues with focus on the statutory and Constitutional deficits of the NSA data collecting programs revealed by Edward Snowden and provide sufficient explanation of both programs, it is also essential to introduce the Foreign Intelligence Surveillance Act (FISA) as well. Even though the act does not belong among the legislation passed after 9/11, it is the crucial basis for the antiterrorism legislation, especially for USA Patriot Act, which builds significantly on FISA provisions, as it deepens, modifies and amends them. For purposes of this publication, only the Sections 215 and 218 of the Title II of the USA Patriot Act will be analyzed. The law itself is 365 pages long and consists of ten Titles, encompassing a wide variety of issues. However, only Title II, “Enhanced surveillance procedures,” is thematically connected with our topic, as it brought new rules for surveillance procedures. Sections 215 and 218 raise high concerns regarding privacy rights.

This work focuses primarily on the disputed surveillance provisions violating the right to privacy. It does not include the Guantánamo prison

issue, indefinite detention and imprisonment, although these are important and controversial issues arising directly from the 9/11 legislative measures as well, but they are beyond the scope of this work. Similarly, this publication is not involved with any deeper examination of the commercial tracking of one's online activities by private companies for purposes of marketing and targeted advertising.

The second part called *Unmanned Aerial Vehicles in U.S. National Security Policy: New Face of War on Terror* identifies major limitations of the use of unmanned lethal systems in warfare and outlines how these challenges contribute to a Revolution in Military Affairs (RMA). The use of unmanned systems as a part of the U.S. national security policy is here analyzed with regard to more abstract questions of morality and the concept of just war and warrior ethos. Unmanned systems challenge not only the military conduct but many other areas of society and it is an ambition of this publication to address those as well.

As this work aims to demonstrate, the U.S. strategy of using UAVs has the potential to change the overall conduct of national security policies in the future. It also aims to prove that the implementation of UAVs in combination with other technologies has caused a RMA. This current revolution is beyond even the traditional theories of RMA as will be proven in the following chapters based on theoretical concepts of the warrior ethos and the ideal of the just war. The intent is to prove that these new technologies will change warfare far more than expected. Traditional concepts of warfare, its justification and the role and perception of the warrior may all eventually become irrelevant due to expansion of UAVs.

Some authors conclude that, although UAVs present a revolutionary technology, they are not a disruptive one. That means that even if drones provide the President with the extraordinary capability of striking an enemy without the political consequences of having American servicemen and servicewomen put into harm's way, this does not imply an absolute alteration of national security or foreign policy. This work argues that the RMA is a gradual process. The potential of this RMA is one of the greatest in history, comparable for instance to the invention of the nuclear bomb.

Among the sources used in this work there are some worth deeper explanation. The Privacy and Civil Liberties Oversight Board is an independent, bipartisan agency within the executive branch, established by implementing the 9/11 Commission recommendations. The 9/11 Commission – officially named National Commission on Terrorist Attacks Upon the United States – was created in 2002 to examine circumstances

of the 9/11 attacks and draft adequate suggestions how to improve the U.S. political system and avoid repeating similar events. The five member Privacy and Civil Liberties Oversight Board is appointed by the President and confirmed by the Senate. The Board's mission is to balance federal government's efforts to prevent terrorism with the need to protect privacy and civil liberties. For this purpose, the PCLOB analyzes actions of the executive branch and ensures that the liberty concerns are appropriately considered in the development and implementation of antiterrorism law and policies.<sup>4</sup>

The PCLOB work began approximately since the early summer of 2013, which corresponds with the months of Snowden's first revelation. In this respect, the Board issued two comprehensive reports about National Security Agency's programs. *Report on the Surveillance Program Operated Pursuant to Section 702 of the Foreign Intelligence Surveillance Act*<sup>5</sup> and *Report on the Telephone Records Program Conducted under Section 215 of the USA PATRIOT Act and on the Operations of the Foreign Intelligence Surveillance Court*.<sup>6</sup> Both reports were issued in the year 2014 and play important role in this work, as they introduce not only the government position but thoroughly examine privacy and civil rights concerns. The PCLOB recommended shutting down the NSA phone program and retaining the PRISM and upstream collection program. Of special value to this work are the separate statements of two Board members – Rachel Brand and Elisabeth Collins Cook – who did not agree with the majority conclusions of the Board. Their opinions are part of the final Report.

