A CRITICAL ANALYSIS OF BALANCING SECURITY AND LIBERTY IN THE AGE OF TERRORISM

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ABSTRACT

In the modern world, characterized by ongoing threats of terrorism and increasing use of technology, the problem of how to reconcile security and freedom has become one of the most acute. This paper aims at discussing the ways in which contemporary societies try to balance between the threats and the constitutional rights in detail examining the effects of security measures on individual freedoms and democracy. It starts with the understanding of liberty, and the basic freedoms that are inherent in democratic societies, including freedom of speech, assembly, and movement. The paper then moves to discuss the logic of counter-terrorism measures such as surveillance, intelligence, and border control and their efficacy in stemming terrorism with a view to the impact on civil liberties. The analysis unravels the paradox of the relationship between the provision of security and the protection of liberty, and the difficulties of avoiding the dilution of security policies into an abusive surveillance state. It looks at the implications of the shift that has taken place, namely: the dilution of democracy, fear in society, and the acceptance of surveillance as a way of life. The paper thereby analyses case studies of nations that have successfully balanced their economies and includes Germany, Canada, and New Zealand as examples to emulate. In addition, the paper stresses the importance of the continuous process of communication and adaption in the light of the development of threats and technologies. It advocates for strong supervision, disclosure, and public participation in monitoring both security and privacy. The conclusion therefore points to the fact that it is high time that the policy makers, security personnel and the citizens in general come up with policies that will strengthen democracy while at the same enhancing on the security of the nation. This critical analysis seeks to add to the discourse on the issues surrounding the relationship between security and liberty so as to help advance the search for a sustainable balance in the contemporary world.

***Keywords**: Security, Liberty, Global Dynamics, Balancing Act, Policy Orientations, Democratic Values.*

Introduction

Terrorism can be described as the unlawful use of force or threats to create fear and panic in order to achieve political, religious or ideological objectives (Hoffman, 2006). The impact of terrorism does not only end at

the physical losses but also has psychological and social effects in the future. Terrorism leads to the establishment of fear, which undermines the confidence of the people, and makes them feel insecure in the society (Laqueur, 2001). Another impact is the economic disruption which is likely to be felt in sectors like tourism, finance and trade after the occurrence of high profile attacks. Also, terrorism results to political instability because governments may be forced to take drastic actions in order to meet the people's demands for protection (Crelinsten, 2009). These effects taken together threaten the social order and thus terrorism is a persistent and complex phenomenon that goes beyond the level of violence.

With the increase in the cases of terrorism, security has become one of the most important issues on the agendas of governments and their people. Measures for security are crucial so as to prevent loss of life, secure property and ensure that there is law and order within the society (Crelinsten, 2009). In order to counter terrorism, governments are known to increase surveillance, control borders and increase power of police and other security agencies. These measures are taken in order to prevent possible aggression and to create the feeling of protection among the people (Lustgarten & Leigh, 1994). Nevertheless, these actions are vital to reduce risks of threats in society, but they also imply key ethical and legal issues of the society's response to terrorism and the role of civil liberties. The problem is to establish policies on security that can effectively counter terrorism and at the same time uphold the rights of individuals so that the fight against terrorism does not compromise the democratic values that define contemporary societies.

Freedom of speech, privacy, and movement are some of the freedoms that are cherished in democratic societies and are a basic human right according to Dworkin (1977). It enables people to order their lives as they see fit, without state intervention that has no basis in law. In counterterrorism, though, liberty clashes with security because the two are mutually exclusive. For instance, some of the security measures like mass surveillance, and indefinite detention may be useful in combating terrorism, but they are equally a threat to individual freedom (Bigo, 2006). The right to liberty is not an absolute right and there are circumstances under which it can be limited but such limitation must be proportional to the need to address the envisaged risk. It is imperative to preserve the right to liberty in the course of combating terrorism as a way of preserving the moral credibility of democracies.

The management of security and liberty in the context of terrorism is a delicate and a never-ending process that calls for consideration of people's rights on one hand and protection from terrorism on the other hand. Thus, governments have to find themselves in a rather challenging position of ensuring the protection of the society from the threats of terrorism while not infringing on freedoms that are hallmarks of democracy (Crelinsten, 2009).

