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Biopower and Biodata: Exploring the Security Implications for Women in a Post Roe v. Wade Era in the USA

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International Relations

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Written by

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Declaration

I hereby declare that this thesis represents my own work which has been done after being

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The content of this thesis has not been previously included in a thesis or dissertation

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exception of such quotations, this thesis is entirely my own work. In this way I have

acknowledged all main sources of help.

Signature:

Date: May 13th, 2023

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Writing about this topic was a demanding and intriguing experience that I am truly grateful for. I appreciate getting this opportunity to write about such an interesting topic as part of my thesis.

Any shortcomings, or errors in this thesis are mine alone.

Abstract

This thesis aims to map out how abortion as a case in the USA can present a good opportunity to study biodata security in the jurisdictional environment of the country after the overturning of Roe v. Wade in 2022. Some research questions have been set up to guide this analysis into the subject of security, the digital arena, and biopower of the state. The digital arena is a vital part of the analysis and presents some difficulties as well as some opportunities for international relations theorizing. The main sample of choice has been Texas because of the conservative abortion politics of the state. Despite the focus on women's security and the intersectional feminist lens that has been used for this project, it is important to note that the security threat that distribution of data and surveillance proposes to the individual, is a threat to all individuals and not just women. This is an argument for the transferability of the case presented in this thesis. The conclusion this thesis presents is that the lack of jurisdictional protection of data privacy laws has the biggest impact on groups in society that already are marginalized and come from lower socioeconomical backgrounds. I therefore argue that data privacy laws need to be improved to protect the safety of vulnerable groups in the society that are less represented in democratic organs.

Keywords:

Roe v. Wade, Biopower, Abortion, Security, USA, Texas, Biodata, Technology, Foucault, Feminist Security Theory, Women's Reproductive Health, Personal Health Information, Third-Parties, Tech-Companies, The Supreme Court,

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Abbreviations

PHI – Personal Health Information

HIPAA – Health Insurance Portability and Accountability Act (Hotline for Older Texans 2022)

Biodata – Can be PHI or data on other health/biological information digitally that is considered to be personal information.

Abortion – Reproductive health through termination of a pregnancy.

Texas HB 300 – Texas law on PHI (HIPAA Journal 2023)

TMRPA - Texas Medical Records Privacy Act (Roberts 2022)

The Texas Heartbeat Act/ Senate Bill 8 (SB 8) – Prohibiting abortion after detecting the heartbeat of the foetus around the sixth week of the pregnancy.

Women's Health Protection Act – A proposed federal law to protect women's right to take an abortion. This law was proposed in the Senate 8th of March 2023.

Data Double – "This refers to the electronic profile, compiled from personal data fragments, of an individual person and it takes on increasing social significance as assessments and judgements are made in various contexts based upon it. Also referred to variously as the software self or digital persona, the data-double becomes part of the makeup of the individual, a component of his or her identification, even though the data-subject may question its accuracy." (Lyon 2006, p. 199-200)

Big Data – "The huge amount of data now available online, much of it produced by social networking sites, is known as 'Big Data'" (Foster 2021, p. 287) / "[...] often used as a catchall term, which can be problematic because the data it describes is highly heterogeneous. It is usually taken to refer to extremely large sources of data," (Foster 2021, p. 311)

Dobbs – The case of Dobbs v. Jackson Women's Health Organization was the case that led to the overturning of Roe v. Wade. (*Ballotpedia*, s.v. "Dobbs v. Jackson Women's Health Organization" read 13th of May 2023)

Chapter 1: The Introduction

After decades of legal abortion in the USA, the overturning of Roe v. Wade began a new era of insecurity because abortion no longer is federally protected as a right. Prosecutors and other actors', usage of biodata from women who want an abortion or take an illegal abortion further complicates the picture. Keeping the security of these women in the center of this discussion, we should ask if our current theoretical understanding of women's security regarding their reproductive capacity in international relations security theories are sufficient to help us understand the various sides around this complex issue? Using the abortion debate in the USA as a case, this thesis will discuss women's security in relation to the technological dimensions of their lives and what issues this creates for their security in a global technological arena.

1.1 The Current Jurisdictional Environment of the USA

June 24th, 2022, the United States Supreme Court made a historic decision to overturn the long standing 'Roe v. Wade' legislation that had been given American women the federal constitutional right to abortion since 1973. The American supreme court ruling on the matter changed with the case Dobbs vs. Jackson Women's Health Organization. In more detail, this change in law stated that abortion should not be handled by the constitution. This change resulted in that, according to the tenth amendment, the decision falls back on the different states themselves to decide their approach to the matter.

The issue has led to a changed jurisdictional environment in the USA as well as a need to create a new nexus of laws in relation to abortion. This new situation has made it possible for states to choose for themselves what kind of abortion politics they would like to have. However, such strictly different approaches to the topic have led to several political discussions regarding to what extent the states have jurisdiction over their people, their state, and the other states.

The relation between the political and the jurisdictional branches in the creation of USA policies affects decision making like this case of abortion in interesting ways. President Biden has made clear in several speeches (The White House 2022) (De Witte 2022) his position in the political debate that the discussion of abortion has become. He has, on several occasions, argued for a federal law stating the right of all American citizens to have the opportunity to

take abortion. When the Supreme Courts' document leakage on the case of overturning Roe v. Wade happened, it became clear to the public that the Supreme Court was able to make changes in constitutional rights. The extent of it and the short timespan it took to make such changes take effect, was potentially the most shocking point for people. The President's inability to act against such a rapid decision also placed him in relation to the Supreme Court and made clear the power they had as a political organ.

The gaps that this research is aiming to address: Having now presented the American abortion issue, it is important to make clear the relation between this issue and the issue of women and digital security. It has become a public discussion to what degree the state prosecutors will start using digital means to collect evidence for prosecuting women for illegal abortion post Roe v. Wade. This makes it important to question the degree data privacy laws in the USA can protect women's digital security. This research is based on the location of certain knowledge gaps in theory regarding the ability IR security theories can account for digital security issues, but also gaps in public policy make the digital arena an issue for people in general. Through this research, these gaps should be clearly stated and on that ground development of a new theoretical basis for understanding biodata and security should be evident.

1.2 The Aim and Objectives of the Research

The aim of this thesis is to start a theoretical discussion of the technological aspects and how they influence how social scientists should manage several issues today since they carry a technological dimension. Using the case of abortion in a post Roe v. Wade environment in the USA is just one central case that could be used in this respect. I will exemplify by referring to a couple of other states usages of biopower as well. However, due to the relevance and the contemporary issues this case raises, I have used the case of USA. It is a good case because it holds a clear technological dimension after of the examples of usage of biodata in prosecutions became evident.

This topic is arguably important because it will introduce a discussion that we might expect to become more relevant in the future, namely how tracking, selling, and surveilling our data can become threats to our rights as human beings if it is used in such a way. This also opens the discussion even wider to the general growth worldwide of data tracking and surveillance, both by states and by other actors such as companies, and how it can potentially influence our lives as citizens and as individuals. The International Relations (IR) theory concept of security does

in this respect come too short, and that is one of my main points of argument in this thesis. I therefore argue that traditional IR security theory needs to re-invent itself to better be able to discuss actual security threats in a more holistic and human security-oriented way.

To investigate the case, I have created three objectives with accordingly research questions to be able to provide some answers and navigate through the information available on the topic.

1.2.1 The Biodata

My first objective is to investigate what sort of biodata are relevant for women's rights and security in relation to abortions. To investigate the issue, I have the following research questions:

- I. What sort of biodata is being used?
- II. How is biodata relevant for women's rights and security in relation to abortions? The reason for why I have chosen these guiding questions is that the term biodata might sound vague. Therefore, it is important to make clear what kind of physical biodata that is being used in this respect. The amount of different data that can be considered biodata are enormous and it is therefore important to make clear what is being referred to in this respect. The second question is in the core of this case itself, namely if there exist a linkage between the usage of biodata as a means in relation to abortion cases and the security of women involved.

1.2.2 Prosecutions

My second objective is to explore how changes in the law impact the role of biodata in arrests, prosecution etc. Questions for investigating this are:

- I. How is the jurisdictional change of the overturning of Roe v. Wade influencing the use of law in arrest, prosecutions etc?
- II. Are there differences in the use of biodata theoretically compared to the empirical reality and experience of women?

The first question here is referring to whether there has been a change in the way abortion cases are being prosecuted after the overturning of Roe v. Wade. This also opens the floor to a further exploration of what different laws that makes themselves relevant in this respect, both on a federal and state level. The second question is a sub-question directed towards a more

theoretical exploration of whether the issue of using biodata in prosecution against women truly are a security issue in their lives, or if there is so little data on these kinds of cases, that we should rather consider it to be more of a theoretical and moral discussion.

1.2.3 Countermeasures

My third objective is to identify emerging countermeasures/efforts to protect women's rights and security in terms of the protection of their biodata. Research questions that focus on this are:

III. How do different actors address the protection of women's rights and security in terms of protecting their biodata?

This section aims towards mapping out what kind of different actors that are involved and presenting countermeasures to protect the rights and security of women involved in abortion cases. An important point to make here is how they are encountering data protection and biodata as a topic relevant for women's security. This question gives us a good reason to look beyond what interest organizations can do and question which other actors, that have the means to fill the security holes, are currently present.

1.2.4 IR Theory and Security in a Digitalizing International Environment

My last objective is to theoretically question how international relations security theory can investigate how technological tools are being used in respect to biopower by the American state in terms of abortion:

- I. How are international relations security theories able to thoroughly do a relevant analysis of such a modern case with clear technological components?
- II. Who are we really studying security for?

The first question in this respect is aiming towards highlighting the weaknesses of realism as the dominating international relations security theory regarding a digitalized context that we see in the security issue that this thesis is exploring. It focuses on the traditional theory's ability to account for and theorize technological concepts such as biodata regarding individual security in relation to the security needs of the state. In this respect it is also useful to investigate to what degree the theories can provide some relevant insights, or if we must turn to other concepts to better understand the reality of the issue that this thesis is concerned about. Questioning who we do security for also brings up some useful distinctions that better

explains why other security theories can provide more valuable insights to the case than the traditional and state-oriented realism.

1.3 This Thesis and the Different Chapters

In this chapter, the intentions have been to present the objectives and the research questions that have been constructed to help investigate the issue presented. To further explain why this is interesting and necessary, I have also presented the context of the case by briefly mapping out some central aspects of American abortion politics and digital implications. The research questions have been organized according to the topics they aim to examine to create a clear structure of the elements this thesis will be dealing with. This chapter will further explain the different chapters of the thesis and how they will contribute to the study.

In the second chapter *Theoretical Framework* several central theoretical concepts will be presented. They will be introduced according to the main topics of this research, namely Security, Biopower and The Digital. Starting with security, we look at the central concepts of securitization and human security as an opening to further discuss overarching security theory of feminist security theory. To integrate the power aspect, we move on to look at international political sociology (IPS). After discussing Foucauldian perspectives on biopower, we move to the last part of the theoretical chapter, namely the digital focus. We end by looking at the digital as an arena and present the issue of digital security in IR theories and further the ethics related to data privacy.

The third chapter *Methodology and Ethics* explains the process of this research as well as the choices that have been made along the way. This provides a further analytical reflection regarding the choice of methods, but it also provides ethical reflections on the choices that has been made about this project and how they have impacted on the limitations of the study conducted.

The fourth chapter *Analysis and Discussion* explores the central themes in this thesis and is organized along the lines of the four main objectives. It begins by looking further into securitization of abortion in the USA. It also explores the digital aspect through ways that this arena has an impact in the lives of individuals. This moves the analysis over to the digital arena and the security issues that becomes central regarding the movement and usage of personal data. Using the research questions under each objective as a guiding structure for the argument, I explore data security and American data protection laws to analyse the American

abortion issue. As part of this we also explore the countermeasures taken to protect women's biodata and data security as a means to protect their rights. In the end we go back to the theoretical discussion of what theoretical insights realism as an IR security theory can provide to the digital issue of women who are taking illegal abortions. Arguing that we see a division of power in the digital arena, I choose to illustrate this as a security issue for the individual through a model called "the card game". This shows the distinction between the three main actors in the digital arena: the tech-companies, the state, and the individuals. "The card game" is then applied to the case of abortion in the USA post Roe v. Wade to show this power dynamic and how this has an impact on the security of the individual. It also makes clear the different security interests of the different actors.

Before the concluding remarks, the case as an ethical issue about surveillance and security threats are discussed in an international and digital context to further emphasise the relevance of doing such a study that has been done for this thesis.

