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**PRIVACY VS. SECURITY:
The head or the heart debate in the
decision-making process**

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MASTER THESIS

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1 INTRODUCTION

There seems to be a pattern in our democratic society where our governments are collecting, retaining and mining data from citizens with the reason of minimizing risks to our society (Eijkman, 2012, p. 42). In this so-called age of terrorism (Jenkins-Smith & Herron, 2009; Ackerman, 2010), where terrorism seems to be a world condition (Altheide, 200, p. 416) and these debates are part of everyday life, citizens seem to be more permissive of these actions and also more tolerant of antiterrorism measures with undemocratic nature (Waldron, 2003, p. 191; Rykkja, Laegreid & Fimreite, 2011, pp. 119-120). They are willing to give up more and more of certain liberties to be more secure. An example of citizens' acceptance is the latest Dutch referendum on a new intelligence law that would violate our privacy even more, which had a surprising outcome of a nearly 50/50 split (Leijten, 2018). Even though one could assume that the result would have been a clear no because citizens are more cautious when it comes to privacy matters as a lot of personal data, information and activities are done online and on their phone.

Since the 9/11 attack, there have been several researches done on this subject, mostly in the United States (Rykkja et al., 2011; Jenkins-Smith & Herron, 2009; Davis & Silver, 2004), but in the Netherlands as well (Jansen, Tolsma & De Graaf, 2008; Van Wilsem & Van der Woude, 2011). The difference between the two countries lies in the fact that there has not been a massive attack like 9/11 in the Netherlands. Nevertheless, there are several antiterrorism measures taken that limit civil liberties in exchange for security (Jansen et al., 2008, p. 49). Privacy is the civil liberty that will be focused on in this research, as it is one of the most personal human rights which is currently used for commercial and public policy activities (Van den Hoven van Genderen, 2008, p. 95).

The vast majority of the population seems to be permissive of this exchange between privacy and security. This is imaginable as there are legitimate security threats that governments have to deal with. But at the same time, privacy is also being traded for things other than security, such as convenience (Chesterman, 2010, p. 34). For example, the ability to use a smart phone or paying with a credit card, or more conveniently, getting discounts and enhanced products and services.

This all results in the government possessing more information about their citizens than at any point in human history (Chesterman, 2010, p. 34). While at the same time, privacy is supposed to be an imperative structural feature that belongs in liberal democratic political systems (Cohen, 2012, p. 1905).

So, what drives citizens to be more permissive of the exchange between privacy and security? Even when there is no clear evidence whether these antiterrorism measures, that include reducing privacy, actually work (Lum, Kennedy & Sherley, 2006, as cited in Van Wilsem & Van der Woude, 2011, p. 30; Dragu, 2011, p. 75). The purpose of this research is to assess the underlying reasons for citizens' decision in the trade-off between privacy and security, and therefore the theoretical framework of Epstein's (1991, 1994) two modes of information processing – emotional and rational – will be used to conduct this research.

This leads to the research question:

“How do rationality and emotions influence our decision-making process regarding the trade-off between privacy and security?”

1.1 ACADEMIC AND SOCIETAL RELEVANCE

Most of the research on the trade-off between privacy and security are focused on the government's role and the antiterrorism measures taken, or on the normative and ethical questions about privacy and security (Solove, 2007). There has been hardly any research on the citizens' view of the issue and how the society as a whole has transformed as a result. Therefore, this thesis can be an addition to fill this gap of knowledge. Moreover, when looking at the influence of emotions in terrorism, the only research done is from the terrorists' perspective (Wright-Neville & Smith, 2009), not from the citizens that are impacted by the acts of terrorism.

Furthermore, it is of societal relevance that knowledge is available concerning social transformation that take place because of changing dynamics of civil liberties such as privacy in this age of terrorism. Dutch citizens seem to accept this new way of life where surveillance is the order of the day (Koops & Vedder, 2001). Public debates are more about which antiterrorism measures are acceptable instead of whether or not they should be implemented at all. Chesterman gives the example that if there is a bomb detonated in the city, civil liberties will certainly be

diminished, but this is not the argument that can be used to abandon those liberties today (2010, p. 43). This issue should not be framed as the tension between civil liberties and security, it requires a reasoned examination of the framework within which the growing surveillance powers of the state should be exercised (Chesterman, 2010, p. 43).

Also, it may help citizens understand the mechanism behind our decisions, are we thinking emotionally or rationally about the societal changes we accept? Because these measures are influencing our daily lives. Even if we do not *feel* it yet or notice that much difference, little by little our way of life changes. As Solove argues, privacy does more than just protect individuals, because people's decisions about their privacy, such as consent to data collection, data use or disclosure, might not result in the most desirable social outcome and consequently produce a certain kind of society (2012, p. 1881). So, what are the effects of increasing terrorist activities and how does our society evolve accordingly? Moreover, the result may be relevant for policy makers when creating new antiterrorism measures and they can take into account the mechanism in people's decision-making.

1.2 READING GUIDE

This thesis is structured as follows. The introduction presented the puzzling question that led to the research question which forms the base for this study and the academic and societal relevance expected from this research. In the second chapter, the framework of this study will be established using theories concerning privacy, the trade-off between privacy and security, and decision-making. The third chapter aims to present the research design and methods which are leading in how this research will be conducted. In the following chapter, the findings will be presented and analyzed in two parts, using theories set out in the theoretical framework. In the concluding chapter, the analysis will be summarized, and the research question will be answered. Lastly, there will be a discussion of the meaning of the results and how this implicates future research.

2 THEORETICAL FRAMEWORK

As mentioned before, several studies have been done regarding the trade of civil liberties such as privacy for security, and why citizens are willing to do this. For example, citizens' political orientation or people's trust in government can play a part. However, before the privacy versus security debate is set out, the matter of privacy will first be discussed, and lastly the individual's decision-making process will be addressed through the framework of people's emotional and rational thinking process. Do people decide the trade-off between privacy and security because they have thought it through? Or do they make this decision because they are influenced by emotions such as fear, and specifically fear of a terrorist attack?

2.1 PRIVACY

Rosenzweig argues that privacy is a misnomer in many ways (2006, 2009). However, when looking at definitions of privacy, many agree that it is *at least* about something personal and it is something that should be protected (Vedder, Van der Wees, Koops & De Hert, 2007, p. 60). Van den Hoven van Genderen argues that it is one of the most personal and fundamental human rights as it includes every aspect of personal life and personal behavior (2008, p. 95), such as our body, our home, sexual relations, correspondence, other forms of communication and the available information belonging to these aspects, and the ability to decide whatever we want to do about these matters (Vedder et al., 2007, p. 61). Furthermore, Cohen notes that privacy is a requirement for a democratic system because it serves as a shelter to “dynamic, emergent subjectivity from the efforts of commercial and government actors to render individuals and communities fixed, transparent and predictable. Privacy protects the situated practices of boundary management through which the capacity for self-determination develops” (Cohen, 2012, p. 1905). Moreover, privacy reflects a desire for independence of personal activity and when this form of autonomy is applied to our era of information technology regime, it is about the idea of anonymity where observation is permitted – as we voluntarily and naturally expose certain actions in public – but we do not become subject to identification or scrutiny (Rosenzweig, 2009, p. 641).

Many people argue that they have nothing to hide when discussing privacy issues and personal data gathering by the government, Solove also contends that it is a misconception to view privacy as a form of secrecy, as if it is about the right to hide things and that these things are supposedly something bad (2011, p. 29). However, privacy is to be understood as multiple related issues and an essential right for democracy and if it is seen this way, then it is apparent that the disclosure of ‘bad things’ is only one between many problems caused by government security measures (Solove, 2011, p. 27). Firstly, there is the problem of aggregation, where the combination of small bits of seemingly harmless data becomes much more telling or wrongly interpreted. Secondly, the problem of exclusion, where people are not able to know how data collected on them are being used and correcting errors that may occur in those data because they are seen as a matter of national security. This shows the extent of significant power government officials have over citizens (Solove, 2011, pp. 27-28; Van den Hoven van Genderen, 2008, p. 101). Thirdly, the problem of secondary use, where data are initially gathered for one purpose, suddenly become utilized for an unrelated one. This is possible as the potential future uses of any piece of personal information is without limits or much accountability (Solove, 2011, p. 28). Lastly, distortion can be caused because the personal data gathered, even though they can reveal a lot about a person, are reductive and do not reflect the whole person (Solove, 2011, p. 28). So, even though people have ‘nothing to hide’, these security measures can cause a lot of harm, even unintentionally due to errors or carelessness (Solove, 2011, p. 31). What is also worrisome is the fact that privacy is threatened little by little and not in an instant. Solove compares it to certain environmental harms that take place over time and are caused by a series of small acts by different actors, without people noticing the process too much (Solove, 2011, p. 30).