This balance is not only important in view of the public perception but also in relation to legal and ethical frameworks which are the bedrock of justice. Such policies that focus more on security than liberty may in fact erode the democratic values that such policies seek to uphold and hence create a slippery slope towards authoritarianism (Bigo, 2006). On the other hand, lack of measures that have been put in place to enhance security could expose societies to attacks that may lead to loss of lives and social order. Thus, a more complex approach should be used, which includes the effective security measures and the unshakable focus on the rights of citizens.

The Evolving Landscape of Terrorism

Terrorism, which can be described as the unlawful use of force and coercion, especially in the form of targeted killings of innocent people, to advance political, religious or other forms of agenda (Hoffman, 2006). Such types of terrorism include state terrorism where governments resort to terrorism to silence the opposition, insurgent terrorism which is associated with revolutionary movements, and the lone wolf terrorism which is carried out by an individual who has been radicalised by an ideology. The fact that terrorism is diverse is a testimony to the fact that it is a phenomenon that is capable of changing and transforming itself in order to suit the social, political and technological environment within which it operates, and this is why it remains a constant threat. It is therefore fundamental to establish these different types of terrorism to be able to come up with good measures on how to combat terrorism and reduce its effects on societies.

Global terrorism has grown in the late twentieth century and has become more and more elaborate in its strategies and the propagation of its ideas. Al-Qaeda and ISIS have taken advantage of global networks to recruit, finance, and conduct terrorism, from limited civil wars to transnational terrorism (Laqueur, 2001). These groups have embraced un-conventional warfare strategy including suicide bombings, mass shootings, and the use of IEDs in order to target both the military and the civilian population in order to cause maximum psychological effects. This change in the nature of terrorism has made it necessary for countries to reconsider their security approaches because the classical forms of protection do not always help to counter these decentralized and flexible threats (Crelinsten, 2009).

Terrorism has been transformed by technology in terms of tactics and scope through which operations are done to high levels of efficiency and effectiveness. The internet and especially the social networks have become tools for propaganda, recruitment and coordination, which make it possible for the terrorist organizations to spread their ideas and recruit new members from all over the world at relatively low costs (Weimann, 2006). In the same way, improvement in the communication has enhanced the planning and coordination of attacks, and improvement in the weapons has enhanced the deadliness of the attack. Cyberterrorism, the use of computer networks to

attack information technology systems, infrastructures, and people in order to create fear and panic is a relatively new form of terrorism that calls for increased measures on the protection of the cyberspace (Arquilla and Ronfeldt, 2001).

Terrorism is a phenomenon that is ever changing and therefore the measures that are taken to combat it must also change. Terrorism is a complex and evolving phenomenon that is influenced by technology, geopolitics, and other factors, and can only be fought using a combination of military, intelligence, and cyber power, as well as social, economic, and ideological power. It is therefore important to know the new strategies and weapons of terrorists in the formulation of effective counter terrorism measures that can safeguard the societies without infringing on the basic human rights and freedoms (Laqueur, 2001).

The Need for Security Measures

The logic of counter-terrorism strategies is based on the preservation of the state's interests, the lives of its citizens, and the stability of the society. Such measures are adopted by governments to combat terrorism that is a form of violence used to induce fear, bring about social change and undermine the state authority. The primary goal is to stop the acts of terrorism that may lead to the loss of many lives, property, and emotional distress. According to Enders and Sandler (2012), terrorism is a political weapon whereby non-state actors target people with the aim of changing the political landscape and create fear in the process. In order to tackle these threats, the governments have adopted a more preventive and reactive approach to eliminate the terrorist networks and minimize the chances of attacks (Enders & Sandler, 2012).