Daniel J. Solove is a law professor at the George Washington University Law School. He is an internationally known expert in privacy law and author of number of books and textbooks about this topic. Solove's books offer deeper legal and historical understanding of the privacy issue, introducing it in more detailed context. Especially the book *Noth-*

---

4 Official webpage of the Privacy and Civil Liberties Oversight Board, available at: <http://www.pclob.gov/meetings-and-events/2014meetingsevents/23-january-2014-public-meeting.html> (last access December 13, 2014).

5 "Report on the Surveillance Program Operated Pursuant to Section 702 of the Foreign Intelligence Surveillance Act," *Privacy and Civil Liberties Oversight Board*, July 2, 2014, available at: <http://www.pclob.gov/Library/702-Report-2.pdf> (last access November 26, 2014).

6 "Report on the Surveillance Program Conducted under Section 215 of the USA PATRIOT Act and on the Operations of the Foreign Intelligence Surveillance Court," *Privacy and Civil Liberties Oversight Board*, January 23, 2014, available at: [http://www.pclob.gov/Library/215-Report\\_on\\_the\\_Telephone\\_Records\\_Program-2.pdf](http://www.pclob.gov/Library/215-Report_on_the_Telephone_Records_Program-2.pdf) (last access November 22, 2014).

ing to Hide. *The False Tradeoff between Privacy and Security*<sup>7</sup> is an important source for understanding of the Constitutional background and recent perception of the right to privacy.

As the issue of deploying UAVs became a headline in the world media, there are amounts of literature being published analyzing every aspect of robotics in a war. For this research the most vital documents were the official reports to Congress and publicly released reports of various Departments of the Government. When it comes to assessing the current state of affairs in the U.S. military, there is the Strategic Plan 2011 to 2016, Defense Technical Information Center, Information for the Defense Community and Unmanned Systems Integrated Roadmap FY2013-2038. These are not only descriptive of the current situation, but also offer a detailed insight into future developments.

Peter W. Singer is a Senior Fellow at the Brookings Institution and Director of the Center for 21st Century Security and Intelligence. Singer describes various aspects of the history of robotics, the current state of the field and the possible future of robotics in military use.<sup>8</sup> He analyzes the implications of various autonomous systems, mostly in military use. Nevertheless, his analysis throughout most of the book deals with the future, when artificial intelligence reaches a whole new level of capabilities. Singer's analyses and implications drawn from them are more of a futuristic reading. His cultural references enable the reader to understand the history of robotics in the military and its possible future use with more ease.

Similarly, an important source of information for the research on UAVs in the military is the journal, *Foreign Policy*. A project called *The Complex* offers thought-provoking articles on issues related to national security, spying and use of unmanned systems. Several articles cited in this research served as an inspiration for the authors as to what issues to focus on and how to address them. These articles are included also provide the more current context.

---

7 Daniel J. Solove, *Nothing to Hide: The False Tradeoff between Privacy and Security* (New Haven: Yale University Press, 2011).

8 Peter W. Singer, *Wired for War, The Robotics Revolution and Conflict in the 21st Century* (New York: Penguin Press, 2009), Kindle edition.

# II. Land of freedom or land of surveillance? Right to privacy in the U.S. after 9/11

## Privacy and surveillance

What is the right to privacy

The right to privacy developed both in the European and American legal framework as an essential element in the palette of indispensable individual rights related to human dignity. The right to privacy creates a protected legal space for individuals, excluding intrusive acts of government and others.