2.2 THE PRIVACY AND SECURITY TRADE-OFF

Solove argues that there is another fallacy in thinking about the trade-off between privacy and security. It is viewed as a zero-sum trade-off, even though giving up privacy does not make us more secure and they do not have to be mutually exclusive (Solove, 2011, p. 34). What is more, as mentioned before, there is no evidence that security measures that are detrimental to our liberties or invade our privacy are effective. Therefore, the most effective security measures do not have to be the most harmful to liberty (Solove, 2011, p. 34). It is not about having privacy or having a certain security measure as it is now framed, as if privacy were an obstacle to public

security (Jacobs, 2008, p. 23), because then security will most likely be favoured between the two. This is in line with Koops and Vedder's (2001) research on citizens' view of detection and privacy. They have found that Dutch citizens perceive privacy as something important but not as something that needs unreserved protection. Because when it comes down to the two matters, concerns about detection are more important and privacy can be given up quite easily when citizens have more confidence in the police and government (Koops & Vedder, 2001). However, the choice is between having a security measure with careful oversight and regulation or a security measure at the sole discretion of executive officials. The choice is not between having privacy or having a certain security measure (Solove, 2011, p. 34). If we choose the first option, then the privacy of data subjects can be handled in proportion to a real threat to the interest of society and not let the matter be based on fear (Van den Hoven van Genderen, 2008, p. 102).

Jenkins-Smith and Herron (2009) focuses on the political orientation aspect of Americans and how this helps shape citizens' understanding of the trade-off between security and civil liberties. Specifically, their political ideology and party affinity (Jenkins-Smith & Herron, 2009, p. 1101). The authors have found that these two features have significant influence. Liberal Democrats on average adhere to their name as they choose liberty over security, while Conservative Republicans choose security over liberty (Jenkins-Smith & Herron, 2009, pp. 1116-1117). This is in line with the outcome of Davis and Silver's (2004) research conducted soon after 9/11 attacks took place, in which the researchers looked at the perceived level of threat and trust in government as core explanations but also considered other social, psychological and political attitudes and demographic factors. However, Davis and Silver find that no matter the ideology, when the sense of threat of a terrorist attack becomes greater, the citizens' support for civil liberties become lower (2004, p. 41). Also, the greater the citizen's trust in the federal government, the greater their preference for security over civil liberties. This becomes enhanced as soon perception of threat is added into the equation (Davis & Silver, 2004, p. 40). If a terrorist attack is imminent, it does not matter which level of trust a citizen has in their government, they are more willing to trade their civil liberties for security. And finally, race and ethnicity do not matter either, people are more willing to give up more civil liberties for security if there is threat of a terrorist attack (Davis & Silver, 2004, p. 43).

In Norway, Rykkja et al. (2011) have further looked into the aspect of trust and have confirmed that the higher the trust in the government, the more accepting citizens are of strong antiterrorism measures. They have provided other possible explanations for this acceptance, such as the remoteness of the threat in Norway, so the measures will most likely not be used extensively, leading to the citizens having positive attitudes towards them (Rykkja et al., 2011, p. 232). If there is an immediate threat, their analysis shows that Norwegian citizens trust the government to act without abusing these measures. Another possible reason why the citizens have permissive attitudes could come from a heightened sense of fear and a stronger awareness after 9/11 (Rykkja et al., 2011, p. 230), which is more convincing because fear is a very powerful emotion and a person can be trustful of the government but still be afraid of attacks happening.

In the Netherlands, Jansen et al. (2008) have conducted a research on the general willingness of the Dutch citizens to trade individual freedom and privacy for safety and the support of concrete new security laws that limit individual freedom. This research can be seen as an extension of Davis and Silver's (2004) research in the US. As mentioned before, the difference is that there has not been a massive attack as 9/11 in the Netherlands but there are antiterrorism measures taken that limit privacy in exchange for security (Jansen et al., 2008, p. 49). Jansen et al. have tested six hypotheses based on theories on conservative values and theories concerning insecurity. The former is concerned with political orientation and religious values which have no significant support for the general willingness of citizens to trade individual freedom and privacy for security, there is only some support for the concrete security measures (Jansen et al., 2008, pp. 64-65). The latter is focused on possible vulnerability factors such as age, sex, education, financial and family situation, because these may influence how citizens consider whether security is more important than individual freedom and privacy. The analysis shows that there is not much support for the vulnerability theory when it comes to general acceptance of limiting freedom but there is some support for the acceptance of concrete measures that limit individual freedom (Jansen et al., 2008, p. 65). However, fear of terrorism is again related positively, in this research with *both* general acceptance of trading individual freedom and privacy for security and willingness to accept security measures that limit individual freedom (Jansen et al., 2008, pp. 63-64). What is striking is that none of these studies have looked further into this fear, even though it seems to be a recurring theme.

Another research in the Netherlands was done by Van Wilsem and Van der Woude (2011). It only focuses on the antiterrorism measures and the Dutch public opinion about these measures. What is interesting about this research is, not only were the respondents surveyed about their attitudes towards these new measures, but also their willingness to pay (WTP). Also, they were reminded of the consequences of their choice: for example, more tax money towards antiterrorism measures means less money for other important sectors such as healthcare (Van Wilsem & Van der Woude, 2011, p. 20). This is a good way to remind citizens that there is indeed a lot of government money going into these measures even though their effectiveness has not been proven (Lum, Kennedy & Sherley 2006, cited in Van Wilsem & Van der Woude 2011, p. 30). In contrast to the study of Jansen et al. (2008), there is no significant support found for the vulnerability theory in regard to acceptance of the security measures that limit individual freedom and privacy (Van Wilsem & Van der Woude, 2008, pp. 27-28). Furthermore, the researchers have found that the respondents react positively towards the measures, but at least two thirds of them are not willing to pay extra taxes for these measures (Van Wilsem & Van der Woude, 2011, p. 30), showing that it is not seen as the highest priority.

These measures and these questions do seem as a priority when fear of terrorist attacks is involved. The aim of this study is to look further into this fear and how this has transformed society, because it is striking that as soon as the question is asked about their willingness to pay, citizens are not as willing as they were at the beginning when asked about the implementation of antiterrorism measures or giving up more of civil liberties and privacy in general in exchange for security. In other words, the stark contrast is visible as support of antiterrorism measures is high when talking about fear of a terrorist attack, but as soon as citizens have to think about other measures and its consequences, they are not as willing. Therefore, I would like to examine this mechanism of the use of emotion such as fear and rational thinking when people decide about the trade-off between privacy and security.

2.3 DECISION-MAKING

When researching decision-making, there is often the consideration of ‘the head’ and ‘the heart’, where the former is concerned with rationality and the latter with emotions. The former has been dominant in International Relations because of rational choice theory which assumes that people are rational actors who weigh different sides when making a decision and choose the one that

will bring the greatest returns (Gordon & Arian, 2001, p. 206). The latter is not part of this equation because it is difficult to measure emotions and their impact on actions and decisions, especially if the data are to be generalized (Crawford, 2000, pp. 118-119). Slovic, Finucane, Peters and MacGregor also argue that it has been part of evolution. When life was simpler, there was no need for analytic tools. Nevertheless, as it became more complex, humans gained more control over their environment, using analytic tools and as a consequence, analytic thinking gained more focus and affect while emotions were seen as a distraction (2004, p. 313).

However, many psychological scientists and decision researchers are increasingly seeing the importance of feelings and some even consider emotions as the dominant driver in people's decision-making, both consciously or unconsciously (Slovic et al., 2004, pp. 313-314; Lerner, Li, Valdesolo & Kassam, 2015, p. 801; Loewenstein, Weber, Hsee & Welch, 2001). Decision-making can be viewed as the channel through which emotions guide everyday attempts avoiding negative feelings and increasing positive feelings, but also, decisions can be the channel to increase a negative emotion or decrease a positive one (Lerner et al., 2015, p. 801). Gordon and Arian (2001) have provided evidence in their research that decision-making process specifically about policy is mostly guided by emotion, with logic playing a part in it as well. Especially under conditions of high threat. When one feels very threatened, the process will *mostly* be led by emotion instead of logic, and with low threat, both emotions and rational play an equal role in the decision-making process (Gordon & Arian, 2001, pp. 211-212). Granted, this research was conducted on policy makers faced with a decision during a crisis or a threat, but as Gordon and Arian argue, it is about individuals that make decisions, in this case about policies, regardless if the decision is for their own, for a group or for a nation (2001, p. 205).

2.3.1 Prospect theory

Also challenging the rational model is prospect theory, developed by Amos Tversky and Daniel Kahneman. According to the authors, basic principles belonging to the normative models of choice such as expected utility theory and rational choice theory are often violated by decision makers (Tversky & Kahneman, 1986, p. 252). Tversky and Kahneman explain in prospect theory that there are two phases in the process of decision-making, editing and framing happen in the first phase and evaluation happens during the second phase. During the former, the available prospects are analyzed and often simplified by the individual, followed by an evaluation of these

prospects and the prospect with the highest value is then chosen during the latter part of the process (Kahneman & Tversky, 1979, p. 274). The rationality of choice is limited because of different aspects and some of these aspects are based on psychological considerations. For example, the framing of decisions that happens during the first phase of the choice process is determined by the formulation of the problem, the context of choice and the decision maker's norms, habits and expectancies, leading to our decision-making process being necessarily informal and incomplete (Tversky & Kahneman, 1986, p. 257, p. 273). So, when dealing with complex problems, individuals tend to lean on certain heuristics, or rules of thumb, to simplify the available prospects and the process of evaluating these prospects (Tversky & Kahneman, 1992, p. 317). However, this dependence on simplifying heuristics can lead to predictable biases or systematic errors in people's judgments (Kahneman, 2011, p. 7).