Chapter 2: Theorizing Abortion and Women's Security in a Digitalized Post Roe v. Wade Environment

This theoretical chapter will be centred around the three main areas of study in this research, namely security, biopower, and the digital. As overarching theories liberal feminism and international political sociology (IPS) will be presented as theoretical lenses that provide insights to why certain concepts are interesting to use in this research of security.

The security of women becomes a natural point to dive into an important concept, namely human security. The reason for looking into this is because it treats the concept of security as relative and dependent on different features of the individual. This sparks the conversation of how security on an individual level can be considered regarding their insecurity. Intersectional feminism provides some good insights here into how this affects the individual and how this affects women. This also challenges the traditional international relations security theories' perceptions of security for the state. Instead, we are looking into the gap between security for the state and security for the individual. It shows how a feminist and individually oriented security can better grasp the security issue that this case presents to the women involved.

Securitization further becomes central in the analysis of current public rhetoric of abortion in the USA. Since document analysis has been the dominating way of data collection in this thesis, rhetorical analysis, and the possibility of reading the way issues are being securitised in this respect, as argued by the Copenhagen school, is central to understand the public perception of women, their security, and the role of abortion in their life as well as part of the public society.

Biopower will further be a core concept to explore since it is part of the main focus of this thesis's case. Foucault and his perceptions of both biopower, biopolitics and governmentality will be central to discuss in this respect because of the great impact the French post-structuralist has made on current theories and conceptualisations.

Regarding control, we are moving into the last section of the theoretical framework where we encounter the digital gap and the security issues that current digital tools may present to us in the present and the future. Previous researchers have discussed the digital as a separate field and how it encounters with the physical life. In this respect, there are several examples of how the digital field, or arena, is fully integrated into individuals lives and have direct physical consequences. I therefore argue for the fruitfulness in this case to consider the physical and

digital field to be fully integrated into each other. The amount of information and influence that the digital part of individuals lives contain, is an even bigger security issue than before. Given the nature of algorithms categorising individuals and new surveillance technologies being heavily used by both states and non-state actors, security issues and marginalisation becomes important aspects to discuss. This chapter further ends with some ethical remarks, given the morally potential problems that this case might highlight.

2.1 Security

2.1.1 Feminism and Abortion in the USA

Because of the feminist lens that is being applied to the case in this regard, it is important to explore the most central aspects of such theories to prove its relevance here. It could be natural to focus on the liberal feminism in this respect. This is both because of the liberalized context that the American society is a part of, and because the liberal society was the context of Foucault's perspectives on biopower.

Liberal feminism could suggest that putting women in positions of power, would lead to them removing laws that denied them the same rights and opportunities as men (Tickner 1992) (Hudson 2005). However, I would argue that this is not necessarily the case because when the decision of Roe v. Wade was made in the Supreme Court, several female representatives voted for a stricter abortion law.

Three out of nine judges in the Supreme Court were women at the time the overturning of Roe v. Wade was voted over. So, even if they were not enough to outnumber the men themselves, they would not need to persuade many of the men if all the women voted for abortion. Despite this, only the democrat appointed Justices Sotomayon, Kagan and Breyer voted against it. While the justices nominated by republican presidents Justice Roberts, Thomas, Gorsuch, Alito, Barret and Kavanaugh voted against. There were women on both sides of this decision, making it clear that being a woman is not a strong enough argument for arguing for women's rights when other aspects such as religion, minorities and history plays a part. The vocalized argument that was repeated by several of the justices was as Justice Samuel Alito here states: "The right to privacy is not specifically guaranteed anywhere in the Constitution. When unenumerated liberty rights exist [...] those rights must be 'deeply rooted in the Nation's history and tradition." (Brennan Center for Justice 2022) He further concludes that the

history of abortion in the US is so short that the right to abortion does not fulfil these requirements.

Due to their political views as republicans, and as conservative Christians, the majority did not necessarily have any interests themselves for protecting abortion federally. From a feminist perspective this is difficult to understand because one might expect these women to have the same interest as other women and therefore wanting the same and protecting the rights of their fellows. Instead, they chose differently and to understand this I argue that we need to look at this situation with intersectional feminist lenses. This means that we must acknowledge the other important characteristics that leads women into taking different choices, namely that gender is not all that matters. Religion, socio-economic background, ethnicity, and sexuality can be other central factors that sometimes determines more of the choices made than gender itself. Even though there are several arguments for critiquing intersectional feminism, which Anna Carastathis (2014) thoroughly does, I still argue for the benefit it provides for this specific case. For example, most abortions done during the time Roe v. Wade was standing was done by Hispanic and black women (Diamant & Mohamed 2023) (Pettus & Willingham 2022) (Franks 2022) (Studnicki et.al. 2020).

The black population of the USA is approximately 12% of the total American population (KFF 2020). Still, they have more abortions than the second largest abortion-taking group, namely white Americans. According to KFF (2020) white women stands for about 33% of the abortions, and they are part of the group of the white American population which makes up approximately 60% the total population. While the black population only is approximately 12%, they still have 39% of all abortion taken in the country. This makes them the most affected group of abortion restrictions.

In this regard it is therefore also of interest to point to the need of a human-oriented security perception to be able to allow for a broader understanding of security. Instead of seeing security as defence, it can, and I argue it should be treated as a lens in this case to understand the different security needs of women as well. The same characteristics that influence the different choices taken, apart from gender, also influences the different conceptions of security that individuals have as well as security issues. For some women, such as the ones who are being prosecuted for taking an abortion after being raped, abortion is an important security issue because the lack of legal abortion can lead to several health-related risks for them. However, for women who are against abortion due to religious beliefs or have never experienced an abortion themselves, the issue is not considered a security issue because it is

not an issue they identify themselves with. It is therefore important that we do not mistake this case for being a women's security issue in the respect that it is of interest for all women, but rather that for some women this is a crucial issue concerning life and death. And it is also for these women an important discussion of their human rights as members of the society and their right to control their own body.

Another example of the different experiences that women have are mentioned by Wibben (2010). She refers to how different characteristics of intersectionality in the lives of different women during 9/11, impacted their experiences of the situation. For some, this incident was a shocking experience that influenced their lives greatly. Others explained that their lives were already so chaotic that they hardly noticed or were able to grasp. Their narratives were in this respect greatly different. Gender and experiences of the different genders are therefore valuable to understand the different aspects of security and insecurity. Gender is not necessarily a reason for something, but it contributes as a valuable lens to be better able to understand different narratives about the world and different experiences (Zalewski 2009). These same points are being mentioned by Tickner (1992) regarding how different narratives show a different perspective and need for security.

2.1.2 Human Security

Because of the need for an human-oriented conceptualization of security that was mentioned earlier in this chapter, I choose to involve the concept of human security. It can be defined as "To understand security [...] in terms of the real-life, everyday experiences of human beings and their complex social and economic relations as these are embedded within global structures." (Hudson 2005, p. 163) It is relevant to look at the issue with less of a military construction of two parties in a battle, and more of a holistic perspective of how security and insecurity is different on an individual level. While securitization looks at the case from a top to bottom perspective and in that way generalizes the understanding of what is being securitized as something that is viewed the same by most members of society, human security takes us down to the individual and forces us to investigate the more fragmented individual perception of what security can be.

A central part of the case is that the main individual threatened in the objective stated in this paper is an abortion-seeking woman. In other words, it becomes clear that her security is at risk because of who she is and what state she is in, as well as how the society around her

perceives her and her situation. She is not simply in a security threat because she is a woman. With that being said, being a woman does have certain impact on what security is for her, or to put it in other words, what creates insecurity for her.

Intersectional and critical feminist security theories provide useful insight in this respect regarding the individual experience of security or security threats in terms of insecurity (Hudson 2005). Focus is set on how experiences of security in terms of (in)security is defined by factors such as sexuality, ethnicity and gender as impacts that influences the experiences of insecurity. In its conceptualization of (in)security it also includes health as a central aspect of security for individuals. This aligns with Foucault's concept of 'biopower' of the state and the state interest in the health of its citizens to regulate it (De Larrinaga 2008). These concepts and their priority of health does not fully correlate with the realism perception of the state and security because of the more militarized perception of security as a concept (Tickner 1992).

2.1.3 Feminist Theories, Gender and Controlling Women's Bodies

An important aspect in this case is the power and ability to control the bodies of the women who are being prosecuted for taking an abortion. Even though personal health information is an issue of privacy, this is not considered as a more important right than the right that a potential foetus has for life. We see this in the actions taken to great measures to prosecute the women and the exploration of new methods through the usage of digital means and biodata to do this. However, also the bodies and actions of the women who are not taking an abortion is being regulated because they are adjusting themselves and living under regulated conditions regarding their bodies. This action can be argued to be an expression of the public interest in controlling women's bodies through controlling their reproductive health. Central in this discussion to understand why and how this is possible we turn to feminist theories.

Feminist security theories can be of interest in this respect because it is able to account for the intersectional diversity in what security is, and how that is affected by who we are focusing on. In this respect we are discussing women and their security issues. By stating this we are also referring to their insecurity issues. These issues can be heavily affected by the dominating factor of being a woman. Even if surveillance and misuse of data can be a fear that a diversity of individuals can acknowledge, abortion is in many ways a 'women's issue'. It is a 'women's issue' in the way that women experience it physically and mentally in their bodies. It is further up to them to terminate the pregnancy, or not, and in this way, it gives

them the power to choose between two scenarios that would greatly impact their lives. However, the issue of termination, or abortion, is not only a 'women's issue'. It is also treated as a public issue in the American society. Through aggressive public rhetoric such as speaking of 'a war on abortion' (Noor 2023) it is made clear that this decision is not entirely up to the women. Instead, women's reproductive health and abortion is a subject of public discussion, it is not simply considered a human right for women to choose this themselves. Instead, the human rights of the potential foetus conflict with the rights of the women. In an action to 'protect all American citizens' and 'the right to life' measures are taken to control women's bodies. In other words, we see that public policy is being used to control the actions of the women.

Defining feminist theory in this respect might not necessarily be fruitful because it might give the impression that the focus on the issue dealt with in this thesis is an entirely gendered issue specifically relevant for women. This goes against the purpose of addressing the issue because the intention of this thesis is to show that structures that are present and that organize the lives of women, also are present to all other members of society. Because of the nature of this issue being integrated with the female body, this case becomes a specific relevant case for women. However, the applicability of this issue on other cases that are not directly linked with gender, makes it a feminist theory issue in the sense that it provides a different aspect on organization of life that is relevant to all.

2.1.4 International Political Sociology (IPS) and the Power to Define

A different aspect of the theoretical discussion is the one linked to power structure. IPS provides some insights here. IPS as a direction within the studies of the international is based on interdisciplinarity in the sense that it provides an analytical perspective on the international. It is inspired by central authors such as Foucault and has an ontological process-oriented perception of the world. (Guzzini 2017) This means that the IPS focus on the world is related towards how politics are created as processes. This is part of a knowledge-power relation, and it is in this sense that power makes itself visible as part of this relation.

It is useful to investigate and study the construction of power and the power to define security in this respect. By defining security, it is also made clear who security is for and the actor having the means to define security also becomes the actor's whose needs comes in the centre of the discussion of security. This is relevant to further contextualize why there is a need to be

aware of how something is being securitized. It is also central to look at how security is different depending on the individual in focus in terms of human security. The power to define security therefore becomes a problem when certain individual needs are not being met. This is most likely due to public discussions by central political actors. In the USA in this respect, all previous presidents have been male, and most have been white men coming from a rather wealthy socio-economic background. Who they are as individuals and what they come from in terms of background is influential towards their interests and priorities in terms of what they consider to be important security discussions. Regarding the overturning of Roe in the Supreme Court, it also here became clear what interests were being prioritized in terms of security. The conservative and republican interests were dominating the decision and the priority of overturning a long-withstanding law.

The process where a subject of politics is being changed by state authorities and strong political figures to no longer be of political interest, but rather also be a security threat is what is known as the process of *securitization* (Bigo 2020). It is therefore a central concept in this respect because it also gives us the possibility of exploring (in)security as something that can explain the need for securitization. Bigo (2020) mentions this regarding the transnational fields that the digital arena presents, when states are surveilling and acting on intelligence, that is hard to define in terms of state-boarders. The digital arena is therefore becoming an arena of securitization because of the amount of insecurity that it creates for the state. It is therefore a priority, because of the sovereign power that the state has, to define what a security issue is.

