

How much Freedom should we trade for our Security?

In the Roman republic, during times of crisis, a dictator was appointed with extraordinary powers and authority over the two consuls. However, there was a safeguard: The dictator's term in office was at most 6 months, so he could not act with impunity. In 82 BC Sulla, victorious in the civil war and occupying Rome with his army, had himself elected dictator for life. His stated purposes were to reestablish the authority of the Senate, reduce the likelihood of another civil war, and increase the legal protections of citizens.

Sulla did indeed pass laws with these aims, and, to the amazement of both his friends and enemies, in 79 BC he resigned from public office and retired to private life. He did this not to spend more time with his family, but because he believed that he had achieved his goals and saved the republic. However, as dictator he could not resist proscribing some 4,700 of his perceived enemies - confiscating their property and putting a bounty on their heads. Moreover, the precedent he set of seizing absolute power "in the interests of the people" was followed by Julius Caesar, who also had himself elected dictator for life, and the Roman emperors, who dispensed with the title but kept the powers.

Whilst elections in the Roman republic were corrupt, and often influenced by bribery, they did not produce monsters like Caligula and Nero. But by the time these men became emperor, it was too late for the citizenry to vote them out. The right to elect leaders, traded away for "security", was not recovered by Romans until 1870, almost two thousand years later.

In the elections of 1924, Benito Mussolini's government won 66% of the national vote. After more and more evidence appeared in the press linking government ministers to crimes, Mussolini gave a speech in parliament in 1925 challenging his enemies to indict him. Nobody dared, and Mussolini became de facto dictator. His first significant action was to muzzle the press, both by making it illegal to publish criticism of the government and pressuring publishers to fire editors who did not support him. Italy did not recover a democratic government until after its defeat in the Second World War.

The 20th century saw many leaders oppress their populations. They always did it in the name of protecting the state from revolutionaries within (or counter-revolutionaries, depending on the school of rhetoric). And always, one of the first targets was the press - for once the newspapers were silenced, who could protest the government's actions? It is no coincidence that when Robert Mugabe decided to hang on to power regardless of the cost to his unfortunate country, the first thing he did was to pass laws that completely incapacitated the press (including one that banned any statement critical of the government, regardless of its truth).

Silencing the press while building security forces to quash all dissent was a strategy adopted not just by despots like Stalin and Pol Pot, who established reigns of terror early. It was also used by leaders like Mussolini, Hitler, and Mao, who all enjoyed broad support when they came to power, and even when they first started suppressing dissent. Many people agreed that the social crises would best be solved by allowing the government to bash a few heads to keep people in line. But repression, once started, needs to silence those who dissent and cover up what it has done; so if it ever passes a critical level, it grows inexorably.

Twentieth century America, too, was not immune from suppressing individual freedom during times of perceived crisis. After the United States entered the First World War, the Supreme Court upheld the imprisonment of those who publicly advocated withdrawal. In the Second World War, more than 100,000 Japanese Americans were interned. The Supreme Court upheld this decision on the grounds of "pressing public necessity" (*Korematsu vs. United States*). In the 1950's, fear of communist infiltration led to Joseph McCarthy's senate investigations and cost many people their jobs.

With the benefit of hindsight, all these actions look not just wrong, but silly. It is arguable that the US should have stayed out of WWI, and certainly speeches propounding that view did not endanger the nation. Thirty years after WWII President Ford finally apologized to the Japanese American internees, and Congress eventually awarded them some symbolic compensation. Nobody today believes that they constituted a significant security risk if allowed to remain free. McCarthy himself was censured by the Senate in 1954.

Why, despite the lack of evidence that suppression of civil rights has any societal benefit, and widespread evidence that the loss of the rights of a few frequently escalates to the loss of rights of the many, does every increase in the perception of national danger lead to calls for a cutback in civil liberties? Partly it is human nature. When we are scared, we want to feel we are doing something to protect ourselves. It is always tempting to take action against an easy target, and then reassure ourselves that now we are safe. Partly it is by analogy with the military. Armies are where people routinely face extreme dangers, and armies have developed procedures to cope with these risks. Chief among these is military discipline. Soldiers give up the right to make their own decisions about a huge range of things, from how to wear their hair to whether to charge an enemy machine gun. So the argument goes: if armies, who know how to deal with dangerous situations, have found that the only effective way is to concentrate decision-making power and force compliance, then surely civil society, when faced with threats, is justified in doing this on a much smaller scale. Indeed, the original purpose of the Roman office of dictator was to conscript the population into the army to defend Rome from an invading force.

The military analogy, however, is flawed. Terrorist threats are not the same as threats of an imminent invasion, and do not warrant the same response, or even a scaled-down version of the same response.

An army is an example of the Prisoner's Dilemma on an enormous scale. It is in every individual's interest to run away. The best interest of the group, however, is for everyone to stand and fight - indeed, mass slaughter normally occurs only when an army breaks and flees. The army must therefore develop a procedure that forces individuals, at least in the heat of battle, to act in the best interests of the group rather than themselves.

Civilian society is not like this. In particular, it is very difficult for a cadre of leaders to determine what the best interests of that society are - hence the failure of centrally-planned economies. Moreover, very few decisions have to be made and acted on in such a short time frame that debate needs to be precluded.

It is the nature of governments to want their decision-making processes to be kept secret, and to have their decisions accepted without question. After some very limited criticism of the decision by President Bush to try terrorism suspects who were not US citizens in military tribunals, U.S. Attorney General John Ashcroft announced:

"to those who scare peace-loving people with phantoms of lost liberty; my message is this: Your tactics only aid terrorists - for they erode our national unity and diminish our resolve. They give ammunition to America's enemies, and pause to America's friends."