Rights of privacy developed gradually over centuries as a legal response to growing expectations of people, whose lives were changing and evolving. At the present time, there are three legal foundations of the right to privacy in the United States: common law, constitutional law and federal statutes.<sup>9</sup> An important milestone in this process was achieved in the article “The Right to Privacy” by two lawyers, Louis D. Brandeis and Samuel D. Warren, in the *Harvard Law Review* in December 1890. The authors were among the first to use the term “right to privacy” in U.S. legal history. In the text, they are advocating for this right, which was at their time becoming essential, defining it as “a right to be left alone.”

Brandeis and Warren declared that the dynamics of social and technological progress required an adequate legal response. Earlier, British common law declared only physical interference with one’s life and property to be legally significant – people were protected from physical assault. Later, as the law evolved, protection from verbal assault as well as concepts of nuisance and defamation became part of the law. Brandeis

---

9 Robert Sprague, “Orwell Was an Optimist. The Evolution of Privacy in the United States and Its De-evolution for American Employees,” *The John Marshall Law Review* 83 (2008–2009), p. 93.

and Warren argue that while liberty was originally meant freedom from actual restraint, personal immunity was extended beyond the body of the individual.<sup>10</sup> “Gradually the scope of these legal rights broadened; and now the right to life has come to mean the right to enjoy life, – the right to be left alone; the right to liberty secures the exercise of extensive civil privileges; and the term “property” has grown to comprise every form of possession – intangible, as well as tangible.”<sup>11</sup>

The authors experienced the very dynamic era of rapid development of new technologies and increasing influence of media, when privacy began to be threatened and defamation became a serious issue.<sup>12</sup> The right to privacy, as a new legal term, evolved and gained specific features in the decades after this groundbreaking article.

In the United States, the right to privacy is explicitly mentioned neither in the Constitution, nor in the Bill of Rights. However, according to consistent rulings of the Supreme Court, it is based on these documents and arises especially from the First and Fourth Amendment. Mainly during the 20<sup>th</sup> century, the constitutional conception of privacy rights in various aspects of people’s lives gradually developed. According to the Supreme Court, privacy as constitutional right is stemming from concepts of individualism, limited government, and private property.<sup>13</sup> Consistent legal interpretations state that privacy is implied also in number of the Amendments to the Constitution, besides the First and Fourth from the Third, Fifth and Fourteenth. Several Supreme Court decisions focusing on privacy in various contexts of human life are also significant.

General public connects the right to privacy mostly with cases in the sphere of personal, especially sexual, intimacy. The effort to “keep government out of bedrooms” – a slogan used by activists – became more and more insistent in recent decades. *Griswold v. Connecticut* (1965), *Roe v. Wade* (1973) and, quite recently, *Lawrence v. Texas* (2003) define legal boundaries, which the government is not allowed to cross with respect to interference with sexual behavior. Nevertheless, enlarging the untouchable autonomous sphere of people at the same time limits government powers. This chapter focuses on the clash between privacy of people and the need of government to have some kind of control over society.

---

10 Louis D. Brandeis, Samuel D. Warren, “The Right to Privacy.” *Harvard Law Review*, vol. IV, no. 5 (December 1890), pp. 193–194.

11 *Ibidem*, p. 193.

12 Sprague, “Orwell Was an Optimist,” p. 98.

13 Sprague, “Orwell Was an Optimist,” p. 102.



## Rights of the government vs. rights of the governed

Political philosophers have always studied the concept of the state, providing explanations as to the purpose of the state, the origins of government authority and justification of those powers. In modern times – leaving aside various anarchistic and radical ideologies – the theory of state generally explains the purpose of existence of states as a social contract of people living in a defined area, who give some of their rights to a government in order to ensure protection of life and property and achieve a value often called “common good,” “good life” or “general interest.”<sup>14</sup> These terms include numerous values and qualities people seek for satisfactory living.

