MOTION:

“PROTECTING THE PUBLIC FROM TERRORISM SHOULD COME BEFORE CIVIL LIBERTIES”
The 9/11 attacks of 2001 led to a new era of a ‘war on terror’ declared by then US President George Bush and strongly supported by former UK Prime Minister Tony Blair. Since then the terrorist threat has remained high on the political agenda in many countries. Like the American government, the UK government has introduced a raft of measures and legislation to provide the police and other bodies with greater powers of surveillance and detention to combat the threat of terrorism. This, though, has lead to significant and vocal concerns being raised about the erosion of civil liberties in both the US and UK. The case of failed Christmas day ‘jet bomber’, 23 year Umar Farouk Abdulmutallab, who was born in Nigeria but latterly educated and allegedly ‘radicalised’ in the UK, has again brought the issue in to sharp focus, with commentary about the rights and wrongs of full-body scanning’ in airports and targeted ‘profiling’ being only the most recent manifestation of this long-running debate [Ref: BBC News]. The banning of radical Islamic group Islam4UK under anti-terrorism legislation just two weeks later, and the groups claim that the move was an ‘evident failure for democracy and freedom’ prompted some to question the efficacy of the government’s action [Ref: BBC News].

How should we respond to the threat of terrorism today? Are civil liberties simply a fringe concern, distracting us from the dangers our societies face? Or are we overreacting in our response to terrorism? Do we risk undermining the very freedoms that we are seeking to defend? And should we be wary of governments invoking protection from terrorism as the basis on which to introduce measures that restrict individual freedoms?
The terrorist threat
Prior to the recent Real IRA shooting of two soldiers in Northern Ireland in March, no successful terrorist attacks have been carried out in Britain since the 7/7 London bombings of 2005, which claimed 52 lives. However, the thwarted Easter bomb plot in Liverpool in 2009 [Ref: The Times], the unsuccessful car bomb attacks in London and at Glasgow airport in June 2007, alongside high profile media coverage of the unsuccessful attempts to prosecute individuals accused of aiding the London suicide bombers [Ref: Guardian] and the controversial passage of the Counter-Terrorism Act 2008 through Parliament, have kept the issue of terrorism high on the public agenda. But defenders of the governments’ counter terrorism strategy have suggested that the lack of successful terror attacks is evidence that the balance struck between liberty and security by government is the right one.

What are civil liberties?
Civil liberties place limits on the power of the state over the individual and guarantee a private sphere of autonomy where individuals are free to act so long as they do not harm others. Freedom of speech and freedom of assembly, for example, protect the rights of citizens to criticise and protest against the government, and longstanding protections have sought to guarantee the right to a fair trial. At the centre of this debate is whether civil liberties are non-negotiable absolutes, or whether liberty must be continually balanced against the need to ensure security.

What anti-terrorism measures have been introduced?
After 9/11, terrorist suspects in the UK were held without trial at Belmarsh prison. In 2004 the Law Lords ruled that this breached human rights law [Ref: BBC News], forcing the government to introduce new legislation in the form of the Prevention of Terrorism Act 2005. Most controversially, this allowed the Home Secretary to impose control orders on terrorist suspects, placing them under effective house arrest without trial. In November 2005 the government suffered an embarrassing defeat over proposals to increase the time that suspects can be held without charge from 14 to 90 days [Ref: BBC News]. The final legislation, the Terrorism Act 2006, included a compromise figure of 28 days. The act also introduced laws against indirect incitement and ‘glorification’ of terrorism and an offence of ‘acts preparatory to terrorism’. In 2008 the government courted further controversy with the Counter-Terrorism Bill through which it again attempted to extend the period suspects can be held without charge, this time to 42 days. This provision of the Bill was heavily defeated in the House of Lords and was removed from the Counter-Terrorism Act 2008 [Ref: Guardian].
Is an exaggerated sense of fear being used to undermine civil liberties?

In the UK, in the face of so many new anti-terror measures, increasingly vociferous concerns have been expressed in many quarters about the erosion of civil liberties. Fears have been raised that the law against ‘glorifying terrorism’ threatens freedom of speech and blurs the distinction between words and deeds. Criticisms have also been launched at the government’s determination to introduce ID cards; the massive increase in the use of police stop-and-search powers; and the increasing police harassment of innocent people taking photographs [Ref: Guardian]. Even Stella Rimington, the former head of MI5, has responded to the current situation warning that the fear of terrorism is being exploited by the government to erode civil liberties and risks creating a police state [Ref: Daily Telegraph]. But whilst some were heartened by the defeat of the government’s proposals for 42 days detention, others warn that arguments about 28 or 42 days are by the by, both are draconian attacks on our liberties [Ref: The Times].

Are the dangers to civil liberties being overplayed?