These decisions and judgments are formed in the two systems in our mind. The first one (*System 1*) has an intuitive role that operates automatically and quickly. It generates impressions, intentions and feelings that become the main source of the explicit beliefs and deliberate choice of *System 2*, which functions as the conscious, reasoning self – the one we identify with and call “I” (Kahneman, 2011, pp. 20-21). Most of what we think and do originates from *System 1*, but *System 2* takes over when things become more complex. Also, as the former cannot be turned off at will, biases and errors can be difficult to avoid, it is only possible when the latter is aware of the error (which does not happen every time) and it heightens effort and monitoring. However, *System 2* works too slowly and inefficiently to replace *System 1* in making routine decisions (Kahneman, 2011, p. 28). Hence, both systems with different functions reinforce each other. This theory about two different systems in the mind has been influential in studying decision-making. Researchers have built further on Tversky and Kahneman's theory, one of them being Seymour Epstein, one of the leading researchers regarding the influence of emotion on decision-making which will be discussed below.

2.3.2 Cognitive-experiential self-theory

Epstein's theory departs from Tversky and Kahneman's where he considers heuristic processing being an integrated system instead of a convenient cognitive shortcut (Epstein, Pacini, Denes-Raj, & Heier, 1996, p. 392). Epstein also argues in his Cognitive-experiential self-theory (CEST) that there are two parallel and interactive modes of processing information, analytic-rational and

intuitive-experiential (1991, 1994), but the level of individual's reliance on which mode may differ (Epstein et al., 1996, p. 392). The process of these two thinking styles differs significantly from each other and people are aware of their existence and occurrence (Epstein, 1994, p. 710). In comparison, the rational¹ system is 'the head' and the experiential system is 'the heart', "the rational system operates mostly at the conscious level and is intentional, analytic, primarily verbal and relatively affect free. The experiential system is assumed to be automatic, preconscious, holistic, associationistic, primarily nonverbal and intimately associated with affect" (see table 1 to see the full comparison of the two systems) (Epstein et al., 1996, p. 391). Epstein et al. (1996) argue that the two modes are not exact opposites from each other, but they are independent, they operate differently, and both contribute to people's behavior, just as System 1 and System 2 by Kahneman. Their research also shows that the experiential mode of information processing is the natural one, or the 'default' mode of how people respond to situations (Epstein et al., 1996, p. 401). This is due to the fact that the cognitive system, which also include decision-making processes, that is associated with emotions, exists in the experiential system (Epstein, 1991, p. 125).

While the rational mode guides people's behavior by direct evaluation of stimuli, the experiential system is guided by feelings, from subtle ones of which people are often not aware, to full-blown emotions of which people most of the time are aware (Epstein, 1991, pp. 121-122). These feelings or vibes are based on past experiences, which motivate the person to continue the experience if it is a pleasant one and stop immediately if it is unpleasant. This process happens quite quickly that it appears as if the behavior that follows is an immediate reaction. People are, therefore, less in control of their conscious thinking than they like to believe (Epstein, 1991, p. 122). The rational processing may be more useful to analyze and considering long-term consequences but does not mean that it is the best way to solve all variety of problems. The holistic approach is less likely to lose sight of the emotional consequences or does not overlook significant sources of data which are gained intuitively (Epstein, 1991, pp. 123-124).

¹ The word *rational* refers to a set of analytical principles and not to reasonableness of people's behavior (Epstein, 2003, pp. 159-160).

Table 1 Comparison of the Experiential and Rational Systems

<i>EXPERIENTIAL SYSTEM</i>	<i>RATIONAL SYSTEM</i>
1. Holistic	1. Analytic
2. Emotional; pleasure-pain oriented (what feels good)	2. Logical; reason oriented (what is sensible)
3. Associationistic connections	3. Cause-and-effect connections
4. Outcome oriented	4. Process oriented
5. Behavior mediated by vibes from past experience	5. Behavior mediated by conscious appraisal of events
6. Encodes reality in concrete images, metaphors and narratives	6. Encodes reality in abstract symbols, words, and numbers
7. More rapid processing; oriented toward immediate action	7. Slower processing; oriented toward delayed action
8. Slower to change; changes with repetitive or intense experience	8. Changes more rapidly; changes with speed of thought
9. More crudely differentiated; broad generalization gradient; categorical thinking	9. More highly differentiated; dimensional thinking
10. More crudely integrated; dissociative, organized in part by emotional complexes (cognitive-affective modules)	10. More highly integrated
11. Experienced passively and preconsciously; seized by our emotions	11. Experienced actively and consciously; in control of our thoughts
12. Self-evidently valid: "seeing is believing"	12. Requires justification via logic and evidence

Note. Adapted from Epstein, S. (1991). "Cognitive-experiential self-theory: An integrative theory of personality", by Epstein, 1991, in *The relational self: Theoretical convergences in psychoanalysis and social psychology*, 111-137.

These two systems may come in conflict with one another, but when the rational system is aware of the experiential system, the former can usually override the latter. However, when the conflict is not recognized, the experiential mode then dominates and influences the rational mode in an unreasonable way (Epstein, 1991, p. 124). Also, at times, people are aware that the appropriate response should be rational, but the experiential mode may still override the rational system if it

seems more compelling. For example, when dealing with certain abstract representations, the experiential mode is more responsive to and thus ‘prefer’ concrete representations (Epstein, 1994, pp. 718-719). This is evident as people tend to fall back quicker on affect and emotion because it is an easier and more convenient way to navigate in a complex and sometimes dangerous world (Slovic et al., 2004, p. 313). Another mechanism evolved for survival is the individual’s ability to make basic assessments, where our mind continuously assesses whether situations are good or bad, or to see whether someone is a friend or a foe at a glance (Kahneman, 2011, p. 90). This natural behavior has even been put to a new use in the modern world, it can influence how people vote, only by assessing candidates’ attributes. Of course, the relative importance of this working of the mind in deciding whom to vote for differs for everyone (Kahneman, 2011, p. 91).

Relying on affect heuristics in times of trouble can be associated with Gordon and Arian’s conclusion that when one feels very threatened, decisions made are mostly led by emotion while in a situation with low threat, emotions and rationality play an equal part. Or in the terms used by Epstein, when one feels very threatened, decisions made are mostly led by the experiential system and when one is in a situation perceived as low threat, both systems play an equal role. Irrational fears form an example of a nonrational, and thus experiential, way of processing information. Many people are aware that travelling by car is more dangerous than travelling by plane, but still, there are more people afraid of the latter than the former. This shows that the experiential system has established that the ground “feels” safer through past experience with heights and its own form of deduction (Epstein, p. 1991, p. 125). Another research has shown that certain situations that people associate with strong feelings can have an overwhelming effect, even though the likelihood of these events happening is slim (Rottenstreich and Hsee, 2001 as cited in Slovic et al., 2004, p. 320; Loewenstein et al., 2001).

Indeed, our mind’s ability is limited in dealing with small risks: we either overlook them completely or magnify the risks (Kahneman, 2011, p. 143). For example, if the number of casualties from terror attacks is compared to other causes of death such as traffic deaths, it is evident that the former is relatively smaller even in countries that have been targets of frequent terror campaigns. However, as horrific pictures are so easily and frequently spread by the media, this risk comes easier and more often to mind (Kahneman, 2011, p. 142) – terrorism speaks

directly to *System 1* or the experiential system. This is also shown by Loewenstein et al. in their research about the two different ways of processing information when faced with risk, people evaluate the risk cognitively and react to it emotionally, but certain emotions can arise with minimal cognitive evaluation so that people experience fear reactions without even knowing what they are afraid of (2001, p. 280). So, an example of this can be the fear of a terrorist attack in the Netherlands. Even though it is not something that is likely to happen, people often “maintain their unrealistic distressing beliefs at great personal cost, despite recognizing that they are irrational” (Epstein, 1994, p. 711). Therefore, the contrast of the ‘head’ and the ‘heart’ as decision-makers will be researched in this thesis, regarding people’s decision in the trade-off between privacy and security.

3 METHODOLOGY

3.1 RESEARCH DESIGN

As set out in the previous chapters, there have been some theories and explanations surrounding the trade-off between security and civil liberties, with different underlying assumptions on how people decide on this matter. In this qualitative study will be researched if people initially make these decisions using their emotions or through a rational process, and specifically, if this fact influenced their decision in the referendum of the Dutch intelligence law in 2018. To do this, an explanatory research will be conducted, using theories mentioned before, such as Epstein's two thinking styles. Based on the research question, "how do rationality and emotions influence our decision-making process regarding the trade-off between privacy and security?", an explanatory research is chosen because this type of research can be utilized to explain a particular case, build a comprehensive causal account of a general phenomenon, or establish a general causal relationship that holds for a population of cases (Toshkov, 2016, p. 35). This research is thus the appropriate choice as Epstein's theory about the rational and emotional thinking styles will be applied to voters in the Dutch referendum to try and explain why and how voters came to their decision.

A case study design will be employed as they are the preferred strategy when using "how" and "why" questions in one's research (Yin, 2003, p. 7). Moreover, case studies will help to gain in-depth knowledge, showing why the case in this research is an important phenomenon (Siggelkow, 2007, pp. 21-22). According to Yin (2003), even a single-case study can be used to conduct an explanatory research. The single case that will be used is the Dutch intelligence law referendum in 2018.

