Between the Razors' Edge: When might state security practices become counterproductive?

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I. INTRODUCTION

In *Terrorist Killer* (Magnuson 2010), you are shown a terrorist. Then, a crowd of people, the terrorist amongst them. Your reticule pans across the scene and you fire when you see your target—you invariably hit a couple bystanders, but your mission is nonetheless a success. In your next briefing you are told that '...for some reason, the number of terrorists seems to have increased.' The crowd is thicker now; to get your targets takes a little more collateral damage. Each round the crowd thickens, until eventually you can no longer make out the individuals. The message is not subtle, but it is equally a not-uncommonly-espoused one: that heavy-handed responses to state security threats (activists, terrorists, heretics) tend to reinforce the very movements they seek to control. *Terrorist Killer* ends with a quote from Chomsky: 'Everybody's worried about stopping terrorism. Well, there's a really easy way: stop participating in it.' (quoted in Junkerman 2002)

Is this really the case? When might common state responses to security threats, real or perceived, internal or external, serve instead to perpetuate and even empower those threats? This essay shall argue that the answer is dependent on which philosophical razor one prefers to apply—Hanlon's or Heinlein's.

In the second section, common state security practices are detailed, as well as the threats they purport to counter. In the third, Hanlon's razor is explained and the result of its application to the question of the title detailed. In the fourth, Heinlein's razor is explained and applied and the implications of doing so are discussed. Finally, the essay concludes. Throughout, a particular focus is held on the threat of Islamist terrorism and the states of the UK and the US.

II. THE CURRENT STATE OF 'STATE SECURITY PRACTICES'

To be 'secure' is to be 'free from anxiety'. What causes us anxiety—rent, interpersonal issues, academic deadlines—is not what causes a state anxiety. A state is secure when it need fear no usurpation by an alternative, a threat that can come from within or without with each requiring a different set of measures to counter. The distinctions are not binary—the Islamic State is an external threat not due to its military might or the prospect of it successfully establishing a global caliphate, but because of its ability to export its ideology and thus generate internal threats.

The traditional external threat has been that posed by the geopolitical, nationalistic, economic or security interests of another state or states (Levy and Thompson 2011). The liberal/democratic peace theory proposed by Doyle (1983) suggests that this is a concern of the past, but Mankoff (2009) disputes this view with the example of a Russia that is attempting '...to return to its accustomed international position as an independent pole in a system of shifting, competitive states.' Regardless, the historic response to such threats has always been the formation and maintenance of a formidable state military force, supplemented where prudent with an insulating layer of defensive treaties signed and pacts made. The UK is a prime example of both approaches, fielding an well-trained and well-equipped (though rapidly shrinking) military force comprising just under 200,000 Regulars and Reservists (Ministry of Defence 2018) alongside a NATO membership that pools those forces together with the greater offerings of five other states and the lesser offerings of the the remaining 22 (plus a non-militarised Iceland). However, as mentioned above, armed non-state actors such as the Islamic State and al-Qaeda have risen to prominence in recent decades as an alternative form of external threat. These forms of militancy, with

their reliance on the use of terrorism in furtherance of their aims, are not novel—Sandler, Arce, and Enders (2008) point out that '...the Thugs [of 1st–19th-century India] may have murdered over eight hundred people a year during their twelve-century existence, making them twice as deadly on an annual basis as the modern era of terrorism (1968-2006)' (see also Boot 2013). The current responses to them are broadly consistent, and have been since at least the post-9/11 dawn of the War on Terror: extrajurisdictional kidnappings—also known as 'extraordinary renditions', and questionable on both moral (Weissbrodt and Bergquist 2006) and legal (Satterthwaite 2006) grounds—proactive invasions of and military actions within the groups' home countries and, following recent advances in military automation, what Chomsky calls the 'global assassination campaign' of 'targeted' drone strikes (Garbas 2013). In short, state security practices aiming at external threats are generally external in deployment and military in character.