To counter terrorism, governments use several security measures such as spying, intelligence, and control of the borders. Surveillance systems; the physical and the digital are put in place in order to observe and follow threats. Examples include the use of CCTV cameras, data analysis and surveillance in identifying the suspicious events. Reconnaissance is the act of obtaining information on the terrorist threats, which can be done through the cooperation of domestic and foreign bodies. In the work done by Kydd and Walter (2006), they showed that intelligence operations if well-coordinated can prevent the occurrence of the intended terrorist acts. Also, there are other physical measures such as visa control and customs inspections to ensure that the wrong people do not enter the country (Kydd & Walter, 2006). These are some of the measures that form part of the counter-terrorism strategy to combat threats at different levels of potential attack.

The issue of the efficiency of security measures in fighting against terrorism is a topical one. Surveillance and intelligence gathering in terrorism prevention have been helpful in the early identification of imminent threats and subsequent prevention of the planned attacks. For example, intelligence

played a crucial role in the prevention of the 2006 transatlantic aircraft plot; this was due to the need to closely monitor suspects and international cooperation (Borum, 2011). However, there are certain challenges that can undermine these measures including; privacy, the sheer volume of data, and the ever changing ways of the terrorist groups. In addition, border control measures may only help in stopping known threats from entering the country, however, they may not be effective in stopping other threats which are more intelligent or difficult to detect (Borum, 2011). Therefore, although these measures are vital in enhancing the security of a nation, they have to be fine-tuned for the new threats.

Nonetheless, security measures have their own issues and constraints that they encounter. Surveillance and intelligence gathering can raise issues of privacy and civil liberties because monitoring can be invasive of the people's rights (Lustick, 2011). Also, the large number of data that are produced by surveillance systems can create the problem of data overload and the ability to determine what real threat is and what is not. Some of the measures that have been put in place to control the borders are also easily exploited by the terrorist groups. For instance, terrorists may forge documents or take advantage of the weaknesses of the immigration policy (Lustick, 2011). These are some of the problems that show that there is a need to have a good balance of security and liberty and that there is a need to make sure that the strategies being used are effective in dealing with the new and emerging threats.

The Importance of Liberty

In its simplest sense, freedom means the state of being free from constraints that are placed on one by those in power over one's daily life, conduct or beliefs. It includes some of the most important rights such as; the right to freedom of speech, association and movement. Freedom of speech entails the ability to voice out one's opinion without being punished or restricted in any way; this promotes the generation of ideas within the society (Mill, 1859). Freedom of assembly allows people to assemble without being interrupted by the state and for social, political, or religious reasons, thus allowing for the aggregation of individuals for political purposes (Dworkin, 1985). The freedom of movement allows people to work and live where they want, which is crucial for the human liberty and entrepreneurship (Nozick, 1974). These aspects therefore are the basics of democratic societies where people can live freely and participate in the social and political systems.

When it comes to security, there is always the struggle between the protection of the society and the protection of the people's rights. National security can also be used as a reason why governments can impose measures that will affect people's rights. For instance, surveillance, curfew during disaster, and control on public gathering can be regarded as reasonable for combating terrorism or crime (Schauer, 2003). However, these measures can encroach upon freedoms, leading to potential abuses of

power and erosion of democratic principles. The post 9/11 world has witnessed much debate on the tension between security and privacy and the measures like the USA PATRIOT Act that have been implemented have generated controversies on the degree of surveillance by the state and its effects on rights of the citizens (Zuboff, 2019).

The loss of freedom in the name of security can have severe repercussions in the short and the long run to people and the entire society. Slowly, the gradual encroachment on people's rights results in the society of obedience and conformity, which hampers creativity and protest. When people are allowed to embrace the limited freedoms, they may start to embrace the authoritarianism thus eroding the democratic principles (Dworkin, 1985). However, the constant surrender of freedom for security measures may lead to future more intrusive policies, therefore normalizing the surveillance and control (Zuboff, 2019). The lessons of history, for example, the internment of Japanese Americans during the Second World War, show that the loss of liberty for the sake of security leads to long-term social and ethical consequences (Miller, 2008). Therefore, it is important to be able to find the right balance between security measures and freedom in order to protect the democratic values.