3.2 CASE SELECTION

The referendum makes an interesting case as this event can be used as proxy to assess people's opinion and reasons about the trade-off between privacy and security: are the yes-voters or the no-voters more influenced by emotions or the rational system? Or is it the same for both groups? If Epstein's theory is correct, then it will be apparent in this research that there is indeed two different ways of processing information that contribute to people's behavior. The 'default' mode, what comes naturally, is the experiential system that is emotionally driven. However, this

system can be overridden by the rational system when they are in conflict, except when the rational system is not aware of a conflict between the two systems. Then, the experiential system dominates and influences the rational system unreasonably. So, the question is, which of the two is more dominant in the case of the trade-off between privacy and security? In other words, does the fear of terrorism influence people's decision or is it because of thorough deliberation that they are more willing to give up privacy for security?

Moreover, what makes the case relevant is that the referendum was labelled by the media and public figures as a trade-off between privacy and security and is accepted by the Dutch public. This is evident in news headlines ('Voting concerning the intelligence law: do you choose privacy or security?'², 'Intelligence law is a threat for human rights'³), discussions on television which also include politicians, as well as Dutch Prime Minister who pointed out that people should vote yes because it is concerning the security of the Netherlands⁴. The public acceptance is apparent from the national report on the intelligence law by Jacobs et al. (2018), where they found that the most important reason for the yes-vote, which was surprisingly unified in their answer, was the security in the Netherlands, while the no-vote contained more varying reasons with privacy being emphasized (2018, p. 18). This is supported by the interviewees' answers in this current study which will be further explained in chapter 4.1.

3.3 DATA COLLECTION

Data were collected through in-depth interviews. As detailed insights are needed from individuals, conducting interviews is the appropriate method to collect data in this research. Interviews make it possible for researchers to assess how individuals view certain matters, even their underlying beliefs and motivations. A qualitative research method such as interviews provide a deeper understanding of a specific social phenomenon than pure quantitative methods do (Gill, Stewart, Treasure & Chaadwick, 2008, p. 292). Furthermore, interviews can discuss processes and capture competing interpretations of events (Weiss, 1994 as cited in Kapiszewski, MacLean & Read, 2015, p. 190).

² 'Stemmen over de 'sleepwet': kies je voor privacy of veiligheid?' an online article by RTLZ, retrieved from <https://www.rtlz.nl/algemeen/artikel/4001721/stemmen-over-de-sleepwet-kies-je-voor-privacy-veiligheid>

³ 'Sleepwet vormt bedreiging voor mensenrechten' an online article by Amnesty International, retrieved from <https://www.amnesty.nl/mensenrechten-in-nederland/veiligheid-en-mensenrechten/sleepwet>

⁴ EenVandaag (Producer). (2018, March 19). INTERVIEW | Mark Rutte tegenstander raadgevend referendum: "Kantklossen is ook leuk" [Video file]. Retrieved from <https://www.youtube.com/watch?v=z7M0DJ8euRo>

The interview questions were formed based on the several research and theories set out in the theoretical framework and will be presented below in the last subchapter. Data obtained from the interviews are used as the main source for this case study. These case study interviews may generate relational information about the society in which they are embedded, and which cannot be obtained using any other method (Leech, Beth, Baumgartner, Berry, Hojnacki & Kimball, 2013, p. 32). Gubrium and Holstein argue that in-depth interviews can explore the emotional realm as they can provide more information on the deep self, hidden feelings and most heartfelt views (2001, p. 57). Also, in-depth interviews are a way for researchers to understand the views of processes, norms, decision-making, interpretations and motivations, including the hopes and fears of the interviewees (Guest, Namey & Mitchell, 2012, p. 116), which all form relevant knowledge as people's ways of information processing and decision-making will be observed in this thesis.

Moreover, there are no exact indications showing how many interviews are enough to reach saturation. However, Guest, Bunce and Johnson argue that their dataset was relatively 'thematically saturated' after twelve interviews out of sixty, which means that 88% of the total codes applied to the entire dataset was identified and developed after analyzing twelve interviews (2006, p. 74). Roughly similar estimation was made by Hennink, Kaiser and Marconi (2016), who argue that for researchers to have 'heard it all' happen after their ninth interview, but they reach meaning saturation, or at least a rich understanding of the issues they are researching, sixteen to twenty-four interviews are needed. For this current study, seventeen voters had agreed to do an in-depth interview. Even though only seventeen people agreed, there were more people asked, and a handful of them could not be included as they did not vote, even though they found the privacy-security debate relevant and important.

Furthermore, the author is aware that several months have passed since the referendum took place, therefore, the questions were sent in advance to the interviewees so that they will be able to think them through before the interview takes place. As well as a newspaper article on the pros

and cons of the intelligence law⁵. Of course, there is a certain bias to every newspaper, but the author has chosen the article with the most thorough, yet concise list of pros and cons.

After the interviews were conducted and transcribed, the yes-voters will first be analyzed by finding quotes that are specifically about the privacy and security trade-off and to present that a yes-vote was a vote for security. The same process is done to analyze the no-voters and to show that a no-vote was a vote for privacy. This process is then repeated, but now the transcripts will be analyzed using Epstein's categorization of the two systems and see which side is dominated by which system.

3.4 SAMPLE SELECTION

The population to be studied in this research is the Dutch citizens, as the Dutch are what makes this case interesting. As mentioned before, there have been no major attacks in the Netherlands, however, there are thorough measures taken with mitigating terrorism as motive that form an intrusion to citizens' privacy. To be more specific, the subject of the study are citizens that voted during this referendum assuming that these citizens have thought about the issue because they have made an effort to vote in the first place. Therefore, the sample of this research will consist of a handful of Dutch citizens who voted in the referendum on the intelligence law. Both sides will be interviewed to assess how people differ in their opinions and decision-making and to establish whether there is even a difference in citizens' decision-making process even if they voted differently. Even though this referendum is only advisory, it is chosen as the proxy as it is the latest platform for all Dutch citizens to not only express but also to translate their opinion into a vote regarding an intelligence law that is concerned with antiterrorism measures and privacy at the same time.

Furthermore, building on Van Wilsem and Van der Woude's research where it is established that background characteristics such as age, sex, income do not determine citizens' attitude toward antiterrorism measures, the sample chosen is not random but chosen through accessibility with time limit in mind. As this research is qualitative of nature and the goal is to find shared, high-level themes across a group of individuals, depth is the methodological objective rather than

⁵ The article used is called 'Waarom zou je voor of tegen de Inlichtingenwet stemmen? En 18 andere vragen' by Van Lonkhuyzen, Van den Dool and Versteegh and was published in the Dutch newspaper *NRC Handelsblad*. Retrieved from <https://www.nrc.nl/nieuws/2018/03/16/voorkomt-de-sleepwet-aanslagen-13788220-a1579490>

breadth, and for this reason, smaller sample sizes will suffice (Padgett, 2008, p. 56 in Guest, Namey & Mitchell, 2012, p. 63). The interviewees are approached or found through snowball sampling or chain referral (Guest, Namey & Mitchell, 2012, p. 51), so through existing interviewees' social networks of whom they know voted in the referendum. Of course, the author is aware that this will not be representative for all Dutch citizens because of the nature of the sample, but the effort was made to select Dutch citizens as diverse as possible. As mentioned before, background characteristics do not influence citizens' attitude on the matter, but it is to strive to hear stories from varying views and backgrounds.

3.5 LIMITATIONS

As this is a master thesis and time is thus very limited, it is not possible to do an experiment to establish people's behavior or a thorough personality test to measure in detail as Epstein did in his research about the thinking styles. However, Epstein has described twelve characteristics of the experiential system and twelve of the rational system (1994, p. 711). The interviews will be coded and analyzed based on this comparison. Moreover, the author is aware that in-depth interviews are often not used as the sole source of data in research (Gubrium & Holstein, 2001, p. 104), however, the time limitation and the context of a master programme restrict further research.

Validity and reliability

It is not the goal of this study to generalize to other cases, so the external validity will be low, however, if there are new mechanisms found in this research, it is possible to generalize a case study to theory (Toshkov, 2016, p. 305). Another problem with case studies is that there is a need for much prior knowledge, building blocks, of individual explanations (Toshkov, 2016, p. 305). Although this should not be a problem in this research, as elaborated in the theoretical framework, there have been alternative explanations tested and this will simply be another factor that can be taken into consideration when thinking about why people can be willing to trade-off privacy and security and not necessarily explain a causal relationship.

Other limitations of this study include biases. Interviews as data collection is prone to biases, not only from the interviewees but also from the researcher's interpretations. Interviews are people's accounts, so they provide access to what people are willing to tell which lead to self-report bias,

however, to know the reason behind people's decisions is to actually talk to them, that is why an in-depth interview is still the most suitable method (Guest, Namey & Mitchell, 2013, p. 118). However, this bias may affect the reliability of this study as the coding of the interview transcripts are done by the author herself and there is no guarantee, even with Epstein's categorization of the two systems, that the indicators and interpretation will remain constant.

3.6 OPERATIONALIZATION

In the second part of the analysis, the interviews are coded according to table 2 on the next page. Epstein's conceptualizations of the experiential and rational systems from table 1 are used as concepts. Its qualitative descriptions from the same table and from the theoretical framework are used as indicators to code the interviews. Subsequently, the concepts are linked with the relevant interview questions in which the author expects to find the corresponding indicators in the respondents' answers. As these were in-depth interviews and long answers were encouraged, each question can elicit multiple concepts from the respondents. The interview questions can be found on page 23.