Defining security and security threat is a difficult part of it. Considered the Copenhagen School of critical security studies (Floyd 2007), securitizing a subject is a central part of what security is and how it is politicised. However, if you consider the state as the main actor and influence on the media and politization of security then this fit the creation of certain threats to the state and its jurisdiction such as terrorism. On the other hand, if we do not consider the state to be the main institution or actor, we are analysing security for, and instead focus on the individuals, the security picture becomes much more complex. Security threats depends on the individual and is therefore intersectional and depends on a variety of factors. Some are likely to be more common. The usage of digital biodata as a threat would maybe not be considered an important threat by all individuals, nor by the state who can benefit greatly by using it, however, it is still important to discuss it. How usage of biodata also can be legitimized by legitimation politics and by politically pushing a certain narrative is another

aspect of the power that lays in the state's ability to define the security issues. Smith Ocha et al. (2020) presents this issue in relation to state's intelligence services and their usage of digital means. Such actions might go too far but is still legitimized by the argument of protection and security from enemies. However, he also refers to the case of the Snowden controversy and the moral issue such actions create when the state must legitimize its choice of surveilling its own citizens, breaking their privacy, for its own security interests. Such an action can create a security dilemma because the citizens might lose their trust towards the state as a sovereign power over them. This could further create a security threat for the state as a general 'war on terrorism'. Hansen (2000) points to the gender problem in the Copenhagen School by referring to the tale of the 'Little mermaid' to explain the security dilemma. The core argument in this respect is that The Little Mermaid lacks the ability to voice out about her security issue and is therefore neglected by the prince, because he is only able to see the security issue from his own perspective when her voice is lacking. Therefore, her security is not accounted for or defined as something different from his needs. This is an issue that we can draw lines to in a much broader sense today. In the case of abortion in the USA, it is not the security issues of the women who are being voiced and prioritized in the Supreme Court. It is neither being focused on their security issues in the cases of surveillance as a state 'war on terrorism'. Keeping this in mind, we will now look more into the concept of biopower.

2.2 Biopower

The IPS perspective centralises around power, which is relevant to theorize issues about women and security. However, Foucauldian conceptualizations of biopower are central to the analysis of the contemporary American society. Therefore, we should now move on towards exploring biopower as a concept and how it relates to the American abortion issue.

2.2.1 Biopower, Women and the State

In the book "Biopower: Foucault and Beyond" several authors present different aspects of Foucault's concepts of biopower and governmentality. The red thread throughout the book is the discussion around his terms and how they function to analyse the past, the present and the future. One of these authors are Paul Patton. He states the following regarding biopolitics and biopower: "Biopolitics deals with the population, with the population as political problem, as

a problem that is at once scientific and political, as biological problem and as power's problem" (2016, p. 104-105) He here points to the sovereign power as the state and the population as the potential problem to the state. This makes clear the power structure between the state and the citizens, as well as how the power to define security issues lies mainly within the state. It also presents some valuable insights to the notion in public rhetoric concerning abortion where women who want an abortion, as a group, now is treated as the issue. By regulating the access to reproductive health facilities, the state takes control and power over the women's own bodies and thereby controlling their bodies by controlling this aspect of their lives. It also pushes women in a direction of specific actions. Because they are aware of the difficulties connected to the lack of abortion facilities as well as the criminalization of such activities, their actions are influenced in a direction where they will try and adapt to the situation and to a larger degree try to avoid getting into a situation that would need abortion. This is then an active example of state biopower over women and their reproductive life. Patten further refers to "Security mechanisms" (2016, p. 105) as actions to "optimize a state of life" and statistics of birth and deaths can be considered mechanisms for measuring this and creates arguments for improvement. However, if the abortion statistics were of interest to the state, then the political responses made are not improving the lives of these female populations, they are just creating more births. Therefore, the lives of the female population are not 'optimized' in itself, but the state can be considered to have taken measures to 'optimize a state of life' by making abortion numbers decline and the population grow. This is an example of state-oriented security and not human security.

A great part of the focus Foucault deals with is the conceptions of power. It is in this respect that he visits concepts of sovereign power, biopower and governmentality, which he later becomes more invested in. Governmentality as the power of the state becomes the more used term for his later work. However, both sovereign power and biopower plays a part in the existence of and execution of power of the state. The lack of definition and the 'blurriness' about these concepts could be criticised, but many authors consider this to be an analytical strength in his work (Muller 2011). Because of his lack of definitions, I will not try to create definitions for these terms either.

Self-government was an important aspect of the expression of power over people. Foucault described this through an example of panopticon. Panopticon is an idea of a prison, created by Jeremy Bentham where the law enforcement or surveiller is placed in the centre and the prisoners are placed in cells around the centring tower. The idea is that because of the strong

lighting in the centre, the prisoners cannot see who is watching them, or know for certain when they are being watched. Consequently, to this, they self-regulate their behaviour, or self-govern themselves. This disciplining effect on the actions of the prisoners can be compared to how citizens regulate their own behaviour in a world of mass surveillance. It creates an insecurity of not knowing for sure when one is being watched, by whom, and to what degree this information can be used against oneself. Because of the digital possibilities individuals have today, in a rather liberalised world where most things are available for money, the security issue of surveillance and data privacy becomes even more important. Foucault also considered liberalism as the framework of biopolitics and governing because the different actors in the neoliberal market might have great reasons for having interests in managing the population. (Gane 2008) Because of this argument, the neoliberal system can be a state of constructed freedom that citizens are not aware of, thinking that they are completely free because they are unaware of the structures and interests that surrounds them.

Foucault also mentions governmentality in relation to his discussion of biopower and biopolitics. It becomes clear that throughout the lectures he holds in the 70s and 80s where he discusses technology of power, sovereignty, and representation, he never truly defines or stick to one concrete conceptualisation of the term biopower. Patten (2016) further refers to the examples Foucault presents as ways of biopower that has taken its turn in history. He refers to "modern warfare" towards an "enemy race" when he points to colonialism and the social Darwinist perspective that drove it. He also points to Nazism as an example: "The paradigm of biopolitical power that sough legitimation in racial terms is, of course, Nazism. No state relied more heavily on disciplinary power, nor "was there any other state in which the biological was so tightly, so insistently regulated". Foucault presents the Nazi state as exemplary in both its generalization of biopower and its generalization of the sovereign right to kill: a racist, murderous, and suicidal state." (Patten 2016, p. 113) Foucault did not refer to any utilisation of digital means to reach this sort of power over the population. In the timeperiod where he held most of his lectures the digital possibilities that we see today were more of a vision than a current practice. It was also not crucial to his examples, nor to prove his point to include this either. In his examples of colonialism and Nazism, the state was perfectly able to execute such highly racist policies without such tools. In this sense, if digital tools were to have been used, they would only exist as another arena for the same action or usage of power. The actions of the Nazi state were interesting in the sense that they rapidly legitimized extreme violent and racial treatment towards a group in the population, who were originally

citizens of the state in the same regards as everyone else. This has been done explicitly several times directed towards different minorities in different states. It has created a clear "enemy race" and an "enemy of the state" that divided the population and only legitimized citizenship for the favourable group. However, in this respect we are looking at a case that divides the American country into genders and religious believes, namely one distinction between people who cannot give birth (in many cases generalized as 'men') vs. people who can give birth (in many cases generalized as 'women') as well as one distinction between people who believe that abortion is a human right (pro-reproductive rights/abortion) vs. people who do not support abortion (pro-life).

It can be interesting to mention race as an underlining structure that influences different individuals in different ways, in this respect. "It is a paradoxical fact of our culture that we can become so emotionally and psychologically invested in preserving the life of a single individual [...], while simultaneously shrugging off the excess of 100 000 unprovoked Iraqi civilian deaths caused by the Multi-National Force's military intervention since 2003. Or that we can stage protests to protect the rights of US fetuses, while not flinching at the fact that in 2010, 7.6 million children in the world died from preventable causes." (Cisney and Morar 2016, p. 17) What is crucial about this statement is that it points to some choices made that might seem difficult to explain at first. Namely how one life can matter more than 100 000 lives, or that potential children are being fought more for, than already existing and living children. These are priorities of time and money that probably can be most easily explained by referring to the concepts of "modern warfare" as/and "enemy race". It can also be better explained by referring to Edward Said's orientalism and the creation of the distinction between 'us' and 'them' (Said 1977). What truly makes the difference is the distinction between Us and Them. The state will prioritize to protect its own citizens because of international law and their jurisdictional obligations to protect their own citizens. However, groups who threaten the state's existence by threatening the lives of its citizens is considered an enemy. In this way also women taking abortion could potentially be considered an "enemy of the state" because they threaten potential citizens. "We enter the twenty-first century engrossed in a seemingly permanent "war on terror", where no one and everyone is "the enemy", welcoming the disciplinary structures that accompany this war." (Cisney & Morar 2016, p. 17) This way of considering the present as a "war on terror" in this way is problematic because it has the possibility of being a war against everyone. There is reason to fear a spill-over-effect regarding this perspective because it can lead to a general distrust and

fear. This again creates a big and problematic fertile ground for conspiracy theories as well as a further information war with fake information as one of the most central issues. Such a rhetoric also proposes a state of intra-state war were everyone should have reason to be sceptical towards each other. "Massacres has become vital" (Cisney & Morar 2016, p. 16) What I am referring to here is the way of "modern warfare" as a "race war". It is considered vital in the sense that the "race war" is a war of controlling what different ways one can live. To illustrate this, we can look at the current case where China can be considered to structurally "integrate" or commit genocide by using surveillance technology as a tool to commit ethnic cleansing of the Uighurs in certain districts (Zhu 2022). From a biopower-point of view one can argue that the Chinese government is doing this as a way of controlling, or integrating, this Muslim minority into the normalized and socially acceptable way of being a Chinese citizen, namely being an atheist and communist and practice this in daily life.

2.3 The Digital

After now having looked at biopower as a central part of this discussion, we should now look at the digital arena. It is in this respect that the relation between biopower and biodata becomes significant because this is where the two concepts engage with one another. To better contextualize the possibilities for biopower in the digital arena, we will further investigate the digital as a transnational field. This leads us to the next section of discussing IR security theories in relation to women's security. Then we end this chapter by exploring issues related to data privacy because this is the issue where biodata as a topic becomes vital.

2.3.1 The Transnational Field of the Digital Arena

Should the digital be treated as a separate arena, as a concept or something else? Its fluid nature can make it difficult to determine how it should be studied. This is something we also see in theoretical approaches towards it.

According to Didier Bigo (2020), borders are an important topic to discuss regarding security. The argument for the field being transnational and transversal argues that we need to consider all fields as one and because of this the digital field is not new or separate. It is part of the rest of the physical field because it is connected, and the fields directly have influence on each other. It is also usual to look at the field as hierarchical with the state being the main power.

However, this is not always a desirable perspective when looking at other powerful actors and their influence and actions.

Another aspect of the theoretical discussion of how the digital arena play a part in security theories is the discussion of how the digital arena should be treated. Should it be treated as a separate field apart from the physical, or as an extension of the physical field (Bigo 2020). In this case it is logical to consider the digital arena as an extension and as a part of the physical world. Several situations and actions lead to digital or non-digital activities that has influence on the individual life in practice. The influence crosses borders across states and across digital/physical arenas and these are important elements that affect how it should be treated. A digital period plan or usage of smartwatches during workout are examples of this and makes it potentially risky to use digital tools. However, restraining from using such tools could also often not be possible.

IPS brings valuable insights to this approach. Bigo (2020) uses the global governance and intelligence in terms of state security to explain how boarders and jurisdictions are not as clear or respected in terms of security and intelligence by states. However, he further includes the digital arena and explains how the same vague lines of boarders exist in this field and therefore also across fields because the digital and physical arenas of intelligence and security are interconnected.

2.3.2 IR Digital Security Theory and the Woman

Keeping in mind that social sciences theories' focus on the role the digital arena plays in the lives of individuals, are under constant development. This is bright news in terms of a more intersectional and diverse human security-oriented theorizing of digital security for women. Theories that can combine all these elements are increasingly relevant and important to understand the holistic security experience for women, and individuals in general.

IR digital security theories could however be criticised and argued for being too state oriented to grasp some of the important elements of such security issues as is being discussed here. In traditional security theories 'the state' is often in the centre and represents the unit that security politics are created for and in the interests of. However, as this thesis shows, the interests of the individual does not always align with the state. This is especially the case when it comes to security. As presented in this theoretical chapter, individuals have separate

security needs apart from the state and in many cases the state itself can be the main security threat for the individual.

To be able to acknowledge the amount of security threats that the individual faces in the state, it is important to acknowledge the seriousness of power that non-governmental units possess. To study and discuss this we need to acknowledge that important power actors influence the security regardless of the state and that transversal fields such as the digital arena are one of the fields where this power dynamic is present and the state has, to some degree, limited powers. (Bigo, 2020). By IPS the digital arena is considered a transversal and transnational field. This means that it stretches itself across national borders and jurisdictions between the states in such an arena becomes blurry. In a way it could be considered to show parallels of being anarchic in nature.