What of internal threats? A state consists of individuals and institutions, and so a threat from within must necessarily come from the actions of those same individuals and institutions, either working alone or collectively. This is the threat of the current state being overthrown by a disaffected people, be it through revolution or civil war. China currently leads the world in the suppression of internal threats and can thus show us the nature of effective state security aimed inward (Chase and Mulvenon 2002). If individuals may pose a threat, and if that threat would be magnified should multiple individuals join forces towards a common goal, the freedom of those individuals to congregate and to criticise, as well as to have their criticisms heard, must be curtailed. This can be done reactively, such as by imprisoning those who openly dissent to the current regime, or proactively, such as by implementing a pervasive, pseudo-omniscient state surveillance apparatus (or at least the appearance of one) in order to promote pre-emptive self-censorship. Both have been introduced into British life since the September 11th attacks in New York; Labour governments repeatedly curtailed exercise of the right to protest and introduced indefinite detention without charge (Atkins, Bee, and Button 2007), whilst contemporary Conservative governments have attempted to further extend the reach of their intelligence agencies, falling afoul of the courts in doing so.[1] In short, state security practices aimed at internal threats are generally internal in deployment and legal/criminal in character

To conclude, a state must react to both external and internal threats (and threats that straddle the line between the two). Security against the former is achieved through the fostering of deterrent military might and the use (or threat) of extraterritorial violence. Security against the latter is achieved through the restriction of civil liberties, increases in surveillance and the suppression of dissent.

III. HANLON'S RAZOR: STATE SECURITY PRACTICES ARE COUNTERPRODUCTIVE

When a state implements a security practice, it must cite a threat towards which the new measures are directed. UK Prime Minister Theresa May followed three Islamist terror attacks within the space of as many months in 2017 by announcing that '[w]hen it comes to taking on extremism and terrorism things have to change' (Randerson and McTague 2017), tweeting a couple of months afterward that '...if human rights laws get in the way of tackling extremism and terrorism, we will change those laws...' (May 2017). This counter-terror rationale has been the driving force behind the introduction of measures to restrict civil liberties, the militarisation of policing and the expansion of bulk surveillance programs on both sides of the Atlantic since the beginning of the 'War on Terror'. However, the evidence could not be more overwhelming that these mass surveillance measures do nothing to stop terror attacks. Savage (2015), writing on FBI anti-terror surveillance programs, states that '[the FBI general counsel] defined as useful those [leads] that made a substantive contribution to identifying a terrorist, or identifying a potential confidential informant [and that j]ust 1.2 percent of them fit that category.' Bergen et al. (2014) performed an '...in-depth analysis of 225 individuals...charged in the United States with an act of terrorism since 9/11 [which] demonstrate[d] that traditional investigative methods, such as the use of informants, tips from local communities, and targeted intelligence operations, provided the initial impetus for investigations in the majority of cases, while the contribution of NSA's bulk surveillance programs to these cases was minimal' (see also Adams, Nordhaus, and Shellenberger 2011). McLaughlin (2015) presents an analysis of '...an internal unclassified Department of Homeland Security document...' that concludes that '...there's no evidence that the NSA's extraordinary surveillance dragnet...has disrupted any major attack within

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[1] See *Liberty v Home Office* [2018] EWHC 975 (Admin) and Hill (2018)

the U.S. ever.' Schneier (2015) concludes simply that '[t]he NSA's surveillance efforts have actually made us less secure', Lomborg (2008) elaborating that the death toll from terrorist attacks has increased '...because terrorists are responding rationally to the higher risks imposed by greater security measures [and] have focused on plans that create more carnage' and Rudmin (2006), finally, demonstrates using basic statistical analysis that '...the probability that a person is a terrorist if targeted by NSA is...near zero, far from one, and useless.' This makes an intuitive sense—we would expect terrorist acts to be generally planned by small, isolated cells and outside of *Four Lions* not generally discussed over online messenger services, but rather face-to-face and in hushed voices.