Table 2 Coding the interviews

TYPE OF DECISION-MAKING	CONCEPTS	INDICATORS	RELEVANT QUESTIONS
<i>EMOTIONAL</i>	Pleasure-pain oriented	Referring to feelings: something does or does not feel good	Questions 1, 2, 3, 8
	Associationistic connections	Making associations rather than cause-and-effect connections	Questions 4, 6, 8
	Encodes reality in concrete images	Using concrete images, metaphors and narratives to explain events	Question 10
	Rapid processing	Oriented towards immediate action	Questions 5, 6
	More crudely differentiated thinking	Categorical thinking	Questions 4, 7
	Experienced passively	Seized by our emotions	Questions 1, 2, 3, 9
<i>RATIONAL</i>	Logical	Referring to what is sensible	Questions 1, 2, 3, 8
	Cause-and-effect connections	Looking at the cause and effect of a certain issue	Questions 4, 6, 8
	Conscious appraisal of events	Behavior motivated by appraisal of events rather than past experience	Questions 3, 4, 7
	More highly differentiated	Ability of dimensional thinking rather than categorical	Questions 4, 7
	Experienced consciously	In control of our thoughts	Questions 1, 2, 3, 5, 9
	Logic and evidence	Requires justification via logic and evidence	Questions 3, 4, 7, 10

Questionnaire

- **How strongly do you feel about the adjustments made to the intelligence law (Wet op de Inlichtingen- en Veiligheidsdiensten)?**
- **In general, do you think positively or negatively about the adjustments of the intelligence law?**
- **How trustful are you that this law will help mitigate terrorism in the Netherlands?**
- **Do you think the measures are proportionate for mitigating terrorism?**
- **How long did it take for you to decide what your vote for the referendum will be?**
- **How did you come to your decision?**
- **The referendum was framed as security vs. privacy, do you agree with this framing?**
- **What is your view on privacy?**
- **When voting in general, there is a saying that you either vote with your head or your heart, which of the two do you think is applicable in your case?**

Sub questions:

Was this the same for this referendum on intelligence law?

Why do you think it is with your head/heart?

- **Would you be willing to spend 30 euros more on tax money for the measures that enable the intelligence law (with the reminder that more tax money for these measures means less money for measures in other sectors such as education or public transportation)?**
 - **If yes: would you also be willing to spend 60 euros more?**
 - **If no: would you be willing to spend 15 euros instead?**

Question 1. “How strongly do you feel about the adjustments made to the intelligence law (Wet op de Inlichtingen- en Veiligheidsdiensten)?” This first question, along with the second one, is based on Jansen et al.’s research. They are asked to establish the respondents’ attitude towards the law in general and to form a base for the interview. It functions as an assessment and to explore a bit how the interviewees feel about the law. So, the focus is on immediate feelings and emotions.

Question 2. “In general, do you think positively or negatively about the enhancement of the intelligence law?” A chance to elaborate further their view on the law, using the words ‘positive’ and ‘negative’, to establish their view more clearly. Together with question 1, the author aimed to find respondents referring to certain feelings or to talk about what is sensible (pleasure-pain oriented, or logical).

Question 3. “How trustful are you that this law will help mitigate terrorism in the Netherlands?” This question coins the concept of terrorism to see what kind of reaction respondents will give, in case they do not bring it up themselves. Also, the term trustful can lead to respondents answering emotionally, or to show that their opinion is based on appraisal of events and they require justification via logic and evidence. These indicators were also expected to be found in the answers to the next question.

Question 4. “Do you think the measures are proportionate for mitigating terrorism?” This question is based on Solove’s argument about the proportionality of measures compared to the actual risk. This question gives respondents the chance to delve deeper into the subject, specifically to get them to discuss the proportionality of the law. Moreover, when discussing proportionality, it is possible that respondents will make associations or cause-and-effect connections and show either categorical or dimensional thinking.

Question 5. “How long did it take for you to decide what your vote for the referendum will be?” Establishing a time frame and help the respondents to think about the process they went through when making this decision. This question helps the author to find if the respondents are oriented towards immediate action or if they are more in control of their thoughts.

Question 6. “How did you come to your decision?” This is also a chance for them to describe their decision-making process in more detail that will help the author to look for associationistic connections and rapid processing or cause-and-effect connections made by the respondents.

Question 7. “The referendum was framed as security vs. privacy, do you agree with this framing?” Steering the respondents to think of the issue this way if they did not before. If it is framed this way, then they can link the terms and see how they feel about this and a chance to help them explain their decision-making with these terms (security and privacy). Their answer may show categorical or dimensional thinking and they may show if they make conscious appraisal of events and require justification via logic and evidence.

Question 8. “What is your view on privacy?” Exploring their views on privacy specifically and assess the importance of privacy independently from security. This question prompts respondents to either refer to feelings or what is logical.

Question 9. “When voting in general, there is a saying that you either vote with your head or your heart, which of the two do you think is applicable in your case?”

Sub questions: “Was this the same for this referendum on intelligence law?” “Why do you think it is with your head/heart?” This question may be a bit too on the nose, but it provides a way to see whether people are truly aware of their experiential and rational system being separate systems in their thinking process as theorized by Epstein.

Question 10. “Would you be willing to spend 30 euros more on tax money for the measures that enable the intelligence law (with the reminder that more tax money for these measures means less money for measures in other sectors such as education or public transportation)?” If yes: “would you also be willing to spend 60 euros more?” If no: “would you be willing to spend 15 euros instead?”

This question is based on the Van Wilsem and Van der Woude’s research to establish their willingness to pay, while also reminding them of the consequences of their choice: for example, more tax money towards antiterrorism measures means less money for other sectors. This is also a way to make the issue more concrete for respondents as Epstein argues that the experiential mode is more responsive to concrete representations.

4 ANALYSIS

The analysis will be presented in two ways. The first one will focus on the common features found in the respondents' answers about their view of the privacy and security trade off and also to show that a yes-vote in the referendum was a vote for security and a no-vote means the respondent is leaning towards privacy, which then will be linked with the theories elaborated in the theoretical framework. The second part of the analysis will focus on the comparison of the experiential and rational systems as set out by Epstein (see table 1) and see if there is a clear distinction between the respondents who were against the adjustments of the intelligence law and the respondents who were in favor of the adjustments. Did one side clearly vote based on one of the two systems or were both sides motivated by the same things? Both parts of the analysis will be elaborated by quotes from the interviewees. The interviews were conducted in Dutch but for convenience the quotes will be translated to English in-text and the original quotes will be included in the footnotes.

4.1 PRIVACY VERSUS SECURITY

4.1.1 Yes-voters' perspectives

Most yes-voters do imply that they see the adjustments of the law as a tool to prevent terrorist attacks from happening and handle certain threats to our society – especially in this modern time where technological advancements are happening at an unprecedented fast pace. They see the necessity for intelligence services to be technologically as up to date as possible. As this respondent notes:

Interviewee 2: "The government has to keep up with the times as well. Terrorists and criminals make use of the newest technologies, so it is logical that our enforcers can use and monitor with the same tools. Otherwise they have to do their job with their hands tied. So, if they can look into the communication of the terrorists I really think this will help. Just like back in the days when they could listen in on phone calls, but now with the internet..."⁶

⁶ "De overheid moet ook met de tijd mee... terroristen en criminelen maken gebruik van de nieuwste technologieën, dus het is niet meer dan logisch dat onze handhavers dezelfde middelen kunnen gebruiken en monitoren. Anders moeten ze hun werk doen met de handen op de rug gebonden. Dus als ze mee kunnen kijken met de communicatie

After the fight against terrorism and technological advancement as the necessary tool, trust in government and just as Solove argued, the “nothing to hide” argument are often repeated by respondents:

Interviewee 4: *“I trust our democratic state to... carefully use and control and if see fit to catch up on the technological field that can provide safety from current threats.”*⁷

Interviewee 6: *“I have nothing to hide, let them investigate bad people. They may investigate me as well because I have nothing to hide. I think that is true for a lot of people. But on the other hand, the less the government knows about me the better... but if they are doing [data gathering] anyway...”*⁸

Furthermore, many interviewees do see the issue as it is framed: privacy versus security. There seems to be no middle ground and with no possibility of the two co-existing together. There are less than a handful of the yes-voters that see it otherwise. One interviewee argues that it is because the old intelligence law was not protective of individual’s privacy either, so there will not be a lot of change happening when it comes down to privacy. Another argues that the referendum is not a choice between privacy and security because he does not think that there is such a thing as privacy anymore and the government already knows everything about everyone. There are three other interviewees who argue that it is more nuanced and not exactly a clear trade-off, for example:

Interviewee 6: *“I have questions concerning security. I think that the government... that it’s about... there are other things... if you’re going to measure security in human lives then there are other things the government can*

van terroristen denk ik zeker dat het helpt. Zoals ze vroeger telefoongesprekken afluisterden, maar dan nu met het internet...”

⁷ “Ik vertrouw op onze democratische rechtsstaat om... de wetgeving zorgvuldig te gebruiken en te controleren en acht het nodig om een inhaalslag te maken met de wetgeving op technologisch gebied om het hoofd te kunnen bieden aan hedendaagse dreigingen.”

