Sacrificing Civil Liberties to Reduce Terrorism Risks

W. KIP VISCUSI  
Kip@law.harvard.edu  
Cogan Professor of Law & Economics, Harvard Law School, 1575 Massachusetts Avenue, Hauser 302, Cambridge, MA 02138, USA

RICHARD J. ZECKHAUSER  
Ramsey Professor of Political Economy, Kennedy School of Government, Harvard University, Cambridge, MA 02138, USA; Visiting Professor, Harvard Business School, USA

Abstract

Our survey results demonstrate that targeted screening of airline passengers raises conflicting concerns of efficiency and equity. Support for profiling increases if there is a substantial reduction in avoided delays to other passengers. The time cost and benefit components of targeting affect support for targeted screening in an efficiency-oriented manner. Nonwhite respondents are more reluctant than whites to support targeting or to be targeted. Terrorism risk assessments are highly diffuse, reflecting considerable risk ambiguity. People fear highly severe worst case terrorism outcomes, but their best estimates of the risk are more closely related to their lower bound estimates than their upper bound estimates. Anomalies evident in other risk perception contexts, such as hindsight biases and embeddedness effects, are particularly evident for terrorism risk beliefs.

Keywords: terrorism, risk beliefs, ambiguity

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1. Introduction

The 9/11/2001 terrorist attack on the United States dramatically affected the nation and the rest of the world. The attack stimulated a concerted effort to adopt measures that would reduce the risks in the future. Many of these precautions involve costs that are not financial, and some involve a reduction in civil liberties of various kinds. This article examines people’s willingness to sacrifice civil liberties in an effort to reduce terrorism risks, and also explores aspects of individuals’ terrorism risk perceptions that govern the character of their responses.

The scale of terrorism risks might seem to be small relative to the attention they command. While 3,000 deaths is clearly a catastrophic outcome, it is considerably smaller than many other mortality risks. More Americans are killed every month in automobile accidents and, according to public health officials, more than 100 times more Americans are killed each year by cigarette smoking. What makes terrorism deaths different from the deaths either from automobile accidents or cigarette smoking is that these risks contain a voluntary element. Consumers of these products obtain some valued attribute such as increased mobility or satisfaction from smoking, which compensates for the risks associated with the activity. There is no voluntary market transaction involved with risks of terrorism and no form of
compensatory benefit. Concern with terrorism risks is also stimulated by their character and media coverage.  

The deaths associated with 9/11 commanded public attention. The deaths were dramatic and clustered—a large number of deaths occurred in one place at once. The deaths were also accompanied by the destruction of two of the tallest buildings in the world, and took place in one of the media centers of the world, ensuring substantial coverage. The extraordinary publicity given to the attack and the accompanying losses produced the kind of risk that people are likely to severely misestimate in the future.

These terrorist attacks also forced people to completely rethink their risk beliefs. Just prior to the attack, it is highly unlikely that terrorist attacks of this magnitude were even among the possibilities that ordinary citizens contemplated. Thus, it is not a question of whether people assigned a low probability to this event. Rather, it is likely that this event was not even in the set of possible outcomes that people took into account when assessing the likely risks they faced. Much of the uncertainty created by the event is the realization that the events set that we previously thought was possible was incomplete and that the future may contain many other severely adverse events that are currently unanticipated.

Because of the apparent ease with which the hijackings took place, there has been a dramatic change in the precautions for air travel. These include much more rigorous passenger screening, which creates intrusions such as searches of people and their belongings, and which are paid for with ticket surcharges. These searches have also raised the issue of whether it is appropriate to target classes of passengers considered at high risk, e.g., Middle-Eastern-looking men, as opposed to undertaking searches randomly or generally. Whether targeting and other measures that compromise civil liberties are desirable depends in large part on our assessment of and valuation of the risks, and on our willingness to sacrifice civil liberties to reduce these risks. This article examines some survey results that begin to shed some light on this matter. The subjects were Harvard Law School students who were surveyed in the spring 2002, or roughly seven months after the 9/11 attack. One would expect this sample to be more sensitive to civil liberties than the population at large.

Section 2 of the article outlines the basics of the civil liberties/terrorism risk tradeoff. The optimal balance between these competing concerns depends in large part on individual preferences, the subject of our survey results in this section. We found that people’s attitudes toward increased screening involve both efficiency concerns and issues of equity. The length of time involved in the screening, an efficiency concern, is consequential, as is whether particular groups are going to be targeted for screening, an equity issue. People’s attitude toward such targeting also depends on whether they belong to a group that has been singled out in the past, and perhaps whether they are currently accorded equal treatment in other contexts.

Terrorism risks are highly imprecise and difficult to predict. The dramatic differences between the treatments of terrorism risks and mortality risks for which we have a well established statistical basis is reflected in the structure of terrorism risk beliefs, a subject we explore in Section 3. Since there is little hard evidence to rely upon, people’s assessments of terrorism risks are highly variable. Estimates of terrorism risks, e.g., number of deaths expected in a year, clearly produce a situation of considerable risk ambiguity. However,