The dilemma of the relationship between security and liberty is that it is possible to preserve the rights of individuals and meet the security needs at the same time. This balance requires that measures are put in place that are reasonable, clear and that are susceptible to check and balances to avoid misuse (Schauer, 2003). Legal and ethical considerations like judicial review and Legislative scrutiny help to balance on security policies to an extent that they do not violate the rights of individuals. As a result, open discussion in public sphere and informed citizenship can contribute to the preservation of this balance, since democratic societies require participation and discussion on the extent and the scope of the government power (Mill, 1859). In conclusion, it is possible to state that both security and liberty can only be protected with the help of the principles that foster human dignity and democracy.

Finding the Right Balance

The two competing values of security and liberty are complex to reconcile because they are inverse of each other in the sense that security has to be achieved at the expense of liberty. As Dworkin (1985) points out, there is always a dilemma between adopting certain measures that would help counter threats and protecting citizens' rights. A major problem is that security measures could be too much of a good thing and may infringe on civil liberties and thus erode the public's confidence and lead to abuses of power (Schauer, 2003). Furthermore, as the threats are emerging and evolving, as cyberterrorism, radicalization, and other new phenomena, the policies have to be adjusted constantly, which puts stress on the legal and ethical systems (Zuboff, 2019). The problem is that it is hard to measure the efficiency of security measures, which makes it even more problematic to find the right balance since one cannot know how well the preventive measures are working without violating someone's rights (Mill, 1859).

In order to overcome these challenges, several recommendations can be made in order to find a better balance between security and liberty. Strong monitoring systems are therefore important for the prevention of unfair and improper application of the security measures. This can encompass the special institutions or organizations whose responsibilities are to examine and assess the security measures and policies (Schauer, 2003). Thus, openness of the government actions and decisions makes people trust the authorities and enables discussions on the extent of the security measures taken. The fact that policies are easily available to the public and can be criticized can help to avoid overreaching and increase responsibility (Zuboff, 2019). It is also important to engage the public as it has been seen that people when involved in the debate on security and liberty tend to arrive at more reasonable and acceptable policies. Moral forums for public input and legal challenges can act as a check to the power of the government for the sake of upholding proportionality and respect for the individual (Dworkin, 1985).

Some countries have therefore provided good examples of how such a balance between security and liberty can be made. For instance, Germany has put in place strong data protection laws and regulatory bodies due to the experience of surveillance by the East German Stasi. The Federal Commissioner for Data Protection and Freedom of Information is responsible for data protection and makes sure that the current measures in place are constitutionally compliant to the protection of data (Miller, 2008). Another example is Canada where Security Intelligence Review Committee (SIRC) perform supervision over Canadian Security Intelligence Service (CSIS) to ensure that it does not violate civil rights of people. Thus, the Canadian approach is focused on the openness and accountability, including public debates and legislative revisions of the security policies to respond to the threats without violating the rights of the citizens (Kydd &

Walter, 2006). New Zealand also has robust legal framework and checks and balances for surveillance activities in its counter-terrorism strategies as well as independent assessments of the balance between security and liberty (Enders & Sandler, 2012).

The struggle between security and liberty is a constant process of evaluation and, therefore, it is a never-ending task. Some of the good practices are: Having a robust legal framework that sets out the parameters of security measures, periodic revision of the policies, and, promoting and respecting human rights. It is also important to involve in international relations and learn from other countries' experiences as to how they manage to balance their power (Mill, 1859). In conclusion, it is for this reason that the maintenance of the security and liberty is only possible through commitment to democratic values, accountability, and respect of human rights while at the same time being conscious of new threats and possibilities of abuses of power (Schauer, 2003).

The 21ˢᵗ Century Dynamics

The security has greatly been shaped by the growth in technology and the changes in the nature of threats in the 21st century. New forms of threats such as cyber terrorism, espionage, and availability of high-end weapons and communication technologies have altered conventional security threats. For instance, cyber-terrorism, is defined as the use of the internet to target key infrastructures and data systems; this is a new threat to national security and calls for new ways of protection (Zuboff, 2019). The application of AI and ML in security measures has improved the monitoring of activities but at the same time has generated fears on the infringement of rights and abuse of power (Borum, 2011). Furthermore, the threats in the present world are not limited by the territorial boundaries of a particular country and therefore call for cooperation and the sharing of information between countries in order to deal with threats that cut across borders (Enders & Sandler, 2012).