Judy Wajcman brings techno feminism as a concept to the table in her discussion of feminist theory and technology (2019). She points to some great aspects at how technology can be a field that can contribute more towards gender equality and therefore how this is a fruitful arena for women. This is unarguably an important point, however in the case we have been looking into, technology has not changed women's position and degree of equality in society. We could point to the creation of period-tracking apps as a proof of the opposite and as an action towards equality because it is directed towards women and making certain health aspects of being a woman easier today. However, this argument is not so strong anymore when we see examples where the digital field becomes another arena of control over women's lives. In the naive beliefs that this app is created to make their lives easier, they choose to give up personal health information without anticipating that it could be used against them as leverage and potentially threaten their future security.

2.3.3 Ethics and Data Privacy

Legitimation politics is a helpful aspect for looking into the topics of moral and ethics in this respect. Through the Snowden leakage it became clear that even the state of USA is using surveillance towards its own citizens for the purpose of security. However, in this respect it became increasingly clear that the interests of the state security defied the security interests of the citizens. The legitimising argument from the state for using such intelligence tools, were not accepted, and made clear the moral dilemma of both the state and the individuals, as well as making clear the power structure present. After this case, people became more aware of

surveillance as a security tool used by the state in countries that were considered democratic and free for people to express themselves.

The moral narrative is therefore central to discuss. Even if the state is the main power, the digital arena is one of the areas where this power is hard to measure and hard to transfer. The need for a moral narrative is therefore increasingly important, but also difficult given the anarchic nature of the arena. The European way of handling this issue were by implementing General Data Protection Regulation (GDPR) as a way to create norm-influencing rules for action and in that way trying to be a way for states to control, or communicate that they have control over the digital arena (Smith Ochoa et al., 2020). In addition to this, it also had intentions of providing more data security for individuals.

Zuboff (2015) refers to the concept of Surveillance Capitalism as a new digital form of capitalism that differ from traditional market capitalism and challenges key aspects of democratic societies. Such a perspective is relevant in this respect because the capitalist forces that influences power-dynamic and the power of the state is clearly present in the form of companies etc. that can have different interests than the state interests. Zuboff presents this dynamic through the movement and actions surrounding 'Big Data'. The concept of 'Surveillance Capitalism' can seem like a dystopian futuristic society, bringing thoughts to literary classics such as the state-centric power in "1984" (Orwell 1949). However, the concept of such a society as an information-gathering society where the information is spread to unknown different parties is the reality we are facing today and therefore it is important to question what different consequences this can have for people as a society in terms of their security and their rights. This brings us back to the start and to the intentions of studying the case of abortion in the USA in a post Roe v. Wade environment and how this can be connected to personal data, or biodata, in an action of biopower: "Biopower, [...], is about the 'subjugation of bodies and ... control of populations.' It is a form of power that disseminates through society as an effective tool in power relations to normalize social acts and the conduct of populations. Under this scenario, the power of the state and other authorities becomes diffused and increasingly reaches into the depth of the social [...] as a way of realizing the goal of managing and governing the life of the population. (De Larrinaga 2008, pp. 520) The intentions of this chapter have been to make clear how surveillance and control can be means of biopower to organize and manage the population. Keeping this perception of biopower and control in mind and the role that a digital field can play in this context, we

move forward in this paper to discuss the methodological and ethical implications of this	
thesis.	

Chapter 3: Methodology

In this chapter I will describe the chosen methodology for this thesis. I will start this section by explaining my choice of feminist methodology in relation to my objectives and argue that it has proven itself useful in this respect. My further argument for why I chose grounded theory as part of my research design will then be presented. Following this I argue for my choice of purposive sampling for my research and explain the coding process of my sources. Then I move into the evaluating part of my research by explaining some of the changes I had to make along the way. Based on this I refer to some criteria of trustworthiness and apply these to my own research for evaluation. This provides a nice entrance to the topic of limitations regarding this project and the choices that were made. I then end this chapter by reflecting on my own approach to privacy in this project before I conclude by positioning myself and argue for the relevance of this project.

3.1 Feminist Methodology

Referring to Chapter 2: Theorizing abortion and women's security in a digitalized post Roe v. Wade environment some of the ontological and epistemological choices should be clarified. Epistemological choices that I have stated in this chapter referred to a critical feminist lens that I chose to apply to this case. The aim of doing so is to provide insights into which groups in society that are more exposed to restricting and dominating practises such as different actions of surveillance. Choosing such a feminist methodology gave me the right methodological toolbox to investigate the individualistic nuances between the women's experiences, while also seeing these realities as part of a global power dynamic. I further also chose concepts that gave me the possibility to analyse the different experiences and issues that were being stated in the data I gained. Securitization, human security, biopower and genders were concepts that contributed to this.

However, feminist methodology was not the only lens I chose to view this case with. Referring to IPS for power analysis and rhetorical analysis was important to make the power structures that I was arguing for, visible in written form for the reader. It is also central to note the 'liberal' aspect of the feminist lens and the neoliberal terms that revealed themselves in the discussion of concepts such as 'Surveillance Capitalism'. This neoliberal backdrop was a crucial aspect of the ontological assumptions that I had when I started this projected and

because of the findings theoretically and empirically I decided to develop this aspect in the analysis of the thesis.

3.2 The Choice of Research Design

In terms of research design, I chose a qualitative research design focusing on grounded theory analysis. According to Foster et. al (2021, p. 526-533) Grounded theory first appeared in "The Discovery of Grounded Theory: Strategies for Qualitative Research" written by Barney B. Glaser and Anselm L. Strauss in 1967. It has since been a popular approach, but defining it is more challenging. Because of this Foster et al instead chooses to present four main tools as the core of using grounded theory: theoretical sampling, coding, theoretical saturation, and constant comparison. This approach is one way of applying general inductive research method in qualitative research. I chose this research analysis because of the focus in my objectives to study biodata and power in relation to women's reproductive health in the USA after the overturning of Roe v. Wade. It was important for me to investigate this so that I could grasp different perceptions of this change in the public, as well as how this was experienced as an issue of lack of data privacy. I considered this to be as issue of security and therefore I wanted to challenge the traditional international relations realism security theories general perceptions of security in this case. I believed that the grounded theory analysis approach would provide me with valuable tools for studying this in relation to theory and relevant security concepts. In totality I aimed towards presenting an exploratory and descriptive research of the current situation (Neumann 2014, p. 38).

3.2.1 Sampling

The sampling approach that has been central in this project is the purposive sampling in the form of theoretical sampling. According to Foster et al. (2021, p. 377) purposive sampling are cases were data and information-rich units has been chosen specifically for being considered especially relevant. The choice of documents and information for this project was intentionally chosen based on what I considered to be relevant for the case. This choice of purposive sampling was important to find relevant actors on the subject in the region. I was also aware of that my data would be different depending on what state I chose to focus more on. Alternatively, I could have chosen to focus on USA in general and search for general

trends nationally after the overturning of Roe v. Wade. However, I expected there to be larger regional differences and after some research that turned out to be the case. Because of this the quality of the project would probably have been greatly affected by this if I did not narrow it down. Doing such national research would have been very interesting but was not feasible for this project.

Theoretical sampling as an approach is defined by Glaser and Strauss as "The process of data collection for generating theory whereby the analyst jointly collects, codes, and analyses his data and decides what data to collect next and where to find them, in order to develop his theory as it emerges." (Foster et al. 2021, p. 380). This was the form of purposive sampling that I chose for this project. An example of this is how I chose Texas as part of my sampling. Texas has for a long time, even way before the overturning of Roe v. Wade, had a conservative politics regarding abortion. However, after the overturning, some aspects of the healthcare that certain women receive are different (Tolentino 2022). Women can experience that some medical professionals now will resist providing them with necessary care because of the fear they themselves have that they will be prosecuted if they assist in abortion that is discussible in terms of whether the abortion is acceptable and meet the jurisdictional demands for it to be a legal procedure. If health care personnel are insecure and do not want to take the legal risk themselves, they might urge the pregnant woman to seek assistance in one of the nearby states such as New Mexico. A big part of the reason for this insecurity is due to a new law in august 2022, namely the trigger law Senate Bill 8, which states that abortion is only legal in the state if it is to save the life of the mother after any heartbeat of the foetus is located. Considering this law as well as a general confusing jurisdictional environment of other laws as well, it can be difficult for health care personnel to estimate what services are legal to provide the pregnant woman with. This can create several risky situations for the pregnant one and might demand that the pregnant women are in a dangerous situation and willing to gamble with her life.

3.3 Documents and Coding

Coding, theoretical saturation and consistent comparison (Foster et al. 2021, p. 526-527) are all tools that contributed to the coding of the information I received as part of the project. The documents I analysed was mainly secondary sources such as mass media articles, blogs, research articles, podcasts, books, official documents, documents from trials, and transcripts

from speeches. These were further categorized based on topics, political perspectives, and theoretical/empirical distinctions. I realised that some sources produced the same information and political views on the topic. This was a finding in itself. An example of this was the number of women's rights organisations that argued for the right to take an abortion referring to many of the same data and cases. I have therefore also chosen to discuss some of these cases by addressing the cases of Fisher and Patel (Zakrewski 2022).

Regarding the choice of categories I also questioned at one point my own choice in having 'Biodata' as a category. The reason for this is that biodata in relation to data privacy and women's security was a subject that to some degree was neglected in many sources. However, I did find sources on personal data and data in the form of personal health information (PHI). When researching this further, I decided that these terms referred to data with similar characteristics to a large degree. Based on this finding, I therefore further on treated them the same.

The general research for the rest of my study was directed towards document analysis (Foster et al. 2021, p. 497-521). I used several official documents, which fall under the classification of official documents which are "the administrative records associated with administrative bureaucracies and organizations [...] documents deriving from the state, and documents deriving from private sources" (Foster et al. 2021, p. 506). It was important to use sources both from the state and from private sources to map out the different perspectives on the subject. The different parties focused on different laws and different aspects of the necessity for abortion laws and privacy laws. The different political positions also affect the sources and their degree of being biased. In this way the documents represent the political views that play a role in the creation of policies and law on federal- and state-level. Official documents from private sources such as organizations, reports and press-releases made up most of my sources. They present a view of the public perceptions of the change in law after the overturning of Roe v. Wade and the variety of different worries that such a change brought with it. They gave some insights into how different groups of society were affected and what their interests were and were not. I expected a lack of focus on data privacy in correlation to illegal abortion and prosecution, but the sources proved me wrong here.

Mass-media documents and digital media documents (Foster et al. 2021, p. 509-513) were also a large part of the data collected. To make sure that the sources were valid, and the information was reliable, I made sure to cross-check and compare the information to other sources. It was also a priority to find sources with clearly stated authors, for the sake of

accountability. The dominating focus was on online news websites directed towards women's reproductive health or the flow and lack of regulation over personal data. These medias were often clearly emotionally loaded regarding the rhetoric that was being used. Several of them portraited a dystopian future unless any changes were made. Despite this rhetoric, the sources used in these websites were complementary to the other sources that I found, despite being politically motivated.

My interpretation of the documents that I came across were to a large degree impacted by the clear political division of views regarding abortion. Using a qualitative content analysis (Foster et al. 2021, p. 516) I coded and categorized the data according to subjects on abortion, biodata, data privacy etc.

3.4 Changes in the Project

Before starting the project, I aimed towards being able to do a smaller fieldwork in Texas to interview relevant lawyers, women's rights activists, and women's reproductive health organisations/centres. I decided Texas as a region intentionally after doing some reading on the different abortion policies across different states in the USA. Texas had already great restrictions present in the state before the overturning of Roe v. Wade. This meant that it already existed interests regionally towards regulating women's access to abortion. I therefore expected that if one state would be among the first states to prosecute women using new means through technological tools, Texas was a good candidate for this to happen. Because of this research, the choice of field was always highly intentional with clear expectations towards how this choice would affect my findings. I knew that if I chose a different state, with more liberal policies and considered to be more of a blue democrat state such as New York, then my findings would be expected to be greatly different and not truly relevant in the respect that some states have not used the opportunity that the overturning of Roe v. Wade has provided for them regarding sharpening their abortion policies.

However, I quickly realised that such a project with fieldwork would have needed more time and planning than I was able to provide. Therefore, I decided that many of the aspects that I wanted to study regarding the case was information I could more easily get through document analysis through primary sources and secondary sources as well as through interviews.