It is also the nature of governments whose decision-making processes are kept secret to become corrupt. Without a free press to expose corruption and to push for reform, bribery becomes more and more common. Indeed, if one compares the freedom of a country's press, as measured by the Freedom House Annual Survey, and the perceived level of corruption in that country, as measured by Transparency International, one finds a correlation of 66% - see Figure 1. (The one significant outlier is Singapore, that somehow manages to have a tightly controlled press yet a relatively honest bureaucracy). A free press not only protects a nation from governmental repression, it also protects it economically from systemic corruption, the greatest restraint on economic growth.

What then are we to do, when our society is threatened by terrorism? For Americans, this is a new question. For Britons, it is not. And the British got it three-quarters right. The answer is: not much. We must continue applying the rule of law, even though our enemies do not. Removal of civil liberties does terrible damage in the long run, and frequently fails in the short run too. The introduction of internment without trial in

Northern Ireland from 1971 to 1975 was a failure in reducing violence, and instead damaged the British government's credibility.

The main failures of the British government have been too much judicial secrecy and too little press freedom - not direct censorship, but inadequate sunshine laws to investigate government activities, and overly strong libel laws that inhibit publication of well-supported stories.

The British deserve credit for continuing to hold elections in Northern Ireland throughout the Troubles; and for having a press that continuously investigated government actions. This meant that the majority of the nationalist population, who wanted an end to British rule, felt that there was some hope that they could achieve their aims politically. And even though there was a minority who perpetrated terrorist acts, the scale of these acts remained limited.

Are there freedoms we must trade for security? In the United States, yes. The freedom of the Attorney General to detain suspects indefinitely and to organize citizens to spy on each other. The freedom of the Vice President to assert that effective government requires secrecy, even on things like the make-up of the energy policy advisory board. The freedom of the President to equate criticism with lack of patriotism.

The freedoms we cannot afford to sacrifice are a free press, open government, and free elections. They are our only defense against tyranny, and our best, albeit not quite perfect, shield from terrorism.

Honesty vs Press Freedom, 2001

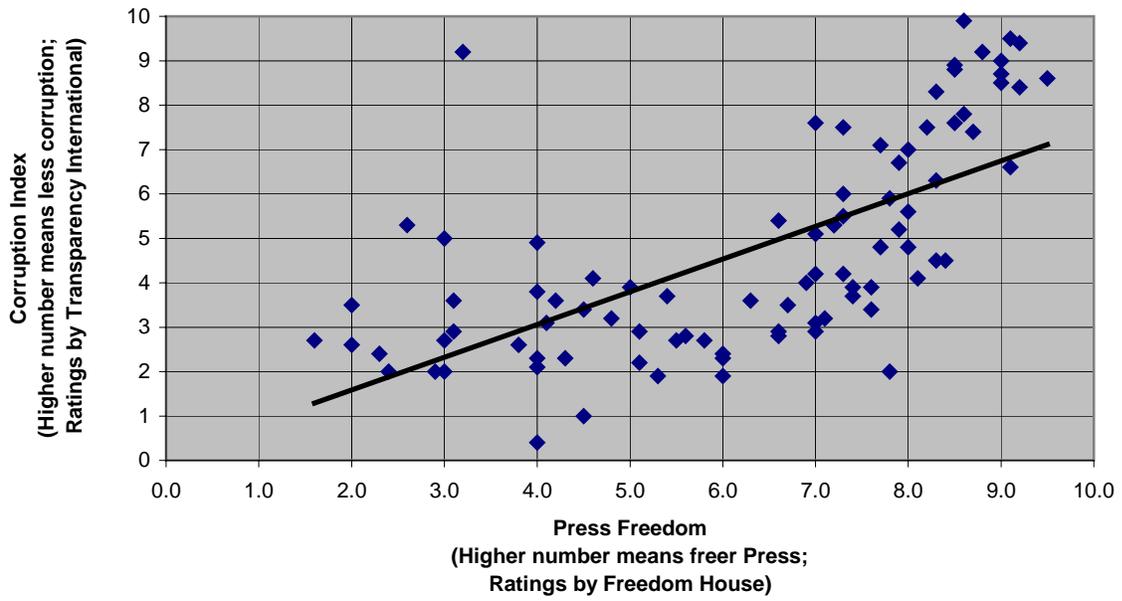


Figure 1

Synopsis

Threats to security always lead to demands that the government be given extraordinary powers and that dissenters be silenced. The Romans had the office of dictator, a temporary supreme commander who could impose martial law. Eventually, this ceased to be temporary, and the elected officials of the Roman republic were replaced by the Emperors, who enjoyed absolute power. So is it always: temporary repressive measures that are introduced to face some imminent threat become permanent, and the rights of the citizenry are reduced.

The only force that can counteract this tendency of governments to seize ever more power and to suppress all dissent is a free press. It is a country's best defense against tyranny and corruption. It is also, somewhat counterintuitively, a country's best defense against terrorism. In countries that maintain a measured response to terrorism and preserve the rule of law, terrorism remains small. When a government decides to suspend civil liberties in order to defeat terrorists, the abuses committed by the government aid the terrorists' recruiting and enormously increase the carnage. The force that keeps a government in check is the press.

To have the maximum security from terrorism possible, we need to ensure that our press is free to investigate and publish.