To make a step back from the level of values such as privacy, the elemental human need for a good life, essential to this work, is physical safety. People naturally look for peaceful environments in which they can live, raise children, go to work and enjoy their free time undisturbed by fear of threats to their lives, health and property. Famous political philosopher Thomas Hobbes explained in his milestone book *Leviathan* that protection of the life of citizens is the vital and essential duty of every government, as the natural environment is very dangerous and would lead to anarchy – a war of all against all. Therefore people, who cannot fully protect themselves, give up some of their freedoms in exchange for services the government should provide. To make this concept functional, every individual committed to a social contract must obey the laws of the state.

In addition to Hobbes, John Locke, another influential political philosopher, further elaborated the theory of the state but coming from different assumptions about human nature. Locke, a representative of the Enlightenment, included in purposes of existence of states apart from obvious protection of lives of citizens also the responsibility to safeguard unalienable human rights – property and liberty. In the state of nature, people are maybe equally free and independent, but some of them endanger peace and safety. For this reason, people created states and authorities to ensure security. However, to make this social contract work, government should also protect people’s rights and freedoms.<sup>15</sup> This liberal perception influenced strongly the Founding Fathers of the

14 Henk E. S. Woldring, “On the Purpose of State: Continuity and Change in Political Theories.” Available at: <http://maritain.nd.edu/ama/Sweetman/Sweetman12.pdf> (last access November 2, 2014).

15 Woldring, “On the Purpose of State,” p. 158.

United States, as Thomas Jefferson expressed in the Declaration of independence – life, liberty and pursuit of happiness are there described as unalienable. These concepts still resonate in the American society.

According to prevalent liberal theory, a government that is expected to be able to provide for common good and security of its inhabitants needs to dispose of necessary power and authority to impose rules and make all subjects of law obey these regulations. Those coercive powers as well as other authority of government are derived from rights of the governed, who chose their leaders in order to lead the society and protect it from external as well as domestic threats. Accordingly, the level and extent of rights the citizens are still able to exercise, are thus inevitably being limited. For this reason, there arises the question of where should a balanced line be drawn between the inviolable rights of individuals on the one hand, and powers of governments ensuring security and enforcing adherence to laws on the other. As a consequence, in reality there occurs an inverse relationship between freedom and security: the more freedom individual citizens in their country possess in their hands, the fewer tools remain available for effective actions of the government. There is no simple and evident answer to this question that could be applicable and appropriate everywhere and under all conditions, as it depends – among others – on the culturally political customs of each particular society and the level of threat the society is facing. Thorough human history, people have experienced different approaches to this issue in different places of the world. In addition, it is a political problem, as there are groups within each country which push the state to adapt their version of the border.

Perception where this boundary dividing authorities of the government and the rights of the governed should be placed has differed distinctively under various political ideologies. To illustrate, imagine a comparison where totalitarianism at one end constitutes one extreme, and libertarianism at the other represents the opposite approach.<sup>16</sup> The Encyclopaedia Britannica defines libertarianism as a political philosophy that puts emphasis on individual liberty and personal freedom; those objectives are of the primary political value for the supporters of this view.<sup>17</sup> Libertarianism builds on the heritage of John Locke, Adam Smith and Thomas Jefferson and in the light of natural rights to life, liberty, private property, freedom of speech and association, freedom of

16 Kenneth Janda, *Výzva demokracie. Systém vlády v USA* (Prague: Slon, 1998), p. 29.

17 *Encyclopaedia Britannica*, s.v. "Libertarianism," available at: <http://www.britannica.com/EBchecked/topic/339321/libertarianism> (last access October 27, 2014).

worship, equality under law and moral autonomy, thereby favors very limited government by consent, whose activities would be restricted to protection of lives, properties and freedoms of people.<sup>18</sup> The Libertarian Party of the United States proposes to cut taxes to a minimum and thus limit the government agenda significantly.<sup>19</sup> Nevertheless, the Libertarian Party plays a marginal role in the political process dominated by the two major parties, Democratic and Republican.

