

# Do We Have More to Fear From the State, or from Terrorists?

*The winner of the 2006 Human Rights Essay Competition, asks "Who's Afraid of Terrorism?"*

By Tom Ballard

Luke attended the Cronulla riots in 2006. When asked whether he believed reconciliation was possible for the area, he replied that ...the monster's just going to go somewhere else...There's always going to be that threat. When asked what 'threat' he was referring to, Luke said: 'Terrorism.'

There has never been a terrorist attack in Australia. Not one of the people who were attacked on that day had been linked to a terrorist organisation or charged with committing a terrorist act. They were targeted solely because of their Middle-Eastern appearance. And yet, Luke defended the mob's attack upon these 'wogs' by pointing to the apparent terrorist 'threat' they posed.

The Cronulla riots are a prime example of what fear can do. They illustrated what happens when a population is constantly warned that a non-specific threat could appear in their homeland. Is this fear warranted? Is the threat of terrorism to Australia so tangible that we need to riot, enforce radical legislation or declare war?

In fact, we should hold more concern for the State's manipulation of our fear and restrictions on our liberty than the actions of terrorists, for these methods hold the greater threat to our way of life.

In an address to the Lowy Institute of International Policy, John Howard stated that 'with the fall of the Twin Towers on 11 September 2001, free and open societies entered a new age of vulnerability and threat'. A new age of threat? Because of a single terrorist attack? Hasn't the threat of terrorism been present throughout history?

From Guy Fawkes' attempt to blow up Parliament in 1605 to Marinus van der Lubbe's burning of the Reichstag in 1933, from the 1972 Munich assassinations right up to September 11 2001, we can see that terrorism is a historical phenomenon. What the 9/11 attacks prove is that as global technology and warfare techniques develop, so do the tactics employed by terrorists. The unique aspect of the 21st century is not the frequency, but the heightened fear, of terrorism.

Terrorism's 'psychological impact on the public has increased because of extensive coverage by the media'. In this 'new age of threat', our fear is manipulated as regular bulletins and politicians swamp us with new reasons to be afraid. Fox News reports of 'pen guns filled with poison' while footage of two planes flying into towers is repeated again and again. John Howard tells us that 'the forces of barbarism have set themselves a mission to break the will of those who seek peace and freedom' while President Bush claims that 'we wage a war to save civilization itself. Who wouldn't want to defeat the 'forces of barbarism' or 'fight the terrorists on all fronts'? Of course we should fear evil and fight for its 'complete and permanent destruction'; that's common sense.

A terrorist's greatest weapon is fear, and yet our State seems to be employing the same arsenal. The State has en-

couraged our fear of the unknown and has used it to validate measures they believe will assist in the War on Terror. The Anti-Terrorism Bill (No. 2) 2005 is the latest anti-terrorism legislation in Australian law. It involves serious infringements on our civil liberties - the very liberties the State claims this War will protect. The Bill's definition of a 'terrorist organisation' includes any organisation that 'advocates a terrorist act'. Advocating an act involves urging or praising that act. This means that someone can be charged with associating with a terrorist organisation for simply expressing their opinion, an obvious violation of our freedom of speech.

Under the new legislation, control orders and preventative detention can be authorised. Control orders allow the court to impose many conditions on an individual including requiring a person to wear a tracking device and prohibiting or restricting who a person can talk to. Preventative detention allows police to hold a person whom they suspect will engage in or is planning to engage in an imminent terrorist attack without charge. These measures essentially permit people to be punished and have their liberties restricted for what they might do, rather than what they have done. The presumption of innocence is defeated by this legislation because control orders and preventative detention are punishments worthy only of a guilty person.

The Bill also contains new sedition offences. It states that it is a crime to urge someone to assist an organization or country that is at war with Australia (even an 'undeclared war'). Journalistic, artistic or academic expression has no defence under the Bill. These restrictions of our liberty hold graver consequences for the Australian public than any act yet committed by a terrorist. By eroding our precious rights to freedom of speech and association and from arbitrary detention, the State presents itself as a greater enemy than terrorism. The Howard government's tactics have inspired disillusionment in the public; if we lose faith in the idea of the State protecting the best interests of the people, society and the democratic system as we know it will fail.

US comedian Bill Hicks would often conclude his sets by proclaiming that we all have... '...a choice...right now, between fear and love. The eyes of fear want you to put bigger locks on your door, buy guns, close yourself off. The eyes of love instead see all of us as one. Here's what we can do to change the world right now... Take all that money we spend on weapons and defence each year and instead spend it on feeding, clothing and educating the poor of the world - which it would, many times over, not one human being excluded - and we can explore space together, both inner and outer, forever, in peace'.

Is the State really helping make the world a better place? Or is it manipulating our fear and our rights in order to 'protect' us from 'the threat'? Is the State looking through the eyes of love or the eyes of fear?

*This was the winning entry in the 2006 Monash Law "Human Writes" Essay Competition. The topic was "We have more to fear from the state than from terrorists". Entrants were encouraged to agree or disagree.*