The UK government argues it’s wrong to talk about ‘creeping authoritarianism’: freedom requires security and the most important civil liberty is freedom from terrorism. Supporters of the government think that civil libertarians fail to appreciate the new threats we face. For example, the claim by British police to have prevented ‘mass murder on an unprecedented scale’ by uncovering a plot to blow up UK flights to the US in 2006 is seen by some as a vindication of government policy [Ref: Guardian]. Home Secretary Jacqui Smith defends the UK government’s approach arguing that ‘people’s fundamental civil liberty is that they are kept safe from terrorism and serious crime’ [Ref: Daily Telegraph] and data from the British Social Attitudes survey indicates public support for the current level of emphasis on security even if it means giving up some civil liberties [Ref: Guardian]. Others, however, have linked the ‘War on Terror’ to a state of moral confusion in the West, where a heightened sense of vulnerability makes people feel easily terrorized [Ref: spiked], and make the case for greater resilience to undermine the impact of terrorism on society [Ref: THE].
ESSENTIAL READING

Balancing liberty with security
Paul Reynolds BBC News 23 October 2009

Liberty and the state - a debate that had to happen
Observer 23 April 2006

Britain’s liberties: The great debate
Henry Porter & Tony Blair Observer 23 April 2006

For
Forget body scans: search the right people
The Times 6 January 2010

The police are right not to remain silent on civil liberties
Sir Ian Blair Guardian 8 December 2009

‘I know where balance lies with civil liberties and security’
Jacqui Smith Daily Telegraph 27 March 2009

42-day detention; a fair solution
Gordon Brown The Times 2 June 2008

The first step towards defeating the terrorists: stop blaming ourselves
G Baker The Times 11 August 2006

Against
Is the Islam4UK ban a blow against democracy?
Deborah Orr Guardian 14 January 2010

Spying on us doesn’t protect democracy. It undermines it
Seamus Milne Guardian 28 December 2009

Slash 42 days to 24 hours
Brendan O’Neill spiked 17 June 2009

Britain’s terror laws have left me and my family shattered
Hicham Yezza Guardian 18 August 2008

42-day detention: the threat to our liberty
John Major The Times 6 June 2008

In Depth
Stopping terrorism is not ‘criminalising dissent’
Shiraz Maher Standpoint 13 January 2010

Security v liberty
Hugh Rosemont Guardian Comment is free 5 May 2009

Out of bounds
Kenan Malik Index on Censorship 2008

Counter terrorism and public trust
Jonathan Evans The Times 5 November 2007

CIVIL LIBERTIES AND TERRORISM:
“Protecting the public from terrorism should come before civil liberties”
Al-Qaeda threat: Britain worst in western world
Con Coughlin Daily Telegraph 15 January 2010

Our false sense of security should end here: Al Qaeda never went away
Sam O’Neill The Times 28 December 2009

A decade of unfreedom
Tim Black spiked 22 December 2009

Al-Qaeda and a decade of terror
Michael Burleigh Daily Telegraph 7 December 2009

Liberal values have never been more important – or less popular
John Kampfner Independent 21 September 2009

Explainer: Terrorism legislation
Guardian 22 January 2009

Dilemmas of terror
Conor Gearty Prospect Manager October 2007

ORGANISATIONS
Campaign against Criminalising Communities (CAMPACC)
Convention on Modern Liberty
Council on Foreign Relations: Terrorism
Liberty
Statewatch
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*Guardian* 26 January 2010

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*The Times* 22 January 2010

Islam4UK Islamist group banned under terror laws
*BBC News* 12 January 2010

Gordon Brown promises full body scanners at UK airports
*BBC News* 3 January 2010

Detroit airliner incident ‘was failed bomb attack’
*BBC News* 26 December 2009

Terror suspect freed after home secretary revokes second control order
*Guardian* 24 December 2009

Scotland Yard warns police officers over photography concerns
*Guardian* 15 December 2009

Judges rule against government over secret evidence in terror cases
*Guardian* 1 December 2009

Prevent, Anti-Muslim Extremism program, attacked by civil rights groups
*Huffington Post* 2 November 2009

Manchester launch for ID cards
*BBC News* 6 May 2009

Trio cleared over 7/7 attacks
*BBC News* 28 April 2009

Ex-defence chief says attack on liberties is bowing to terrorists
*Guardian* 24 April 2009

Student visa scam allowing terror suspects into Britain
*The Times* 14 April 2009

Losing the ‘war on terror’
*Los Angeles Times* 8 April 2009

Rising threat of dirty bomb attack on UK, says Jacqui Smith
*The Times* 25 March 2009

60,000-strong ‘army of shopkeepers’ to fight terrorist threat
*Scotsman* 23 March 2009

‘Real IRA claims’ murder of soldiers in Northern Ireland
*Guardian* 8 March 2009

Spy chief: We risk a police state
*Daily Telegraph* 17 February 2009

Glasgow airport bomber was being tracked by MI5
*Guardian* 17 December 2008

Peers throw out 42-day detention
*BBC News* 13 October 2008

David Davis has struck a fine blow for the cause of civil liberties
*Independent* 12 July 2008

CIVIL LIBERTIES AND TERRORISM:
“Protecting the public from terrorism should come before civil liberties”
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