Have security measures aimed at external threats been more successful? Have the invasions in the Middle East, the detentions at Guantanamo Bay or the drone campaign over Pakistan helped to alleviate the threat of worldwide Islamist terror? This, too, does not appear to be the case. The FBI declared in 2011 that '[a]pproximately 10 years after the 9/11 attacks, the United States faces a more diverse, yet no less formidable, terrorist threat than that of 2001', despite the thousands of casualties inflicted and trillions of dollars spent in the intervening decade (O'Brien 2011). In the same year the former head of MI5 declared, citing the experience of Northern Ireland, that '...terrorism...could not be solved militarily', and that '[the invasion of Iraq] increased the terrorist threat by convincing more people that Osama Bin Laden's claim that Islam was under attack was correct' (Manningham-Buller 2011), whilst Jones and Libicki (2008) found that only 7 % of the terrorist campaigns in their analysis ended due to military force. Ultimately, almost two decades of continuous military presence in the Middle East has not only failed to defeat its purported target—al-Qaeda—but has also seen a flourishing of rival militant groups such as ISIS in Syria and Boko Haram in Nigeria.

Hanlon's razor states that one should 'never attribute to malice that which can be adequately explained by stupidity'. As states continue to push for the further expansion of such discredited security measures we may choose to apply Hanlon's razor, to conclude that the state is simply incompetent or ignorant, that contemporary state security practices are equal parts useless and, sometimes, actively counterproductive and that they serve primarily to undermine the security and liberties of the very individuals they were supposed to protect in the first place. This is the optimistic view.

IV. HEINLEIN'S RAZOR: STATE SECURITY PRACTICES ARE PERFORMING ADMIRABLY

There is an alternate view; a second razor. This is the view that assumes the stated reason for an action is but one of many possible reasons. It is the view that sees Ms May's pledge to change human rights laws if they interfere with her fight against terrorism and sees the consequent and antecedent swapped, supposes that the goal of changing human rights laws came first and the means to do so—the fear of terrorism—later. This second razor is Heinlein's razor, similar to Hanlon's but for one crucial difference, which states the following: 'Never attribute to malice that which can be adequately explained by stupidity, but don't rule out malice.'

There is a copious body of historical evidence to suggest that this view is more than mere paranoia. After Dutch Communist Marinus van der Lubbe set the Reichstag ablaze in 1933, it mattered not that the German courts found that he had acted alone. By inflating the threat of the Communist agitator threat, the Nazi Party were able to pass the Reichstag Fire Decree with minimal resistance and all but secure a one-party Nazi state—their true goal (Mommsen 1985). That there were few Communist terror attacks following the passage of the decree is considered to be evidence of the non-existence of the supposed threat, not of the success of the decree in suppressing it. This is an extreme example, and there are of course substantial material and ideological differences between our current administrations and that of Nazi Germany, but the important takeaway is that these same methods appear consistently in the accounts of the formation of practically all authoritarian states, past and present—Levitsky and Ziblatt (2018) write that '[s]ince the end of the Cold War, most democratic breakdowns have been caused not by generals and soldiers but by elected governments themselves.' Snyder (2017) provides a list of lessons learned from the democratic collapses of the 20th century, suggesting that '[w]hen listening to politicians, [one must] distinguish certain words[, l]ook out for the expansive use of "terrorism" and "extremism" [and b]e alive to the fatal notions of "exception" and "emergency"' and that '[t]he parties that took over states were once something else[, t]hey exploited a historical moment to make political life impossible for their rivals.' In short, history is laden with groups who have propped up a non-existent threat in order to better consolidate

their own power—we may merely be the latest in a long line of tragedies. Lord Hoffmann put it best: 'The real threat to the life of the nation, in the sense of a people living in accordance with its traditional laws and political values, comes not from terrorism but from laws [introduced to combat it].'[2]

The most dangerous thing is that this remains a remarkably effective tactic. The danger posed to any citizen of a Western country by Islamist terrorism is miniscule—a US citizen is more likely to be killed by '...brain-eating parasites, texting while driving, toddlers, lightning, falling out of bed, alcoholism, food poisoning, a financial crash, obesity, medical errors or "autoerotic asphyxiation"' than terrorism (WashingtonsBlog 2014) and has a 1 in 3.6 million per year chance of being killed in a terror attack by a foreign national (Nowrasteh 2016); despite this, polls continue to indicate that people remain disproportionately worried about terrorism (Yglesias 2016). Likewise, terror groups pose very little threat to the state as a whole, with Cronin (2009) finding that 87 % of terrorist groups failed to achieve any of their aims, with only 4.4 % fully achieving their stated goals. Despite all of this, the counter-terror industry was valued at $300 billion in 2016 (John 2016).