Totalitarian government, on the other hand, subscribes to an opposite approach theoretically permitting even no individual freedom and seeking to subordinate all aspects of the individual's life to the authority of government through coercion and repression.<sup>20</sup> Totalitarian regimes usually develop very complex systems of controlling society and psychology and advanced technical measures of surveillance. Those governments justify their mass repression of society and even control of private lives as necessary for common good, even though they simply want to gather more tools that would help them stay in power.

In reality it is hardly possible to achieve a pure form of either libertarianism or totalitarianism, as these are abstract ideals of extreme forms of political ways of thinking and governing. Even though in history several totalitarian regimes came very close to the absolute Orwellian form of controlling society, most of the undemocratic states in today's world are authoritarian instead. Authoritarian regimes do not use a complex state ideology explaining and justifying every aspect of life. Authoritarian governments target repression only at opposing movements and individuals. Nazi Germany or the Soviet Union under Joseph Stalin are among totalitarian regimes, as the level of control over the society was extremely high; however some of the socialist regimes in the former Soviet bloc, especially in the last decade or their existence, could be classified rather as authoritarian regimes, since inhabitants who did not challenge the regime were able to achieve quite undisturbed lives.<sup>21</sup>

---

18 Janda, *Výzva demokracie*, p. 29.

19 Official webpage of the Libertarian Party of the United States. *How do Libertarians, Republicans, and Democrats differ?* Available at: <http://www.lp.org/how-do-libertarians-republicans-and-democrats-differ> (last access October 27, 2014).

20 *Encyclopaedia Britannica*, s.v. "Totalitarianism," available at: <http://www.britannica.com/EBchecked/topic/600435/totalitarianism> (last access October 27, 2014).

21 Ladislav Cabada, Michal Kubát, *Úvod do studia politické vědy* (Prague: Vydavatelství a nakladatelství Aleš Čeněk, 2007), pp. 369–372.

## Surveillance

As explained above, the vital purpose of national security measures is to create a state, which is undisturbed by potential domestic or external threats, even though these threats can be easily socially constructed, especially if they are potential. In order to provide for these conditions, governments are endowed with various tools and powers. Governments use their military forces to confront open hot conflicts. At the same time, to support prevention, states use diplomacy and economic influence to create favorable international environments of stability where deployment of military troops will not be necessary. Among external threats belong also non-states actors – various hostile movements and often even terrorist organizations that are difficult to combat.

However, destructive effects also arise from within the state itself. Maintaining domestic social order might be an even trickier challenge requiring more delicate approaches. For this purpose, governments use various forms of monitoring people's behavior – so-called surveillance measures – even though these can be used to counter some forms external threats as well, e.g. foreign spies. In this sense, surveillance is a form of social control, whose task is to recognize and prevent possible threats and then investigate criminal activities. There are many options that can be used at different levels of intruding into personal spheres of people, ranging from violating confidentiality of correspondence to complex networks of secret police and random house searches. In our technically advanced society, means of surveillance are mostly electronic, such as the highly discussed and widely used surveillance cameras at public places, high speed computers able to search through all forms of electronic communication or sophisticated biometrics software which analyzes physical features of a human in a second and connects it with a database of suspect individuals.

It depends on the character of a state and the level of threats it faces when a state decides what means and to what extent to use against domestic dangers. Some countries reject extensive intrusions and decide to fight only against imminent threats such as political extremists who manifest their destructive views openly, and respect private sphere of those citizens, who do not show hints of dangerous attitudes. This approach, however respectful to rights of individuals, cannot reveal all threats in a timely way. Therefore, some countries facing higher levels of danger might decide to favor crime prevention over freedom and liberty. Adopted measures can thus slowly move the balance between freedom and