⁸ “Ik heb niets te verbergen, laat ze die slechte mensen gaan onderzoeken. Ze mogen mij ook onderzoeken want ik heb niets te verbergen. Denk dat dat voor veel mensen opgaat. Aan de ene kant hoe minder de overheid van mij weet, hoe beter... maar als ze het dan toch doen...”

do. Traffic safety, railway [safety] what we talked about, there are other things that you can think about that are effective... this is a kind of false security."⁹

Interviewee 9: *"not everyone's privacy is threatened, only that of the people who surround those with potential terrorist intentions."*¹⁰

Even after some nuance, in the end, the same interviewees, together with the other yes-voters, still consider the issue as an exchange between privacy and security, with the latter being prioritized:

Interviewee 2: *"is this not the only discussion point, what is more important, your security overall or that the government can track your internet use? It is obvious that it is safety first..."*¹¹;

Interviewee 3: *"in the end I appreciate [saving people's lives] more than the privacy I have to give up."*¹²

4.1.2 No-voters' perspectives

Evidently, most heard reasons revolve around peoples' worries and fears for terrorist attacks. This forms the biggest influence for respondents who voted yes in the referendum, but this reason is also mentioned by the ones who are against it. The difference is that the latter group mentions it in a different context, more in the sense of their understanding how combating terrorism can be necessary, but not how the adjustment of the intelligence law will help. This argument is repeated by a couple of no-voters as they see the intelligence services as quite capable in tracking down terrorist activities already and that gathering more citizens' data will not lead to a more efficient approach in combating terrorist activities. As this respondent notes:

Interviewee 14: *"I think negatively of this, especially because there seems to be no clear inadequacy in combating terrorism and radicalization for which this law*

⁹ "ik heb wel vraagtekens bij de veiligheid. Ik denk dat de overheid... dat het meer gaat om... er zijn andere dingen... als je veiligheid gaat afmeten in mensenlevens dan zijn er veel meer dingen waar de overheid zeker meer aan zou kunnen doen. Verkeersveiligheid, spoorweg hadden we net over, er zijn meer dingen wat je kan bedenken die van effectief... dit is een beetje schijnveiligheid."

¹⁰ "niet de privacy van elk persoon is bedreigd, alleen die van mensen die zich omringen met mensen met potentiële terroristische intenties"

¹¹ "Nou ja dat is wel het enige discussiepunt toch, wat is belangrijker... je veiligheid of je digitale privacy? Dan gaat veiligheid toch voor."

¹² "Uiteindelijk waardeer ik [mensenlevens redden] hoger dan wat ik aan privacy moet inleveren"

is drawn up. There are already possibilities for the government to be able to screen suspects, it does not seem like a good idea to give more freedom to the intelligence service to be able to screen large groups of 'innocent' people. Especially because this information can be shared with other states which may gain something from the increased information about certain communities, for example Turkey and Muslims that are critical about this regime... ”¹³

How the yes-voters see the necessity of the technological advancement that comes with the law adjustment, the no-voters see this as a problem because they do not understand how the government can guarantee safety for all these data being collected, especially as they can be shared internationally. They do not trust the capacity of the government services to be able to execute it safely enough or as opposed to the yes-voters, they do not trust the government and its motives:

Interviewee 16: “Terrorism is actually always an excuse and never the actual cause. I think that the law is mainly meant to make it easier to control and rule society.” ¹⁴

Interviewee 17: “[the government] already has so much authority to monitor us in everything. Biometric data, face recognition, tracking of our phones, there is no reason to make this information public. At the end of the day, the people who check on us are also people. If you look at the past, how it can go wrong with big government agencies, the data can leak. Apple already has problems with it and the Dutch government is just supposed to be able to do it? Terrorists are more advanced than our government, they can also get to those data. So, I don't think that it's going to help much, these law adjustments.”¹⁵

¹³ “Ik sta er negatief tegenover, voornamelijk omdat er geen duidelijk tekortkoming lijkt te zijn in de bestrijding van terrorisme en radicalisering waarvoor deze wet is opgesteld. Er zijn al mogelijkheden voor de overheid om verdachte te kunnen screenen, mij lijkt het dan ook geen goed idee om meer vrijheid te geven aan de inlichtingendienst om grote groepen ‘onschuldige’ mensen te screenen. Voornamelijk ook omdat deze informatie nu zou kunnen worden gedeelde met andere staten die belang kunnen hebben met meer informatie over bepaalde bevolkingsgroepen, bijvoorbeeld Turkije en kritische moslims over zijn regime...”

¹⁴ “Terrorisme is eigenlijk altijd een excuus en nooit de daadwerkelijke aanleiding. Ik denk dat de WIV met name bedoeld is om het makkelijker te maken de samenleving te controleren en te beheersen”

¹⁵ “ze hebben al zo veel bevoegdheden om ons te controleren over alles. Biometrisch data, gezichtsherkenning, tracking van onze telefoons, er is geen reden om al die informatie openbaar te maken. Aan het eind van de dag zijn de mensen ons controleren, ook mensen. Als je naar het verleden kijkt, hoe het mis kan gaan bij grote

Additionally, the no-voters differ with the yes-voters in the way that they definitely do not perceive security and privacy as a simple trade-off, not in the referendum, nor the issue as is, and have expressed this more clearly during the interviews:

Interviewee 12: *"In this way [security versus privacy] it seems that security is determined by the extent to which we let the government compromise our privacy"*¹⁶

The no-voters do not see the intelligence law as something safe or something that can bring about security. Most question the security issue, because if the law is about security, then it may lead to more profiling. Also, there are practically no terrorist attacks in the Netherlands, and the relatively small attacks that did happen or were planned, the Dutch intelligence services already had the perpetrators on their radar. When it is put this way, some of the respondents doubt if security is not just a hyped concept for the government to implement new measures and curtail our privacy. In other words, they doubt if such laws are in proportion to the actual threats in the Netherlands.

Indeed, privacy and its possible misuse seem to have more influence in the no-voters' choice in this referendum than they did for the yes-voters and they have expressed stronger opinions when it comes to the privacy matter. There was no mention of privacy being a basic human right in the interviews with the yes-voters, but almost every respondent who is against the law adjustment has discussed this to be a crucial issue and an important reason to vote no in the referendum. Furthermore, the nothing-to-hide argument does not seem to be relevant for the no-voters. In fact, most find it almost grim that the government is already able to gain much insight into citizens' daily lives, let alone allowing them to have more access:

Interviewee 10: *"I find that privacy contains a bit of security, but the security of personal data from governments and companies. Data and behavior are attached to an individual and not everyone has the right to look into it. The fact that companies and governments already have much insight in people's behavior is in*

overheidsinstellingen, de data kunnen gewoon lekken. Apple heeft er moeite mee. En dan moet de Nederlandse overheid dat kunnen? Terroristen zijn veel verder dan onze overheid, ze kunnen dan ook bij die data komen. Dus ik denk niet dat het veel gaat helpen, deze wetsaanpassingen. "

¹⁶ "op deze manier [veiligheid versus privacy] lijkt het alsof veiligheid afhankelijk is van de mate waarin wij de overheid onze privacy laten aantasten"

my opinion pretty strange, especially if based on that they can think of what you want before you even know what you want.”¹⁷

Interviewee 17: “[Privacy] is very important and must be safeguarded. Otherwise people will not dare to give their opinion. [They will] have less discussions and share their opinion. If it is monitored 24/7, it will only get worse. With these regulations you give exactly what terrorists want, disrupt an entire society. That we adjust our daily lives.”¹⁸

4.2 ANALYTIC-RATIONAL AND INTUITIVE-EXPERIENTIAL

For this part of the analysis, the interview transcripts were coded using Epstein’s conceptualizations of the two systems by noting which of the twenty-four characteristics are more noticeable in the interviewees’ answers and thus establish whether the experiential or the rational system had more influence in the respondents’ decision-making process. This subchapter will be set out with the help of table 2, which will be shown again below for convenience.

¹⁷ “al vind ik dat het privacy gedeelte ook een stukje veiligheid omvat, maar dan veiligheid van persoonlijke gegevens voor overheden en bedrijven. Gegevens en gedragingen zijn persoonsgebonden en niet iedereen heeft het recht dat in te zien. Het feit dat bedrijven en overheden nu al dusdanig veel inzicht hebben in het gedrag van mensen is naar mijn mening best vreemd, vooral als ze aan de hand daarvan nog eerder kunnen bedenken wat jij zou willen dan dat je het zelf kan.”

¹⁸ “Het is heel belangrijk en moet gewaarborgd worden. Anders durven mensen niet hun eigen mening te geven. Minder discussie aangaan en hun mening delen. Als het 24/7 wordt gemonitord, wordt het alleen erger. Met deze regelgeving geef je juist wat terroristen willen, een heel samenleving ontwrichten. Dat wij ons dagelijkse leven gaan aanpassen.”