I started contacting several women's reproductive rights organisations because it became clear to me that several of them had their own legal department for lobbying purposes and information as well as jurisdictional support towards women in a situation that demanded an abortion. After searching for some contact information, I became aware of that most of these organisations were big and had regional offices across the whole country. Getting in touch with the right office and the right department was therefore difficult. After getting some response from some of these organisations it became clear to me that they probably did not have the capacity to speak to me since they declined and made me aware of that they had no one that was able to speak with me. Instead, they chose to provide me with some sources that they thought would be useful for me. Even if this was not what I was hoping for, I did appreciate that they tried to provide me with some information.

My project therefore took a turn towards being more document directed. Transcripts of speeches by President Biden and vice-president Harris, news articles, scientific articles, and statements from the White house (2022) (2023) became central. This, as well as the websites and the information provided by the women's reproductive rights organisations, became crucial sources for data collection.

I searched using Google as a search engine on "USA abortion biodata" to try and get as concrete and relevant results as possible. Then, I further searched for abortion facility centres in the USA and further in Texas. Their perspectives became crucial to communicate the perspectives of women's interests since they advertised and provided information on American women's situation regarding abortion.

It was also of interest to investigate how this topic was being dealt with on a higher political level. I therefore searched for some statements and releases from current president Biden and vice-president Harris on the matter (The White House 2022). They were rather vague in their articulation of the 'abortion-issue' that the USA is facing. Because they only vaguely accounted for the subject itself, I questioned to what degree they were accounting for digital issues in this respect as well.

3.5 Evaluation and Trustworthiness

Krefting (1990) refers to a model by Guba which presents four criteria for assessing the trustworthiness and generally evaluating research. These criteria are suggested narrowed

down to contain *truth value*, *applicability*, *consistency*, and *neutrality*. I argue that these criteria are good for evaluating this project.

In qualitative analysis the category of *truth value* is often known as *credibility* and the aim of this is to be able to present a credible representation of the views and perspectives that are relevant to the case. I argue that my choice of actively using sources from cross-disciplinary sources improved the credibility of the results of the data. Also using different kinds of sources was of importance to paint a general picture of the different aspects of the abortion and privacy issue.

When looking at *applicability* in this project, the most relevant point of discussion is the *transferability* of this project. Even though I do not argue for the generalizability of this research, I do argue that this project can have transferability value by seeing it as part of an international context and development. I also use this project as a ground for arguing that security implications regarding digital data and privacy should be further studied by researchers because of its relevance.

Discussing the *consistency* of the research in qualitative research is more directed towards *dependability* as a measurement of trustworthiness. This can be checked by trying to map out several perspectives and experiences of the women in this case. By doing this it is easier to understand the contextual elements for the different perspectives. The different narratives presented in this research regarding political views in the abortion-question is more easily understood by showing awareness towards who argues what and why they choose to do so.

Neutrality is also an important point in this respect. In qualitative context this is better referred to as *confirmability*. There are two aspects of this point worth discussing in relation to this project: confirmability of the data and neutrality in the form of positionality of me as a researcher in relation to this project. The data used in this research are clearly presented in the reference list and the order of their presentation throughout the thesis gives clear indications on what topics the different sources contribute to. Since my sources make up a clear paper trail, it is easier for others to corroborate it and evaluate it later. My own positionality will be delt with later in this chapter.

3.6 Limitations

This section of limitations of the research can be separated into two different points. Limitations regarding using grounded theory as a tool for research in this project, as well as limitations regarding the actual research that has been done in this project.

The lack of definition of the grounded theory is unarguably a weakness (Foster et al. 2021, p. 532). However, such as the lack of definition of several of the other concepts that I am using, the lack of definition also gives some analytical possibilities to customize the research design according to the chosen case. In this project it has been valuable to focus more on certain aspects of this kind of analysis, and less on other aspects because of the nature of the issues that this project has presented.

Regarding limitations to the implementation of this project the lack of fieldwork and interviews greatly affected the thesis. Because of this lack of insights, it was important to find other ways to compensate for it by elevating the theoretical analysis. The aim was that this perspective would provide the thesis with the necessary insights so that it could bring some new thoughts and analysis to the field of international relations. Despite these difficulties, they were not the starting point of what I expected to be the difficulties regarding data collection.

When research on the relevant topics was done, I immediately noticed that third party companies selling data, and how social scientists would theorise this regarding international relations security theories, was a topic with little information available. It was also an important point that the form of these data, the possibilities and limits they had regarding what they could be used for was also not greatly discussed in social science journals. This is an important limitation that affected the thesis. With that being said, it is understandable that this could be the case because the technological implications on such a technical level is quite new and under constant development. It is a cross-field topic that has been written little about previously and this has greatly affected the results that this thesis is able to present.

3.8 Positionality and Public Relevance of the Project

In terms of positionality, I find it important to acknowledge my own biases. As a young heterosexual cis Norwegian woman, the change in a jurisdictional environment, that the

overthrowing of Roe v. Wade created in the American society for women, was a rather emotional turn of events to witness. Abortion as a topic about women's reproductive health and children's rights to life has also to some degree been a topic of discussion in Norway. The awareness of the fact that human rights that are vital for women can change to the worse in other countries is therefore a reminder to not take human rights in general for granted.

My own positionality might have affected the research in a positive way in terms of providing me with the opportunity to explore a topic that I had such an interest in. However, it has probably affected my perspective on the case and my unconscious choices when I researched the topic. With that being said, I kept this bias in mind and continuously tried to find sources that could provide me with different perspectives. It was also for this reason interesting for me to investigate other perspectives to be able to better understand the different arguments stated in the case.

Regarding the digital aspect of this thesis, I am an active user of digital tools in all aspects of life. Much like all other younger and elderly people nowadays. Apps for tickets, apps for tracking, apps for social media, apps for work, apps for shopping and apps for hobbies. It is safe to say that nearly all aspects of my life involve my Samsung S9 as my personal assistant who remembers all my appointments and documents. An invasion of privacy at the level that I am describing in this thesis is therefore of great importance to me. I therefore have good reason to also expect it to be of importance to others who uses such tools as part of daily life as well. Therefore, despite that my research has clear feminist characteristics (Neumann 2014, p.118-119), the purpose of the case itself is not directed towards women, but rather meant to provide a case that can shed light on issues that are relevant for all who are participating in a digitalized society. It is also quite clear that my research has characteristics as engaged research, however as noted this is due to the topic and should not have affected the quality of the research or the results that are being presented.

When I started this project, it was clear from the start that the purpose of doing this research on the case that I chose was not only meant to be relevant regarding abortion politics. Even if the case was situated in an American context in a specific time and place post Roe v. Wade, it was not meant to be seen and understood as an isolated case. The core case that is being analysed is how usage of biodata to do surveillance by the state towards its citizens can threaten the citizens individual security and lead to prosecution of them. This leads up to a bigger theoretical discussion of the right to individual privacy with the usage of digital

technology and to what degree the state as a sovereign unit have the right to interfere with this digital privacy.

The focus on privacy led me on to further do some research on laws regulating and protecting data privacy in the USA. The reason for this is that Europe established the GDPR a few years ago (General Data Protection Regulation) and the discussions globally regarding the needs for this is a contemporary and relevant discussion. Regarding the generalizability of this case, it is therefore important to point out this as well as the other examples of state surveillance with the usage of biodata as a means. This is further explored in both *Chapter 2* and *Chapter 4*. The trend to use such means to overlook and control the citizens can therefore be argued to be considered a general trend and is not specific to the American abortion case post Roe v. Wade. I would therefore also like to make myself clear by emphasising that I do not argue for the generalizability of this case, but I argue that by looking at this case we might find some patterns and issues that might make itself visible also in other cases as well as in future cases.

Chapter 4: Analysis and discussion

In this chapter we will analyse the data that has been collected through the research of this issue. The presentation of this data will follow the structure of the objectives and research questions that were stated in the introduction of this thesis. By doing this, the aim is that the arguments that are being presented in this section will develop accordingly and create a natural transition toward the concept of 'The Surveillance Society', that we first encountered in the theoretical chapter. Based on previous predictions of such a society I have created a 'card game' to further illustrate the power-dynamics in the digital arena. I do this to emphasise the security issue this poses for the individual.

4.1 Investigation of Relevant Biodata for Women's Rights and Security in Relation to Abortions

Looking at the first objective I aim to investigate what biodatas are relevant for this topic and how it interacts with women's rights and security in relation to abortions. We will start by looking at the American context and the securitization of abortion. Laying the ground for exploring biodata, we then move on to women and security. Then we move forward and map out what types of biodata is being used in this respect. In relation to this it is also fruitful to state how these data are being collected. In the end of this section, we will further investigate and explain the significance that biodata has for women's rights and security. These points will be made clear using examples from abortion cases federally in the USA.

4.1.1 Abortion in the USA and the Security of Women

The focus people have on abortion differ widely and influences the different opinions people also have. A common argument from 'women's rights groups' for why abortion is viewed wrongly by others, are not necessarily an attack on other groups wishes to help and protect the lives of potential children, but rather a 'lack of focus' on what they consider to be the main problem. That being how 'the potential child rights groups' fight hard for the children's right to live. However, they do not focus nearly as much on the cases of children being brought into the world without proper housing and parenting conditions (Tolentino 2022). 'Women's rights groups' will argue that some of the reasons why some women are choosing abortion is because they are in different life-situations that they consider to be unfit for a child, or that they themselves do not want or have the possibility to take care of a child. The fear of having

to put your child or lose your child to the child protective services in the USA, is also a relevant fear that many do not want to risk given the relatively bad reputation the service has gained over the years. Because of the lack of improvement in these structural public services and conditions for raising a child, women's rights groups can argue that the fight to keeping the potential children alive is misplaced when the basic structural problems are not discussed or fought over. It should also be noted that statistics of abortion, both national and in Texas shows that minorities such as the Hispanic and the black communities are the groups that have the most abortions (Pettus 2022) (Diamant 2023) (Studnicki 2020) (KFF 2020) (Statista 2022). Numbers also shows that most people who choose to have an abortion already have given children and a lower socioeconomic background. This shows that criminalization of abortion disproportionally affects the life of this community.

Because of the change in overturning Roe v. Wade, for women, the current threat to their rights and protection can be said to be the state. Not to say that other actors are not threatening their rights, but the state is the truly important threat because it has the means to take away rights and prevent important help regarding health.

The topic of women's security becomes relevant in this respect because they can legally be considered a threat to the federal state for taking a choice based on their own personal security and not in the favour of the state's perception of security. On an individual level it can be difficult for a woman to follow the security wishes of the state when it affects her in a negative way in her personal life. It is on this level that the security wishes of the woman and the state does not align because it affects her rights and her ability to make choices based on her own health and interest.

In a security perspective it is also interesting that the state doesn't focus more on the women's health aspect of the case. And instead prioritises the protection of potential children. This choice shows the more conservative sides of American politics and traditional Christian values as a central aspect in choosing policy and creating a society. It makes it clear that there exists a wish for Americans to live their lives in a certain way that includes less abortion, while it also relies heavily on the individual's ability to take care of any offspring that they might produce. This is an action of biopolitics and biopower of the state towards its citizens (Cisney & Morar 2016).

The welfare of the children is therefore not in the centre of the discussion. Instead, the discussion seems to be of a more principal character, and concerning the principal right to choose individually, or not, to what extent any pregnancies should be terminated.

By taking the individual right to choose away from the women, any choice that she makes that doesn't align with federal law, makes her a security issue for the state. In this way one can therefore argue that by criminalizing abortion, you potentially make women who wants to take abortion they no longer can access, and enemy of the state. This can sound harsh since women does not seem to conspire against the government when they are thinking about taking an abortion. On the contrary, they rather seem to consider it a very private matter and often do not even mention it to close family and friends (Chor et. al. 2019).

It is for several reasons difficult when the state puts the rights of two groups in the society up against each other. To further investigate the government's interest in the subject, we should look further into the relation between women's health and security in terms of securitization of abortion.

4.1.2 Securitization of Abortion

The concept of securitization is an important in this respect because it can help us understand the reason for a changed jurisdictional environment in the USA in terms of the illegality of abortion. It is also important to understand the "war on terror" rhetoric that influences the public discussion of this topic.

Securitization as a concept can therefore be said to be fruitful in the way that it explains some of the development toward securitizing abortion as a concept rhetorically in the public. However, it does not focus enough on the non-security driving forces that has also motivated such a change of perspective towards the topic, namely religious beliefs, and a demand for better public health care. How these motives are interlinked to public economic political priorities is neither sufficiently discussed. This concept is also to a certain degree a bit neglective towards the scope of what the digital is, what it consists of and what the potential of it could be. To further widen our view of what could be considered relevant security issues, we should consider the concept of human security as more desirable.