So how *do* these practices benefit the state? Whilst bulk surveillance is completely ineffectual at combatting terrorism, it has done a remarkable job at suppressing other forms of dissent that are (nominally) legally-protected: political assembly and association. Starr et al. (2008) analysed '...the effects of state surveillance on social movement activity in the USA in the post-Seattle era', finding that '...current surveillance is an alarming threat to mobilizations and social movement organizations'. The police use of their 'anti-terror' surveillance apparatus against the Occupy movement is detailed by both Meillassoux (2017) and Gillham, Edwards, and Noakes (2013)—regardless of one's personal political affinity, it should be clear that Occupy movement was a far cry from any sort of a terrorist movement.

Consider the current worldwide political landscape. Far-right parties are gaining support across Europe (Sheehy 2017; Palmer 2013; The New York Times 2016; Ellinas 2013). The US recently '...elected a president with a dubious allegiance to democratic norms' (Levitsky and Ziblatt 2018). Turkey, China and Hungary edge closer to autocracy by the day (Cook 2016; The Financial Times 2018; The Economist 2014). In Russia, Vladimir Putin's meteoric rise to near-absolute power was preceded by a series of terrorist bombings—though they were officially blamed on Chechen separatists, questions persist about the involvement of the state security services and Putin himself (Ostrow, Satarov, and Khakamada 2007; Evangelista 2004; Felshtinsky and Pribylovsky 2008). When much of the world currently appears to be using Paxton (1998)'s five stages of Fascism as a how-to guide, one might be forgiven for wondering if it is so certain that we shall be one of the exceptions rather amongst those conforming to the trend.

Cardinal Richelieu is supposed to have boasted that if given six lines written by the hand of the most honest of men, he would find something in them to hang him with. Current state security practices give the Cardinal Richelieus of the world access to a lot more than six lines.

V. Conclusion

Whether one trusts the state determines whether they will consider state security practices to be counterproductive or not. If the state is taken at its word and it is accepted that the intended result of such practices is to secure the state and its populace against a threat such as terrorism, then such measures have shown time and again to be non- or even counter-productive. However, if the state is considered to be acting in bad faith by concealing its true motive of suppressing internal dissent, then the evidence suggests that contemporary state security practices are doing a disconcertingly good job. As Levitsky and Ziblatt (2018) argue, '...democracy's assassins [are using] the very institutions of democracy – gradually, subtly, and even legally – to kill it.' It is this subtlety that is particularly insidious: '[b]ecause there is no single moment in which the regime obviously "crosses the line" into dictatorship, nothing may set of society's alarm bells.' Ultimately, the mere fact that '[t]here are no tanks in the streets[, c]onstitutions and other nominally democratic institutions remain in place [and] people still vote' does not necessarily mean that all is well—Arendt (1964) was clear that evil was no less real for its apparent banality.

Curtis (2004) opens *The Power of Nightmares* with the following narration:

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[2]*A (FC) and others (FC) v Secretary of State for the Home Department* [2004] UKHL 56, p. 53

Increasingly, politicians are seen simply as managers of public life, but now they have discovered a new role that restores their power and authority. Instead of delivering dreams, politicians now promise to protect us: from nightmares. They say that they will rescue us from dreadful dangers that we cannot see and do not understand. And the greatest danger of all is international terrorism, a powerful and sinister network with sleeper cells in countries across the world, a threat that needs to be fought by a War on Terror. But much of this threat is a fantasy, which has been exaggerated and distorted by politicians.

Which nightmare keeps you up at night: terrorism from abroad or authoritarianism at home?

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