“Governments are justified in circumventing civil laws when doing so is vital to the protection of national security.”

Write an essay in which you take a position on the statement above. In developing and supporting your position, you should consider ways in which the statement might or might not hold true.

National Emergencies are a mechanism used by many countries to increase safety measures in the country when there is a perceptible threat to their national autonomy or sovereignty. They may be initiated due to terrorism, disease, or other social unrest. The given prompt suggests that governments are justified in circumventing civil laws when such a situation is prevalent. In my opinion, I agree with the given claim, albeit to a certain extent; I do not believe this is a black-and-white issue, for there are multiple things to be considered when talking about it. Taking a position on this issue would require us to consider three broad points.

In health-related emergencies where diseases spread like wildfire due to their communicable nature, a nation’s government would be justified in circumventing civil law to ensure that the population is safe. Consider the case of the COVID-19 pandemic, where the virus/pathogen particles were communicable via air, and were transferred between people through tiny droplets that occur in the air. If a large group of people met in an area during this time, when the number of cases was still significant, then it would be a health hazard. Allowing people to exercise their civil law of assembling in groups or gatherings would increase the chances of the disease spreading faster, and this would adversely affect the health of the overall population. Also, allowing people to travel across the country freely would also increase the chances of disease spread. To prevent these situations, many governments, like that of New Zealand, China, and India, issued lockdown and mask mandates to slow the spread of the virus and to ‘flatten’ the curve. In countries like Sweden where such mandates were not issued as a result of large-scale skepticism of the efficacy of these measures, the disease was observed to spread faster, and it caused proportionately high death rates in these countries. To solidify the link between safety and security: An unhealthy population is more ill-equipped against attacks or uprisings caused by external or internal factors, and would exacerbate the suffering of the ill. Hence, in such health-endangering scenarios, governments are justified in circumventing civil law for the sake of safety, and hence security.

In cases of terrorist threats to a nation, governments can circumvent civil law in order to provide the population with further safety measures, and can hence be justified in this way. Consider India’s national emergency in the 1970’s: The country was in a battle stalemate along its borders with its neighbours, viz. China and Pakistan, and the nation faced issues of national sovereignty being harmed at its borders. Although the issue itself is a contentious one, with people later expressing their disapproval of the emergency, it made sure that the country’s instability did not get worse exponentially, and it momentarily stabilized the conditions within the country. Hence, in this case, circumventing civil laws worked in favour of national security, and was thus justified.

However, what if a government were to abuse this power, and issue emergencies that cause unjustified suffering to its people? Consider the recent case of El Salvador: After the 2020 elections, the President issued an emergency due to the extreme mafia and gang situations within the country, that caused a significant number of people to emigrate to other countries, and immeasurable suffering to the people who could not leave. The President then carried out mass-incarceration orders, imprisoning anyone who was even found to be slightly associated with the mafia. There were also rumours and pieces of evidence that suggested that the government was also making deals with such groups to pay them off instead of letting them cause further social unrest. Even if one were to refute these rumours, the incarceration rate is undeniably and categorically very high. It forced a lot of people into high-security facilities, and caused immense pain to their families. Hence, in such cases, a government circumventing civil law to maintain national security is unjustified, since it may be abused quite easily.

Hence, there are no easy answers to taking a stance on the given issue. And thus, I only agree with the given claim to a certain extent. As long as checks are in place to ensure that the government does not abuse the powers it obtains by circumventing civil law, it would be beneficial to ensuring national security of a country.