Abortion has, as previously shown, long been a political subject because there exists an environment for strong opposing political views. Religion and history play a big part in this

discussion, but so do also feminist and women's rights opinions. This is also shown in the rhetorical ways abortion is being publicly discussed by central political figures: American Vice-President Kamala Harris argues that abortion rights need to be protected and she encourage citizens to fight for it (Collins n.d.) (Panetta 2023). The same did American President Joe Biden. It is also relatively new that Biden chooses to use the word 'abortion' and not only refer to the topic as 'reproductive health care'. This choice of words shows the public a change of perspective on the subject. It is no longer only a health subject related to discussing health care in the state. Instead, it is a rather political choice of words not created for only discussing health care, but also for discussing other aspects of the individual's lives, such as security aspects.

We see a pattern in the current public debate about the choice of words which further makes it natural to discuss the aspect of securitizing abortion publicly. Abortion is being discussed as something that needs to be protected, fought for, and can be easily taken away by political/jurisdictional authorities. This can potentially threaten the security of the individual citizen. Abortion is also being discussed as a topic regarding protecting unborn American citizens. In these cases, their 'potential mother' is their biggest threat for existing and this gives the state the ability to therefore prosecute the woman for being violent towards another citizen. In such a way abortion is being discussed as a war and as a security issue, but not solely a security issue for the pregnant individual, instead it focuses in an increasingly degree on the other parties involved. In such a way abortion is securitized and the pregnant individual is considered the threat.

So, even if we see several cases of securitizing abortion in favour of the potential child, there still exist policy initiatives that aim to protect certain security issues regarding women taking an abortion. The Women's Health Protection Act (WHPA) is such an attempt to protect the rights of abortion regarding the Supreme Court's decision to overthrow the Roe v. Wade case. However, all voting in the Senate to this point has not reached the necessary number of votes to be able to put this act into process (Center for Reproductive Rights 2022). This is surprising given that surveys show a different picture where there would be no problem putting that act into action. In other words, there is a difference between what individuals in the Senate say and what they do.

4.1.3 Women and Technology

To understand the role that the digital arena plays in the life of women, as well as how it interacts with the security of women, it is necessary to look more closely into what sort of digital activity we are referring to. It is also of importance to look more into what biodata is and how it interacts with the lives of women because technology is an important part of our lives. It takes many forms, including forms that collects biodata that both provides services but also forms that can pose a threat to women's security.

I. What sort of Biodata is being used?

The term of biodata might here be a bit misleading. It might be clearer to instead use the term personal data, however, I consider these terms to be referring to the same. The data that so far has been used actively in prosecutions are messages, web searches and locations. Referring to the cases of Burgess (Collier 2022), Fisher and Patel (Zakrewski 2022) these cases show empirical usage of such data by prosecutors in trials of abortion. The case of Burgess (Collier 2022) in Nebraska made national headlines in the news stating an example of a case where prosecution against a woman for having an illegal abortion was possible because of the police's usage of personal data in the form of Facebook messages between Celeste Burgess and her mother Jessica Burgess. Celeste was 17 at the time and told the investigators that she experienced an unexpected miscarriage of a stillborn fetus. The messages between her and her mother however, revealed a conversation about some pills that they had received and a discussion of what to do with "the evidence". The data necessary to raise this prosecution was gained by the police by giving the Facebook mother company Meta a warrant for this information.

The case of Fisher in 2022 made headlines in the Washington Post arguing that "data privacy risks associated with abortion aren't hypothetical". (Zakrewski et al 2022) The case happened in 2017 with a birth of a stillborn fetus that quickly was announced to be dead at the hospital. Fisher told the police that she was unaware of her pregnancy, but later confessed to a health worker at the hospital that she actually knew about it. She voluntarily surrendered her iPhone to the police, and they discovered that she had searched for "how to buy Misopristol Abortion Pill Online" 10 days earlier. This evidence was crucial to be able to charge the Mississippi woman for having taken an illegal abortion.

The case of Patel in Indiana was said to be the first of these illegal abortion cases in 2015 when she was charged for ending her own abortion (Zakrewski et al 2022). The data that was

being used to charge her was in part text messages to a friend in Michigan where she wrote about her plans to take pills that could induce abortion. Also, her search history was used as evidence in this respect, and she was charged with 20 years of prison.

These three cases all show examples of how biodata is being used against women in cases of illegal abortions. It should be noted that all these cases happened before the overturning of Roe v. Wade, however, that does not make the changed jurisdictional environment less important for the development of women's rights and security.

4.1.4 Women's Rights and Security

Despite these cases presenting situations where simple data were used, it is important to keep in mind the potential of using different data, and using them in a much bigger scale, if there exist little to no regulations. It is also a point that there are different ways for the prosecutors to receive these data. They can deliver a warrant towards tech-companies and get data on that ground. This is like the case against Burgess (Collier 2022) where the police delivered a warrant to Meta for the information. However, prosecutors can also buy data that are generally open for all with the means and desire to buy them (Gold 2023). Google has been clear on the growth of warrants from prosecutors in the USA. Location data has become desirable and just in Texas alone Google stated that they had received 1825 so-called 'Geofence' warrants (NG 2022) from 2018 to 2020. Such a high number shows that the police know how to use the system to file these warrants and uses it to a large degree (Sandvik 2023). Warrants are often closed, and it is therefore hard for the public to know what the focus of many of these warrants are, but Google has tried to argue that they do protect the privacy of their costumers by only answering to specified warrants and decline the ones that are too narrow (Tangalakis 2023) (NG 2022). An argument against geofence warrants raised by media organizations such as Politico (NG 2022) is that it still can be argued to be considered unconstitutional because it does not respect the individual right to privacy. It is also an issue because it is not legal for the prosecutors to ask for data about abortion. This is also the reason why Google desire that warrants are clear and not vague, so that the chances of data being misused are smaller. Lastly it should also be noted that there exist little to no information about how many warrants Google and other tech-companies choose to answer to. With the lack of restrictions directed towards prosecutors and a lack of knowledge about the details of the laws and rights among healthcare providers, lawyers and abortion seekers, there exist a

gap where prosecutors and tech-companies are the only ones gaining benefits in cases like this.

Some independent law researchers have started to look into the threatening aspects of using digital tools for surveillance-similar purposes (Conti-Cook, 2020). Other researchers within the medical field, have pointed at the third-party interests in private biodata and the potential for development within this area (Friedman et al., 2022). Journalistic papers are warning against the risk of abortion prosecution based on usage of private data in Texas in 'the Texas Tribune' (Klibanoff 2022) and federally in 'the Washington Post' (Fowler 2022), but there is a great lack of concrete studies in this field. This might be because the issue in terms of the change in laws is new, but there might also be other reasons for this. The bioethical research community seems to have noticed the issue as well and points to the difficulties this might lead to for women (Lyerly et al., 2022), but still unfortunately news articles are the clearest sources at this point regarding this field (Zakrewski 2022). We therefore need to look further into and map out the combination of the surveillance aspect of this (Lyon 2007), the biotechnological aspect (Mael et al., 1996) with the law and human rights aspect of these women's situations.

II. How is biodata relevant for women's rights and security in relation to abortion?

Biodata is relevant because of its potential to be misused, as well as a lack of protection in terms of laws. It is also big business for companies to gain and sell this information for a various of reasons. This becomes a security issue for women and defy their rights as human beings. Unfortunately, this area of legislations regarding data privacy is not sufficiently regulated in the USA yet.

4.1.5 Data Security and Privacy

Security is relevant when it comes to the digital arena. The threats that exist in the arena are many and all users have an interest in protecting themselves from anything that can cause them harm. Luckily, many security risks that exists are well known by users. Phishing and malicious advertisement pop-ups are something that many people of the younger generations grew up knowing the risks associated with. The European GDPR are also privacy regulations established as a reaction to the needs that demanded it.

It is also a usual practice to encounter with 'terms and conditions' when first starting to use a software or application. These are conditions for using the application. It should be noted that it is common practice for many people to just 'agree with the terms and conditions' without using any effort in getting to be familiar with the 'terms and conditions.' This kind of action is widespread among common consumers. We can consider the actions to be of similar character when it comes to 'cookies' as well. A study done by the Norwegian Consumer Council also emphasised that companies use bad language intentionally and bends the rights of the consumer intentionally, making it ethical problematic because the consumer is not put in a position to make a well thought out decision when they agree to the 'terms and conditions' or 'cookies' (Christl 2016, p. 122). Often it is just being treated as another annoying pop-up advertisement and quickly one will press the buttons necessary to make it go away, without keeping much attention to what conditions are being accepted in the action.

As stated, the clearest data security threats are actual data breaches, or hacking (Kost 2022). In these cases, the consumer can see the seriousness of the situation because something is at stake. Sometimes a threat can be made directly or in other cases important data can be lost. In such cases it truly becomes clear to the consumer what really is always at stake. The seriousness of the situation is further expanded when the consumer realise what large amount of its life is part of the 'data double' that one's data consists of and the damage it could do can be hard to imagine. This leads us to the next important subject, namely what role third parties play in the movement and usage of personal, private or bio data.

4.1.6 Third Parties

Third parties are a term that might seem vague and is often associated with complex nexuses of companies that consumers often do not know they engage with because they are not the company that the consumer expect to be encountering. An example of this can be that a consumer might use Google as a search engine and therefore think that Google company is the actor they engage with. Instead, the reality is often that the company service the consumer uses cooperate with other niche companies, such as data brokers, that the consumer has little or no knowledge of, or relation to (Christl 2016, p. 50). This can be done for several reasons that does not serve any bad intentions such as improvement in the software services, analysing consumer behaviour or improving advertising. Due to this need of services the service

company is dependent on outsourcing certain activities to niche companies, therefore third parties do not necessarily mean anything negative.

On the other hand, regarding the focus on security and privacy, these third parties might be a problem. As a consumer it can be difficult to control where your data goes, who possess it and what those data based on your activity consists of. Therefore, it is also difficult to make good thorough decisions as a consumer on what you want to be done or not done with your own data (Christl 2016). It is also difficult to imagine how this flow of data moving around could impact your life directly in any way. You are not necessarily able to map out any clear enemies to your own security compared to for example phishing. Christl sums up the main issue for consumers when they face these situations. Namely that; "Our knowledge about how apps collect data and transfer it to third parties is limited, incomplete, and often outdated." (2016, p. 52). This is a general trend among consumers and influences the consumer's ability to act on behalf of its own security.

Understanding our data and the algorithms they interact with in the digital arena are abstract nexuses that individuals are not necessarily conscious of or lack the competence to fully understand (Aradau 2018). The understanding of security threats and the rights that further should be demanded, is therefore also limited.

4.2 Exploration of the Impact of Legal Changes on the Role of Biodata in Arrests, Prosecution, etc.

The second objective of this thesis is aiming toward presenting the jurisdictional environment that abortion and biodata as an issue is facing in the American context. Following the research questions stated, we will explore the jurisdictional change after Roe v. Wade and investigate the terrain of American data protection laws. We do this to be better equipped to ask ourselves if the issue of using biodata to prosecute women for having an abortion is a theoretical question at this point in time, or if there are empirical grounds for raising this issue.

IV. How is the jurisdictional change of the overturning of Roe v. Wade influencing the use of law in arrest, prosecutions etc?

The change clearly came before the overturning of Roe v. Wade. Prosecuting women on vague grounds has long been done regarding pregnancy and abortion. The cases of Patel and Fisher (Zakrewski 2022) showed this because they were both overturned after being found

guilty because of the lack of jurisdiction on the area and vague grounds. Statistical sources also show how the law impacts the lives of already marginalised groupings such as those with lower socioeconomic background and the black and Hispanic community (Pettus 2022) (Diamant 2023) (Studnicki 2020) (KFF 2020) (Statista 2022). The abortion laws discussed only continue to take into force discriminatory structures that makes the lives of the weakest worse when the purpose should be to protect them. Instead means are used on new technological possibilities to support the same continuous structures.

4.2.1 American Data Protection Laws

As argued by Cohen (2023) in the Columbia Law Review, overturning Roe v. Wade leads to a more complex nexus in discussion of the different states' abortion politics. This is the opposite argument than the one that eventually led to the overturning in the first place. In an article draft regarding the new "abortion battleground", coming in publication in 2023, he states this complexity. Several new laws must be discussed now internally, and nationally, by all states in terms of the extent of their jurisdiction such as the legality of out-of-state abortion. Several cases have already shown situations where American female citizens have been deprived of their right for health services due to several reason. The repeating story by news media is that the medical personnel are unsure about the limits that now applies to their services. Therefore, there is a chance that they might refuse to do certain medical procedures related to abortion because they are scared that they themselves will risk being prosecuted by the state (Simmons-Duffin 2022). This makes the security for women worse because that might lead to them not receiving important health care in cases where it would be legal to provide them with help, but because of personal fear among health care workers, they might not dare to provide the necessary help.