Table 2 Coding the interviews

TYPE OF DECISION-MAKING	CONCEPTS	INDICATORS	RELEVANT QUESTIONS
<i>EMOTIONAL</i>	Pleasure-pain oriented	Referring to feelings: something does or does not feel good	Questions 1, 2, 8
	Associationistic connections	Making associations rather than cause-and-effect connections	Questions 4, 6, 8
	Encodes reality in concrete images	Using concrete images, metaphors and narratives to explain events	Question 10
	Rapid processing	Oriented towards immediate action	Questions 5, 6
	More crudely differentiated thinking	Categorical thinking	Questions 4, 7
	Experienced passively	Seized by our emotions	Questions 1, 2, 9
<i>RATIONAL</i>	Logical	Referring to what is sensible	Questions 1, 2, 8
	Cause-and-effect connections	Looking at the cause and effect of a certain issue	Questions 4, 6, 8
	Conscious appraisal of events	Behavior motivated by appraisal of events rather than past experience	Questions 3, 4, 7
	More highly differentiated	Ability of dimensional thinking rather than categorical	Questions 4, 7
	Experienced consciously	In control of our thoughts	Questions 1, 2, 5, 9
	Logic and evidence	Requires justification via logic and evidence	Questions 3, 4, 7, 10

4.2.1 Yes-voters' decision-making process

When looking at the transcripts, it is noticeable that every interview contains characteristics from both the experiential and the rational system. Although a few interviews are clearly dominated by one system. Out of the nine interviews with the yes-voters, one respondent has mostly shown characteristics from the experiential system, while three interviewees have mostly shown characteristics from the rational system.

What is striking is that some respondents tend to begin with something emotional such as talking about their fear of terrorism, but then reason their fear based on conscious appraisal of events and cause and effect connections from the rational system. Or the other way around, starting with something analytic or logical about thinking the issue through, or weighing their options, and showing behavior mediated by conscious appraisal of events, but when talking further about their reasons, the explanation will often entail characteristics from the experiential system. For example, when answering questions 1 and 2, it was expected that respondents may give answers that are pleasure-pain oriented and seized by emotions or referring to what is sensible and in control of their thoughts. Looking at the answer to question 2 by interviewee 5, she mentions that she did look at the issue critically, showing sensibility. However, when discussing her reasons after the decision to vote no, it shows an answer which seems more seized by emotions and later even associationistic:

*Interviewee 5: "I looked at it critically. And then I thought no, I am still in favor [of the law adjustments], because I think that terrorism is a seven-headed monster and that nationalism and populism and you name it. That I think, just collect it and I have nothing to fear. And we do not yet have those American vultures that indeed have incorrect information... so I do believe that with this law that it cannot happen like that. Not like in America, it is really abused there. There, they enter a few words and then you discover something, something innocent like when you say that you are going to light fireworks here and there that an alarm goes off. I think that we are more reliable in that, compared to the Americans. More ethical."*¹⁹

¹⁹ "Ik heb er kritisch naar gekeken. En toen dacht ik nee ik ben er toch voor, want ik vind dat terrorisme vind ik een 7koppige monster en dat nationalisme en populisme en noem maar op. Dat ik denk, verzamel het maar en ik heb niets te vrezen. En we hebben hier nog niet die Amerikaanse aasgieren die inderdaad onterechte informatie, dus die

This was the same with answers to questions 5 and 6, where it was expected that respondents would show either they are oriented towards immediate action or if they are more in control of their thoughts. However, the yes-voters again showed a combination of experiential and rational systems, almost evenly. For example, interviewee 9 talked about the time she took to come to this conclusion (not oriented towards immediate action), but afterwards she discussed the issue with people who had a similar opinion instead of those challenging her views. Or talking about her fear of terrorist attacks in Europe is also more experiential:

Interviewee 9: *“I did not take this decision lightly. It took me a while to come to this conclusion.”*

“Well, before the elections, I discussed this topic on many occasions with some of my friends and family members. Most of them had a similar opinion with mine. So, when talking about this, we did discover many reasons why the intelligence law would be beneficial. In particular due to all the terrorist attacks from Europe in the past couple of years. I do not want the same thing to happen to The Netherlands.”²⁰

Furthermore, in answers to questions 3 and 4 about being trustful of the law and the proportionality of it, every yes-voter has shown characteristics from the rational system, apart from the one respondent mentioned before who mostly showed characteristics from the experiential system. However, the other eight yes-voters’ answers either indicate cause-and-effect connections or clear appraisal of events:

Interviewee 4: *“The current measures are in my opinion, proportional, when looking at the current threats and technological advancements. However, the exact execution and what happens afterwards is hard to predict”²¹*

vertrouwen heb ik toch wel in deze wet, dat dat niet kan gebeuren. Niet zoals in Amerika, daar wordt het echt misbruikt. Daar doen ze een paar woorden en dan ontdek je iets, iets onschuldigs als je zegt dat je daar en daar vuurwerk gaat afsteken dat er al een alarm gaat. Ik den dat wij degelijker zijn daarin, t.o.v. de Amerikanen. Wat ethischer.”

²⁰ “Ik heb dit besluit niet lichtjes genomen. Het heft even geduurd totdat ik op deze conclusie kwam.

Nou, voor de verkiezingen heb ik veel gepraat over dit onderwerp met familie en vrienden. De meeste had eigenlijk een soortgelijke mening... Dus, toen we het hierover hadden, we hadden bedacht dat er wel veel redenen zijn waarom de WIV wel gunstig zou zijn. Vooral door alle terroristische aanslagen in Europa de afgelopen jaren... ik wil niet dat hetzelfde gaat gebeuren in Nederland...”

²¹ “De maatregelen zoals deze op papier staan zijn naar mijn mening proportioneel gezien de huidige dreiging en technologische ontwikkelingen. Echter is de precieze werking lastig te voorspellen en eventuele bijwerkingen die nadelig kunnen uitpakken.”

Answers to questions 8 and 10 also show a combination of both systems, however, the experiential system is somewhat clearer. When discussing something as loaded as privacy respondents' answers show contradictions again. For example, interviewee 3 makes a conscious appraisal of events and finds this as crossing a line, even though he initially argued in question 4 that he has nothing to hide and this will help the intelligence services:

Interviewee 3: *"I myself have nothing to hide, while the [intelligence] services can have more insight into the electronic communication between terrorists with this law"*²²;

*"[Privacy] is increasingly under pressure. Companies such as Facebook, Instagram and Google know a lot about you. The question is how long it will take before they have to share this information with governments. Possibly, it's already happening. That goes a bit too far for me."*²³

However, when discussing willingness to pay, no one is willing to back up their choice and most react in an emotional way.

Furthermore, as Epstein argued, people are aware of both the experiential and rational system. This becomes clear in respondents' answers to question 9 about the two systems and how they influence respondents' choice and votes. However, the majority of the yes-voters were leaning towards the rational system because they have weighed the options and cannot imagine making a choice intuitively except for three respondents. One of them notes:

Interviewee 8: *"In general, I make decisions from an intuitive point of view. I believe that intuition develops and strengthens through experiences that you build up rationally, so it's actually a combination of both for me. My goal is to find a balance and to align my heart and mind. I therefore think that both have been used in the case of this referendum."*²⁴

²² "Ikzelf heb op zich niets te verbergen, terwijl de diensten met deze wet meer inzicht kunnen krijgen in de elektronische communicatie tussen terroristen"

²³ "Dat staat steeds meer onder druk. Bedrijven als Facebook, Instagram en Google weten heel veel van je. De vraag is wel hoelang het duurt voordat ze deze informatie met overheden moeten delen. Mogelijk gebeurt het al. Dat gaat me wel iets te ver."

²⁴ "In het algemeen maak ik beslissingen vanuit een intuïtieve standpunt. Ik geloof dat de intuïtie ontwikkelt en versterkt door ervaringen die je rationeel opbouwt, dus het is voor mij eigenlijk een combinatie van beide. Mijn doel is een balans te vinden en om mijn hart en verstand op een lijn te krijgen. Ik denk daarom dat er in het geval van dit referendum ook gebruik is gemaakt van beide."

4.2.2 No-voters' decision-making process

Out of the eight interviews with the no-voters, there are no respondents that mostly show characteristics from the experiential system and the majority of the interviewees show more characteristics from the rational system, only a handful of quotes can be categorized as experiential. Just as the yes-voters, these respondents can also show both systems in answering one question, starting with a reason-oriented answer and a conscious appraisal of events, but then switching to associationistic connections from the experiential system. Or the other way around, starting with more rapid processing of thought and then searching for justification via logic and evidence, a characteristic which belongs to the rational system. However, not many examples can be given.

Unlike the yes-voters, there are no inconsistencies found in their answers concerning privacy. As mentioned in the last chapter, the no-voters express their views much stronger when it comes to privacy. Also, it is evident that their answers contain a couple of characteristics from the rational system. For example, Interviewee 14 shows in her answer that she is logical, refers to what is sensible and makes cause-and-effect connections:

Interviewee 14: Privacy is a right that is included in the constitution, fear of security is more often created by the unknown instead of the actual danger. It is also a difficult idea to argue because it is not perceptible. In addition, I think that we are not yet at a point where big data collection goes flawlessly, so I believe blind belief in these techniques is dangerous. As a result, people could either be falsely accused or our data might be accidentally shared with actors other than the security services of the Netherlands. It is therefore not desirable, in my view, that we give up our privacy and the freedom that it gives for an unclear danger to our security.²⁵

²⁵ “Privacy is een recht opgenomen in de grondwet, angst voor veiligheid wordt vaker gecreëerd door het onbekende ipv daadwerkelijk gevaar. Het is ook een moeilijk idee om te beargumenteren omdat het niet waarneembaar is. Daarbij denk ik dat wij nog niet op een punt zijn waarin big data verzameling feilloos gaat, blind geloof in deze technieken vind ik dan ook gevaarlijk. Hierdoor zouden mensen ofwel vals beschuldigd kunnen worden ofwel zouden onze gegevens per ongeluk gedeeld worden met andere actoren dan de veiligheidsdiensten van Nederland. Het is daarom in mijn ogen niet wenselijk dat wij onze privacy en de vrijheid die dat geeft, opgeven voor een onduidelijk gevaar van onze veiligheid.”