New challenges have appeared in the digital age to the notion of liberty. The possibilities for the free speech and communication have been boosted by the social networks and other digital technologies, while the threats of surveillance and censorship have also increased. Governments and other institutions as well as private companies gather large amounts of information about citizens, raising concerns over privacy and power imbalances (Zuboff, 2019). On the one hand, social networking sites support the ideals of democracy and free speech, on the other hand, they can be utilized to spread rumors and call for violence (Kydd & Walter, 2006). To reconcile these conflicting objectives, there should be strong legal frameworks that can guarantee individual liberties while at the same time, counter the risks that are associated with the use of technology (Schauer, 2003).

The twenty first century has seen the emergence of new power relations in the international system where new powers are emerging. China's emergence as a global power has shifted the balance of power, in trade, security and diplomacy (Enders & Sandler, 2012). Non-state actors and multinational corporations are also becoming more involved in the international system and therefore contribute to the making of the global politics. These shifts require the reconsideration of the conventional coalitions and policies and the generation of new paradigms of the international relations and conflict management (Borum, 2011). It also shows that power relations are not static, and thus, requires power strategies that are flexible and inclusive in order to tackle the problems of the international system and enhance cooperation among nations (Kydd & Walter, 2006).

Climate change and environmental problems are some of the defining aspects of the 21st century, affecting security, economic conditions and population health. Global warming and climate change lead to an increase in the frequency and intensity of disasters, water and food scarcity, which in turn can intensify conflicts and generate new threats, including climate change refugees and struggle for resources (Mill, 1859). These challenges call for the comprehensive strategies that will consider the environmental management, security, and economic development. Treaties like the Paris Agreement are meant to reduce the effects of climate change and enhance the partnerships for environmental concerns across the globe (Zuboff, 2019). However, achieving the environmental objectives has to be done in harmony with the economic and security objectives which is a constant and challenging process.

Conclusion

Thus, the complex environment of the 21st century has shifted the paradigm of the security-liberty relations. Technological developments such as cyberterrorism and advanced surveillance systems have posed new risks to the society's security while at the same preserving people's rights. The use of the digital communication tools has on the one hand opened up the space for freedom of expression while on the other hand there are concerns over privacy and state powers. Besides, the changing international relations and the most significant challenge of the present time – climate change – make it even more challenging to reconcile the requirements of security with the protection of individual rights. The role of dialogue that should continue cannot be overemphasized in this regard. In as much as we strive to achieve these, there is a need to ensure that there is constant engagement of the policymakers, security experts, and citizens. This dialogue must be live and adaptable to new challenges and risks so that it can provide security while at the same time not trampling on people's rights. The flexibility of strategies and policies that we are to adopt will define our capacity to combat new challenges while still maintaining the principles of democracy

and human rights. Both policymakers and citizens therefore have important parts to play in this on-going process. Policy makers must undertake to act in a manner that is open and can be properly monitored and regulated: measures taken must be proportionate and subject to proper scrutiny. This includes periodic assessment of the policies in light of the new technologies and the changing threats. While on the other hand, citizens should engage in the public domain and lobby for their rights, demanding their governments to come up with sound and fair policies. A call to action for both groups is clear: therefore, it is critical to establish a balance between the security of the state and the freedom of its citizens. This entails not only coming up with polices that may help to deal with the current challenges but also, promoting a culture of democracy and respect for human rights. Through healthy discussions, promoting openness, and endorsing strong monitoring structures, it is possible to build a society that is secure and equitable at the same time. In this way, we will make sure that our reaction to the contemporary threats does not undermine the values that are the foundation of the democratic countries and thus will develop the system which will be able to respond to the present and future threats. This will be important in the development of a society where measures put in place to secure individuals do not infringe on the rights of the same individuals and where the protection of the rights of the people remains a key function of good governance. While facing the challenges of the twenty-first century, we will be guided by this balance in the development of our democratic institutions and the principles of our society.

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