In the USA, many laws are not federal, but rather differ between the states. California is one of the states that are well known for having some of the strongest privacy protection laws through the California Consumer Privacy Act (CCPA). The intention of this law is to protect the privacy of individuals/consumers by making them aware of what data is being collected about them and who these data are being shared with. It also gives them the possibility to say no to such sale of their data.

In Texas there exist no such similar law. Instead, it is covered by the federal Health Insurance Portability and Accountability Act (HIPAA). This is a law created to protect personal health

information (PHI) of patients. However, this is a law directed towards health care institutions and the standards of privacy they must deliver to their patients as well as the standard of protecting their information. To strengthen this law, Texas also have implemented the Texas Housing Bill 300 (Texas HB 300). This law is also directed toward health care facilities and their protection of PHI. It is important to note that HIPAA do not protect the usage of PHI to marketing purposes by third parties related to the health care facilities. Because of this, Texas also has the Texas Medical Records Privacy Act (TMRPA) with the intentions of prohibiting any usage of the PHI for marketing purposes unless the individual owner of the PHI approve of this. This jurisdictional framework of Texas shows a willingness to protect personal health information in the form of data. However, a general weakness in this regard is how the protection is directed towards health care institutions regarding biodata and the storage of it, and not as the individual separated from this. To exemplify this, it is easier to again point to the cases of Burgess (Collier 2022), Fisher and Patell (Zakrewski 2022). The prosecution of these women involved no health care facilities to obtain personal health information and made clear a lack of protection of the individual's biodata in this regard.

V. Are there differences in the use of biodata theoretically compared to the empirical reality and experience of women?

The empirical reality has yet to achieve its potentials regarding the possibilities that digital means can contribute with. But for now, there are not too many empirical examples, except of those already mentioned in this thesis in terms of Burgess (Collier 2022), Fisher (Zakrewski 2022) and Patel (Zakrewski 2022).

Also, for abortion providers such as doctors there is a risk that their digital tools can be a subject to cyber-attacks or different, which might lead to important patient information being publicly released in cases of ransomware (Koppel 2019) (Kost 2022). Ransomware cases like these have become widespread and health care facilities are to a large degree one of the usual targets. The fear of what health care data can mean and be used for in the future in this jurisdictional time of the USA is clearly present (Sabin 2022). Security threats such as this one makes it more difficult for hospitals and health workers to provide a safe space for their patients when they only to a certain degree can protect individuals' information. This does not only concern patients, but also health workers. The reason for that is that it would be difficult for a health worker to provide a patient with the necessary medical help such as an abortion if the current law in the state is strict in this respect. Not only would it be difficult because it is illegal, but it would also be difficult because health workers risk getting prosecuted if anyone

finds out that they provided help that they probably were not allowed to (Simmons-Duffin 2022). If there were no cases of cyberattacks directed towards hospitals and patients' information, and all digital platforms connected to the hospital were unbreakable, then the risks that the health workers carry would have been lower and they would have been better protected through their job. However, this is not the case.

A different aspect that is also central in this respect is the selling of data. We briefly encountered this topic when mentioning the way third-party companies advertised and gained data to base its advertising on. However, regarding biodata we are rather discussing cases such as period trackers and exercise watches. Even though this is to a large degree a hypothetical issue, it might quickly become a devastating reality. This concern is voiced by several news medias (Conti-Cook 2020) ((De Witte 2022) (Sabin 2022) (NG 2022). This maps out a general worrying narrative among the public medias that the overturning of Roe v. Wade will be the start of a dystopian future. Portrays of a "Handmaid's tale" has been visualized in arguments of a deeply controlling state using its power to control women's reproductive health and their sexual life as a form of biopower (Cisney & Morar 2016) (De Larrinaga 2008) (Muller 2011). Regardless of the extent this is the future we are moving towards or not, we should investigate the countermeasures to protect women and their biodata for security reasons.

4.3 Identification of Emerging Countermeasures/Efforts to Protect Women's Rights and Security in Terms of Biodata Protection

In this section we map out the different agents who focus on the protection of women's rights and security by advocating for the protection of their biodata. The digital aspect of this point is crucial. Further we investigate to what degree the countermeasures that are being taken are sufficiently able to protect women. This section then ends with an evaluation of the countermeasures that are being taken.

VI. How do different actors address the protection of women's rights and security in terms of protecting their biodata?

There exists a gap here. Some researchers argue that the movement groups for women's rights need to take this fight (Conti-Cook 2020), others argue that because of a lack of protection and regulation of personal data, it is close to impossible for a regular human being to control the movement of their data (Christl 2016). Neither prosecutors nor tech-companies focuses

too much on their responsibility towards women's human rights in this respect. International foras such as the World Economic Forum (2023) has stated the importance of working towards a digital context that takes human rights seriously, but the grips that are being taken is essentially of a narrative character and lack implementations of any sanctions. As noted, Google, as well as other tech-companies, try to communicate that they demand more details from the police warrants, but we have no data about how they encounter with these demands and how much information they give the police when they are being asked (Sandvik 2023) (NG 2022).

Regarding women's rights groups fighting against abortion, they clearly focus more on the physical experience of the women and the measures that can be taken in the physical world. Although several news medias, as mentioned earlier, points to data security as a security issue for women, it is still not the focus of these groups at this point. This could be because the issue is considered more theoretical and the cases that are presented in the news are few. Abortion is still being delt with as an issue, but not as an issue of data privacy.

Maybe treating the issue as a data privacy issue would benefit the women's rights groups and their narrative of a state that are controlling women's bodies? It is difficult to say at this point but the gap that exist do present some possibilities.

The countermeasures are neither able to protect women in this case. The main reasons for this are that countermeasures are not directed towards women's data privacy as an issue of abortion. There is a lack of focus on the digital arena as a central issue and possibility for creating jurisdictional change that can better protect women and their reproductive health through privacy. Because of this, there are little data to present here in this respect.

4.4 Theoretical Questioning of IR Security Theory in Analysing the Use of Technological Tools as Actions of Biopower Related to Abortion

Based on the empirical findings used to discuss the previous objectives presented in this analysis, we move over to consider these findings in a theoretical framework of IR security theory. We will start by looking at how international relations security theory is able to account for the findings that are being presented. Having this in mind we explore to what degree this insight is relevant to this thesis. This leads us to a core question that separates the focus of this thesis to the focus of realism by asking who we are studying security for.

I. How are international relations security theories able to thoroughly do a relevant analysis of such a modern case with clear technological components?

The digital arena consists of many actors, some who the state is reliant upon, such as data brokers. This defies the realist power structure where the state is in the centre. It should also be noted that tech-companies have great means. This became visible during implementation of the GDPR in the EU and the number of tech-lobbyists who greatly affected the outcome of GDPR to become more favourable towards tech-companies than initially intended (Christl 2016).

Since it is the women as individuals, we are looking at in this case as well, the realist view is not precenting a precise perspective of their situation. An exception from this is the public state rhetoric towards the topic of abortion and the post-9/11 view of the citizens with a lens that states that the current situation is a 'war on terror' and because of this 'a war on all that can be considered to be an enemy of the state' (Tickner 1992). This can explain why individual data privacy is not necessarily in the interest of the state from a security perspective. If we look to the case of Snowden, the state has an interest in surveilling its citizens. (Smith Ochoa 2021) This therefore separates the state and its citizens into two units and the distinction between security needs on a human security level differs clearly from the state security interests.

Realism can also to some degree further explain the militarized rhetoric dominating the so-called "war on abortion" (Noor 2023) that many news medias have adopted as part of their fear for women's reproductive choices. This war-rhetoric states that something must be securitized as a process to defend it or fight for it. However, the parties in that discussion cannot be simplified to 'the state' and 'the citizens.' Therefore, we should ask ourselves who we are studying security for to understand the more fragmented views in this debate.

II. Who are we really studying security for?

The focus of this thesis greatly impacts the results in the end. In this paper we have looked at the citizens, more precisely the women who wanted an abortion. The reason for this is because it becomes clear that the security need of this group is being marginalized because of a security-oriented theoretical framework in the dominating narrative of others who do not share their view on the security need.

To be able to handle the core issue in this case, namely the continuing of suppressive structures and the ethical responsibility as well as power that tech-companies have today and how this shapes the creation, or lack of, privacy laws and regulations that could have benefited and protected all individuals. And in such a way improved security and protect individuals from being exploited by companies and states that have their own intentions.

A response to what individuals should do is stated by Pettus: "People are going to have to put the people in place to make the decisions that align with their values. When they don't, things like this happen." (2022) What Pettus is stating here is an obvious fact about the core intentions of democracy. It is however also a great simplification of the reality that democracy as a system is. Even if this can be said to be correct in principle, some points are worth noting to better understand the issue we are facing today.

When Trump was elected president of the USA in 2016, he did not win by votes. In total votes, Clinton gained over a million more votes than Trump (BBC 2016). However, because of the political system of mandates in states, Trump gained majority. This is not necessarily a democratic issue of any kind; it is simply one of many ways to organize a democracy. The intentions of mentioning it here is just to point to the fact that most people in the presidential campaign in 2016, that gave the republicans majority in the Congress, did not vote for Trump and the republican party. Therefore, it is possible to argue that the outcome of that election did not reflect the values of the people. Another point that could be made in this respect was the amount of 'fake news' discussed around the time of election. Such issues regarding finding reliable information that can be trusted makes it more difficult for the individual to gain knowledge on topics and make good decisions based on it.

Regarding the American democratic system, the selection process of the Supreme Court justices based on politics is potentially problematic when cases such as the overturning of Roe v. Wade can be done fast with minimal impact from the public. As mentioned earlier, the group of justices in the Supreme Court does not fully reflect the values and issues of the other citizens. Neither do they fully protect the weakest from being exploited. Their ability to change constitutional rights fast is even worse because individuals expect constitutional rights to stand strong over time.

The same lack of contact with the real issues and how they have a marginalizing effect on the weakest in society can also be seen in the Democratic Representative Franks (2022) statements. He was originally voted into the Congress with the perspective that he was

supportive of women's right to choose and therefore also supporting abortion. However, later he changed his mind and argued against abortion on the basis that it strikes the black community the hardest. It is relevant to be aware of that Franks himself also is black and that this affected his perspective. With that being said, we know perfectly well that removing the possibility for abortion would in no way improve the difficult socio-economic situation for the black women. On an individual level, such as the case of Fisher (Zakrewski 2022), women often want an abortion because they already have children and do not have the economic and psychological capacity to have one more. This is another example of how the focus is wrong because the underlining expectation is that these women in difficult situations should give birth so that the community is not losing any black babies. To be an empowering pro-women and pro-black community argument, it fails its purpose and instead it appears as forcing the same oppressive structures on the women who already are struggling.

Because of this, it is important to continue to look at the more marginalised communities in the society and how political actions affect their living conditions. The reasons for this are that they are the ones who are most greatly impacted by the policy choices taken at the highest level. They have less possibilities to travel out of state and because of this there are reason to assume that they will use digital devices in the future to search for medical advice and abortion providers. That will also make them the most exposed to prosecutions from the police if abortion continue to be illegal.

So, regarding the question 'who are we really studying security for?' I argue that we study security differently for different purposes. In this respect critical and intersectional feminist methodology can provide more insight than realism can because the aim of this thesis is to explore women's situation and their experience of it. Through this individual lens with a focus on security as human security, we are better able to understand the different narratives on abortion and digital security that makes themselves visible in this situation as well.

4.5 The Surveillance Society and "The Card Game"

By now it is not radical to argue that we do indeed live in a surveillance society (Lyon 2007). As individuals we have the possibility to stalk our friends, and states do surveillance to look for potential security threats. Which can be everything from individuals to other states, and other actors. Companies do surveillance through gathering data from consumers and using

these data for several purposes such as selling them. What we are left with then is a nexus of actors who monitor each other. However, it should be noted that there exists a power dynamic here, because as individuals we play with open cards. Our cards, or data, are so open that many other actors know our cards before we know them ourselves. It gives other actors an advantage to know so much more about us than we know ourselves. As individuals we are still not aware of the cards that the other actors play with. Because of this, we get shocked when we here of cases such as the one Snowden presented regarding how USA authorities monitoring their own citizens (Smith Ochoa 2021). We are also shocked when personalized ads start occurring while we are visiting a website. It takes us off-guard and therefore shows the present power dynamic where individuals are the weakest actors in the game. The most powerful actors in the game have an interest in following our movements. To monitor us means both security and financial profit, because we are the grounds of their existence.