Furthermore, between the no-voters there were only a few that prefer to believe they only vote using the rational system, while the majority understand the use of both systems and recognize them in their own thinking process, showing their ability of dimensional thinking rather than categorical:

Interviewee 14: *“I mainly vote with the mind. This was also the case for this referendum. If I had voted with the heart and had myself carried away in fear of terrorism, I would have voted for the intelligence law. But the law contains a couple points of which the use is not completely clear and other points which clearly violate privacy and freedom. These points can be easily wiped up if I would only think with my heart. That is why I think my decision was more from the mind”*²⁶

Interviewee 16: *“Because I never fully agree with any party, I usually vote for the party whose impact seems to be the least threatening. I think both systems play a role in that case.”*²⁷

*“[on the intelligence law] I have both looked up information and put them together rationally, as well as decided intuitively that I have an unpleasant feeling about it.”*²⁸

²⁶ “Ik stem voornamelijk met het verstand. Dit was ook het geval voor dit referendum. Als ik met het hart had gestemd en mij had laten meenemen in angst voor terrorisme, dan had ik voor de sleepwet gestemd. De sleepwet bevat echter een aantal punten waarvan het nut vrij onduidelijk is en een aantal andere punten waarvan er een duidelijke schending is wat betreft privacy en vrijheid. Deze punten zijn makkelijk van tafel te vegen wanneer ik alleen met mijn hart zou nadenken. Daarom denk ik ook dat mijn besluit meer vanuit mijn verstand kwam.”

²⁷ “Omdat ik mij in geen enkele partij volledig kan vinden, stem ik meestal op de partij waarvan de impact van haar ideeën mij het minst een bedreiging lijkt. Ik denk dat in dat geval beide systemen een rol spelen .”

²⁸ “Ik heb zowel rationeel informatie opgezocht en op een rijtje gezet als intuïtief besloten dat ik er een onprettig gevoel bij heb .”

5 CONCLUSION

Privacy versus security

After conducting analysis on the seventeen in-depth interviews, it becomes evident that it was privacy versus security between the two groups. The yes-voters were clearly more influenced with possible terrorist attacks and see the adjustments to the intelligence law as a necessary step in combating terrorism. Also, for most of the yes-voters, the trade-off is clear: give up a bit of privacy for more security. Preventing terrorist attacks equals security and therefore they vote yes in the referendum. Most respondents admit that the intelligence law may be intruding on their privacy a bit, but they argue that there should be no problem because they have nothing to hide.

In direct contrast with the no-voters, who do not see the necessity of the adjustments as intelligence services were already authorized to do many things including collecting many citizens' data if necessary and have the ability to track possible suspects thoroughly. Moreover, many no-voters doubt that if the government services gain more power, that they will not have the capacity to handle these data safely and appropriately. So, the trade-off between privacy and security have a different meaning in this group, because the law does not mean less privacy more security, but less privacy and also less security. Less security also results from the fact that privacy is a human right and it provides freedom, which are both perceived as damaged by this law and therefore these respondents voted no in the referendum.

Analytic-rational and intuitive-experiential

Coding the interview transcripts using Epstein's categorization of the experiential and rational system show that there are no extreme differences in people's decision-making process whether they are for or against the adjustments of the intelligence law. Both sides can be influenced by emotions but also process oriented, so both thinking styles are apparent. Between the nine yes-voters, there was one interviewee that stood out with mostly characteristics from the experiential system, while there are three interviewees who are more influenced by the rational system and the other five interviewees showed characteristics from both systems almost evenly. The switch between the two systems happen often and easily, respondents can start an answer which can be characterized as the rational system and then abruptly change to an explanation that falls under the experiential system – it also happens the other way around. However, when the respondents

talk about these two systems, most of the yes-voters perceive their decision-making to happen rationally and do not agree that it can go intuitively, at least not in this important matter. Only three out of nine respondents recognize the influence of the two systems on their decision-making process.

In opposition to the yes-voters, no interview with the no-voters is dominated by the experiential system. Most of the interviewees have shown characteristics from the rational system, only a few quotes can be categorized as experiential. There are more reason-oriented answers, slower processing of information and delayed action are more common and justification via evidence is slightly more required for this group. However, these respondents can also show both systems while answering one question, although with less contradictions compared to the yes-voters. Also, they differ with the yes-voters in their awareness about the two systems. Most of the no-voters understand that they make use of both systems in their thinking process and thus in their decision-making. So, even though both sides may show characteristics from both systems, there are slightly more characteristics from the interviewees against the law adjustments that can be categorized as the analytic-rational system.

Answer to Research Question

This research began with the question: **“How do rationality and emotions influence our decision-making process regarding the trade-off between privacy and security?”**

The analysis shows that the yes-vote was indeed a vote for security and the no-vote was a vote for privacy, while the latter group is somewhat more influenced by the rational system than the former. Admittedly, it is not the goal of this thesis to generalize and to prove that this is true for everyone that voted during the referendum, let alone the general population. Also, there are more reasons that can play a part on why people vote the way they do as set out in the theoretical framework. However, in the scope of this research, it is shown that the experiential system – in which the cognitive system that is associated with emotions exists – has had more influence on the yes-voters who are more willing to give up a bit of their privacy to gain more security. To the contrary, the rational system has influenced the no-voters more in their choice of wanting to protect privacy as they see privacy as part of security and do not perceive the issue as a trade-off – the intelligence law means less privacy but also less security.

6 DISCUSSION

It is of course no surprise to see fear of terrorism to be a recurring theme in researches about the trade-off between privacy and security, including this current research. Citizens are easily and often exposed to seeing victims of death by terrorist attacks. According to Gibbs, terrorists utilize extreme violence to influence – control even – the behavior of target populations and the direction of political policies, for example by adopting repressive measures in the name of “national security”, in the hope of causing governments to lose legitimacy (1989 as cited in Vigilant, Hall & Williamson, 2003, p. 238). This can be seen in some of the no-voters who are distrustful of government actions. Besides the government losing legitimacy, the shock, confusion and panic of witnessing violent death, especially one that happens randomly, our feelings of safety and security in daily routines where we are used to have order and stability are disrupted (Vigilant et al., 2003, p. 238). Suddenly we all become potential victims in waiting, leading to new living conditions of panic which influence our daily lives significantly as we rethink our mundane rituals, ways of thinking, as well as freedom of movement (Vigilant et al., 2003, p. 238). This part formed the biggest influence for the yes-voters. So, it seems that these new living conditions that resulted from fear of terrorist attacks are simply accepted. In the case of giving up more privacy in these conditions, it happens without much consideration (Chesterman, 2010, p. 33). Of course, there is the realization of legitimate security threats to which governments ought to respond, but the problem is that the history of intelligence has shown that public debates on these subjects are reactive and highly dependent on the way the issues are framed (Chesterman, 2010, pp. 33-34).

In his article, David Altheide (2006) shows that there is a gap between evidence and emotions cultivated by mass-mediated politics of fear which legitimized certain decisions by leaders, such as Bush going into war with Iraq (p. 416). Politics of fear is defined as ‘decision-makers’ promotion and use of audience beliefs and assumptions about danger, risk and fear to achieve certain goals’ (Altheide, 2006, p. 417). Altheide argues that the link made between terrorism coverage with a comprehensive discourse of fear contributes to the emergence of this politics of fear, causing a sense of disorder and make citizens believe that this is no ordinary times (Altheide, 2006, p. 420). Moreover, Hornqvist suggests that terrorism is formulated in such a way that traditional law is not enough anymore to provide security (Hornqvist, 2004, as cited in Altheide,

2006, p. 416). Using ‘tracking discourse’, Altheide compares coverage of terrorism with crime and victim and victimization (critical symbol of politics of fear) in several major newspapers to see how these may be related to the word *fear*, specifically eighteen months before and after 9/11 (2006, p. 422). From his analysis, it is evident that there was a dramatic increase in linking terrorism to fear in the eighteen months after 9/11, a very low rate of coverage of crime and fear and a large increase in linking terrorism to victimhood (Altheide, 2006, p. 426). This shows the repetitiveness of the messages about fear, making it similar to propaganda, causing citizens to think that much is at stake and extreme measures must be taken – even the ones that compromise individual liberty and the limits of law (Altheide, 2006, p. 429). Furthermore, the elite interests and mass media play an important role in shaping people’s views and opinions about certain events, especially during times of crisis (Scheufele, Nisbet & Ostman, 2005, p. 198). From Scheufele et al.’s study results, it is evident that different sources of news and types of media behaviours can affect how some people are more accepting of sacrificing civil liberties than others and this was not influenced by education or ideology, but simply by watching television or reading the newspaper (2005, p. 215).

Indeed, when asked about their sources during the interviews, most answer with the news and the media. However, it is noticeable that some no-voters made more effort to find various sources and discuss the matter with others, including those with different views while the yes-voters were more accepting of the news they see on television and other media outlets. This combined with the politics of fear might be an interesting angle for further research in the trade-off between privacy and security as this master thesis is time limited.

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