4.5.1 The Card Game

In this model three parties are presented: The State, The Individuals and The Companies. The two latter parties are described with several names because their names often explain their relations to the other parties. The individuals are citizens in relation to the state and consumers in relation to private tech-companies. The category of the companies is the vaguest term for a reason because it mirrors the public perception of what it is and as mentioned earlier, it can be greatly difficult to know as an actor how many companies one is involved with on the digital arena. Google are never just Google, but instead act as an actor on behalf of a nexus of third parties with different competencies.

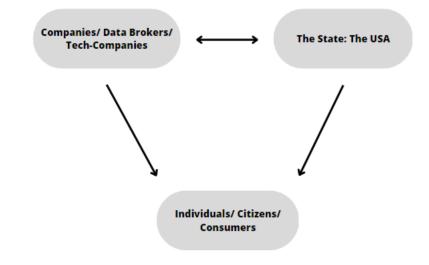


Figure 1: The Card Game showing the dynamic between the actors.

Based on the knowledge that we now have because of the Snowden case as well as the possibility to buy or warrant information from the tech-companies, the interaction between the state and the other actors becomes clear. The USA uses data from the tech-companies to monitor their citizens (Christl 2016). This delegation profits both the state and the companies because the state gets to use these data to its advantage, and the tech-companies get another customer. The arrows that are presented in the model shows the power dynamic and influence of the actors. It shows that the influence goes both ways between the tech-companies and the state because they both have leverage. While both these actors also have the power to influence the actions of the individuals. The individual on the other side is not expected to have much influence on the other actors due to a lack of powerful leverage. To further explain these dynamics in the case of abortion, we should look to this model for an explanation.

4.5.2 The Card Game Dynamics in the Case of Abortion

In the case of abortion, we know that 'The State' actor consists of political divisions of democrats and republicans and that this greatly influence the direction politics take. The division of republican and democratic representatives are even mirrored in the choice of justices that are represented and voted on the overturning on Roe v. Wade in the Supreme Court. This political development can explain why certain narratives of security and women are being pushed.

"The individual" actor in this model is covered by several groups that are affected by the abortion issue. As we have seen abortion providers are insecure regarding their limits to what sort of health care they are allowed to provide now (Simmons-Duffin 2022). They are aware that they risk being prosecuted themselves if they provide any health care that can be considered illegal. Abortion takers are also scared in this respect because they can no longer trust health care personal to give them the necessary help that they need without fearing that they might inform the police in cases were illegal abortion is suspected. An alternative to this is to search for alternative pills or procedures online. However, due to the prosecutor's usage of such data, this is not necessarily safe anymore. Such actions force a pregnant woman to either stay pregnant against her will, or to seek out illegal abortion providers. This raises the level of insecurity for the woman regarding health as well as it removes legal protection in cases of abuse.

Despite the risk of being tracked online for searching out information about abortion, women still do it. The cases of Laticia Fisher and Purvi Patel (Zakrewski 2022) are clear examples where such tools have been used against them. In Mississippi in 2017 Fisher was charged and prisoned because of allegedly having taken an abortion. Some of the main evidence for this was the web searches that the prosecutors presented. Patel was charged for feticide in Indiana in 2015 because of text messages and web searches. Both these cases happened before the overturning of Roe v. Wade and show a longer historical trend for prosecuting women for abortions.

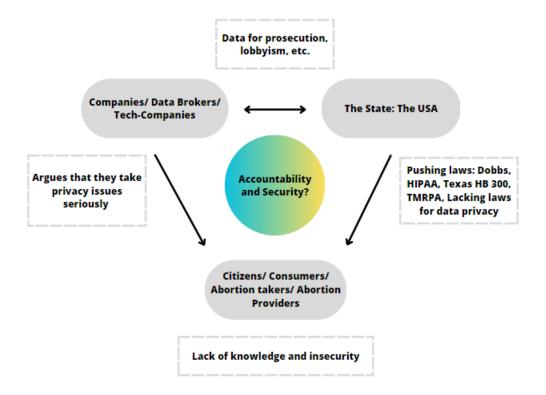


Figure 2: The Card Game in the case of abortion in the USA

It is important to consider the tech-companies' actors as a nexus. This is also one of the key issues regarding analysing this actor. Because the 'known' tech-companies such as Meta/Facebook, Google etc. outsource research and trade commercial-rights with an unknown amount of different third parties on different websites, the party visualizes itself as a 'nexus'. Some of the characteristics of such a nexus is that it is difficult to measure where it starts and where it ends. 'Who?' this is remains also unclear in many situations. The intention of this actor also remains an assumption of being economically motivated because it is tech-companies with a business-oriented approach having trade of services, or data as a characteristic. It is based on such a neoliberal narrative that we can understand their motives for arguing that they themselves are handling their own business by providing their customers

with the necessary amount of privacy and that there is therefore no need for public regulation and interruption of their practices. An example that can argue for this assumption is the situation when GDPR was being discussed in the EU for implementation. According to Christl (2016, p. 139) approximately 2000 tech-company lobbyists were said to be showing up for the ratification of GDPR in the European Parliament. It led to more than 4000 amendments to the original piece of legislation. This system of corporate power over corporate surveillance is something Christl refers to as "the network of control". He argues that this is a democratic problem, and if we look back at the model, we see that it indeed is. Accountability and security are what is at stake, but no higher power is regulating it and creating a safe environment for the individual. In a democracy as the USA, we would expect the state to be the strongest power here. However, in this case the state does not have the leverage or maybe the priority to regulate the tech-companies and instead relies on the services this actor can provide to regulate its own citizens. For now, it is favourable for the state, but as the case of GDPR shows, it is a true threat to the state power and not just a threat to individual security.

In the current system there is a lack of accountability and security for the individual. There are no current solutions towards this problem besides demanding that the individuals gain more knowledge and, in that way, can take better choices for their own security. However, this is a disappointing disclaimer from the other actors. With that being said, it is more natural to turn towards the state for a solution in the form of establishing better privacy laws. Still, based on the previous examples, we have a reason to expect this legislation to be weak because of contradictory corporate interests.

Chapter 5: Conclusion and Digital Issues in an International Context

5.1 Rethinking International Relations Theory and Technology

As we have seen so far IR theory in its realist origin is not enough to present a holistic picture of digital security threats for individuals. This is because of structural inabilities linked to the lack of individual and intersectional perspectives, as well as the lack of focus on the influence technologically that the digital arena presents to the individual. Connecting this aspect to other security theories are then also important to grasp the whole picture. Foucauldian concepts of governmentality, biopolitics and biopower, for example, have served as useful conceptualizations of the current case and made certain structures and meanings of power visible. However, it has also become clear that this alone is not able to fully account for today's digital context. Because of the physical and digital nature that technology consists of, it presents both an arena and an extended version of the physical field that we are already familiar with. In this way it presents itself to us as a transnational and transversal field. The contextual factors that the American society as a case also presents in the form of neoliberal or capitalist market economy is important to also account for. This creates the backdrop of the case and presents some structures that are particular to the American case. The policy perceptions of security issues in realism terms are arguably a state-centric narrative that holds great amounts of militarized rhetoric. However, in this case the federal state show itself as not the only powerful actor 'in the game' of creating politics.

The realism perspective also falls short of being able to fully explain the decisions of the state to change constitutional rights for the worst for its citizens in a fully democratic society that is meant to reflect the values of the population. However, as seen earlier the digital field is difficult to regulate and presents a new arena for policy making and security threats. The degree of this is difficult to account for because of the nature of data flows and third-party influence.

5.1.1 Surveillance and Hacking: The Ethics and Transferability of the Issues

A different aspect of the case is the risk connected to having such sensitive information digitally. Hacking has become an increasing threat against sensitive data (Koppel & Kuziemsky 2019) and medical data are especially vulnerable. Several cases (Kost 2022) have impacted the lives of millions of health care users worldwide. For example, the biggest known

data breach against Newkirk Products affected over three million customers. Hacking in cases like this and against crucial factors such as health institutions is a central threat to individuals. Protection of sensitive biodata has therefore become a new issue since many health institutions who have this information are not always able to protect it and face a growing amount of cyberattacks.

It is also worth noting that biodata has been used extensively by actors for surveillance purposes. For example, as mentioned earlier in this thesis, China has been using biodata registration technology in combination with camera surveillance to map out the people. This has had major consequences for parts of the population, namely the Uighurs (Zhu 2022). The usage of such technology has also been central as part of Chinas' way of tracking and monitoring the spreading of covid-19 (Khalil 2020). It is widely disputed and has impacted the lives of the citizens, something that has led to uprisings. The sort of control that China has over its citizens is quite unique internationally. China could have one of the biggest biodata banks as a result from their information gathering. This is interesting for the rest of the world because there are undoubtedly marked interests attached to such unique data (Char 2022). This shows an element of economic interests regarding such data and that there is a market for it and actors who are willing to pay for it. Because of this market interest, the cybersecurity risks also grow.

Even though these cases are not directly linked to my case, I still hope it paints a clearer picture of the importance of questioning the usage and movement of the data we have regarding the popularity of biodata. Also looking at the amount of growth in cyberattacks against health institutions and other actors that hold such information makes it clear that there are major security threats and difficulties regarding protecting such information. If the market for such information also expands, it can have profound consequences for many people. This raises a whole lot of questions regarding the right to privacy, the ethical aspect of trading with such information and so on.

5.2 Issues in International Governance Digitally:

In a society where states are the strongest powers, it might seem that all other actors expect stricter regulations from them. However, this is not necessarily a good, or desired thing. Take China for example who uses its power to censor and regulate the internet for its citizens, while

also using digital tools to map out and systematically discriminate certain ethnical minorities in the state such as the Uighurs. Leaving the regulations to the state is not necessarily possible either. This is due to the lack of boundaries and jurisdiction on the internet. Asking states to collaborate is neither an easy task since states have different intentions and security needs in terms of intelligence. This is an important and difficult aspect of state sovereignty and security digitally. With that being said, we are by now aware of several other parties that could be interested in using such a tool for its own benefit and which have the possibility to do just that because of the lack of regulation and the anarchic environment that the digital arena presents. To navigate this arena as an individual is therefore difficult due to a lack of knowledge about the possibilities and the potential threats.

5.3 Concluding Remarks

Widening the concept of violence against women to also include surveillance regarding security of women brings a whole different perspective to the concept of surveillance (Mason & Magnet 2012). For example, Apples' usage of its user's privacy information and distribution of it to third-party companies, is a security issue for all users. However, for certain groups in society, such distribution of their private data can be, at worst, dangerous. This all depends on the data received, who receives it and who the original owner of the data is. The China – Uighur case is just one example of this. Such a tool can be used to discriminate certain groups to various degrees. Being stalked by an unknown actor is uncomfortable but can be dangerous depending on what the intention of the buyer of the data is. As any other groups in the society, women have their own security issues regarding this. Women has always been at risk for kidnapping, trafficking, prostitution, etc. But as we have seen earlier, a woman's character is also in need of securitization from defamation and being undermined. Data privacy is therefore also of interest for feminist security theories.

The case of abortion in the USA after the overturning of Roe v. Wade presents a good opportunity to show the differences in security interests between the parties involved. It also makes clear that the power of the citizens is limited compared to the range of power that other actors possess, especially in the digital arena but also in physical life. The integration of the digital arena into the physical makes it important to consider it an extension of the physical arena and that these two arenas need to be studied as integrated units. The case also shows the different elements that impacts digital security, not just for women, but for all individuals.

This thesis has been dealing with a range of different terms referring to the movement of data and data privacy interests. Big Data, data double, personal data and biodata are concepts that are not necessarily easily defined and overlap in their similar characteristics. This has impacted the way they are being discussed and accounted for in this thesis.

To conclude, there is a lot we can say about biodata and data security and there is a lot left to be said as well. This is a field in rapid development, and will be affected by newer digital developments, such as AI. It is therefore important to follow this development and keep on studying it so that we as individuals and members of the society can gain more information about how these developments impact our lives and creates potential future security risks that needs to be dealt with. Regarding women's right to abortion in the USA, it is difficult to say anything about the prospects of regaining a similar federal law such as Roe v. Wade, or if we will see a vastly different development towards even stricter development of laws regulating women's reproductive health. Nevertheless, this thesis offers new ways to understand the linkages between abortion and digital security that may be helpful in understanding similar issues in the future.

Chapter 6: Aspirations for the Future

At 8th of March 2023, the "Women's Health Protection Act" was brought to attention in the Senate as an counteract to the overturning of Roe v. Wade. This act could potentially protect the individual right to abortion on a federal level. However, to what degree this protection will cover all abortion remains uncertain and so does the question of whether such a change in law is feasible to reach at the current state that the USA is in regarding political and religious values dominating the public rhetoric (Markey 2023).

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