

The Moral Hazard of Terrorism Prevention

Tiberiu Dragu, New York University

How does a policy of reacting to terrorist attacks with restrictions on free speech protections affect the likelihood of terrorism in the first place? In this article, I develop a dynamic model of an interaction between a security agency and a terrorist organization to study the dynamic consequences of adopting policies that curtail free speech protections and other rights when terror strikes. The article shows that in a world in which democratic governments respond to major terrorist attacks with restrictions on freedom of expression and other rights and liberties, such policies have perverse effects on the pre-attack incentives of terrorism prevention/occurrence, which can make a terrorist attack more likely. The analysis suggests that a commitment to respecting fundamental rights and liberties in times of duress can be security-beneficial: if liberal societies were to remain faithful to their fundamental values in the aftermath of terrorist attacks, such a strategy can decrease the probability of a terrorist attack in the first place.

In a stroke of irony, perhaps, the French government launched a harsh crackdown on speech that allegedly supported terrorism less than a week after massive public rallies were mounted in defense of free expression in the aftermath of the Charlie Hebdo terrorist attack. In a circular published on January 12, 2015, the Minister of Justice Christiane Taubira instructed prosecutors to take tough action against those who purposely defend or glorify terrorism. Within three weeks, 150 prosecutions were launched resulting in dozens of verdicts, including 18 prison sentences imposed largely for the crime of “apologie du terrorisme.”¹ In a similar effort to suppress terror speech, President Francois Hollande signed on February 9, 2015, a decree allowing the government to ban without a court order websites suspected of advocating terrorism. The French authorities have used these new powers to block five websites, which they claimed condone terrorism.²

The French government, of course, has not been alone in rolling back protections on free speech after a terrorist attack; rather, the reaction of French authorities to the Charlie Hebdo attack is representative of how democratic governments have responded to the threat of terrorism since 9/11. The 9/11 terrorist attacks showed the vulnerability of liberal societies to catastrophic acts and revealed the potentially horrific psychological, social, and economic costs of failing

to stop a large-scale terrorist attack. The 2004 Madrid train bombings and the 2005 London terrorist attacks added urgency to the issue of devising preventive security policies in an era of rising extremist violence and suicide terrorism. Consequently, governments in the United States and other liberal democracies have adopted various liberty-reducing measures intended to make it harder for terrorist groups to grow and operate inside liberal societies (Heymann 2003; Ignatieff 2004; Posner 2006; Roach 2011).

For instance, in the United States, the Patriot Act made it a criminal offense to provide support to groups designated as terrorist organizations, provisions that indirectly limit speech and other activities that might intentionally or unintentionally facilitate terrorist activities; in 2002, Denmark enacted an anti-terrorism law to criminalize instigation of acts of terrorism; in 2005, Australia included various forms of seditious into its antiterrorism laws and gave public officials the power to ban groups perceived to advocate terrorism; in 2006, the United Kingdom passed the Terrorist Act that made it illegal to glorify terrorism and encourage the commission and preparation of terrorist activities (Roach 2011).

These examples are emblematic of a larger effort of liberal societies to regulate incitement to terrorism (Heymann 2003; Ronen 2010; Stone 2004). The impetus for prohibiting terrorist advocacy and other forms of support is the worry that

Tiberiu Dragu (tiberiu.dragu@nyu.edu) is assistant professor at New York University, 19 West 4th St., New York, NY, 10012.

Data and supporting materials necessary to reproduce the numerical results in the article are available in the *JOP* Dataverse (<https://dataverse.harvard.edu/dataverse/jop>). An online appendix with supplementary material is available at <http://dx.doi.org/10.1086/687589>.

1. Angelique Chrisafis, “French Dissenters Jailed after Crackdown on Speech That Glorifies Terrorism,” *The Guardian*, January 30, 2015.
2. *BBC News*, “French Government Orders Website Block,” March 16, 2015.

The Journal of Politics, volume 79, number 1. Published online November 14, 2016. <http://dx.doi.org/10.1086/687589>

© 2016 by the Southern Political Science Association. All rights reserved. 0022-3816/2017/7901-0016\$10.00

223

terrorists can exploit the civil liberties and individual freedoms on which liberal societies are built to further their violent ends (Schmid 1992). Under the shield of free speech protections, for example, terrorist groups can disseminate their propaganda, recruit operatives, and raise money. The advocacy of terrorism, if left unchecked, can then effectively augment the capacity of terrorist groups to undermine the security of liberal societies. In turn, criminalizing terrorist propaganda and other forms of support raises the costs of being associated with a terrorist group for individuals who would otherwise willingly provide various kinds of support: disseminating propaganda, raising money, recruiting operatives, procuring supplies, facilitating travel, providing safe houses, and so forth. Since support and logistical networks are essential for terrorists to succeed (Gunaratna 2004; Heymann 2003; Richardson 2007), liberty-reducing measures intended to make it harder for terrorist groups to operate increase the costs of terrorism.

That democratic governments curtail free speech protections and other fundamental rights and liberties when terrorists strike homeland is a well-documented empirical pattern (Alexander 2006; Crenshaw 2010; Cronin 2009; Donohue 2008; Richardson 2007; Roach 2011; Schmid 1992; Stone 2004; Wilkinson 2006). Regardless of the security rationale for such antiterrorism measures, the political incentives that drive these policy interventions are well understood: Legislators need to alleviate public fears and respond to citizens' demands to do something about terrorism, especially in the wake of major terrorist attacks (Donohue 2008; Dragu and Polborn 2014; Fox and Stephenson 2011). Perhaps more importantly, public officials need to insure themselves against the political and electoral costs that would be borne when another terrorist event takes place should they oppose draconic antiterrorism measures in times of crisis (Crenshaw 2010; Cronin 2009; Ignatieff 2004). Notwithstanding the political impetus behind liberty-reducing antiterrorism measures, the empirical pattern of curtailing free speech protections and other rights when bombs go off raises the following question: How does a policy of reacting to terrorist attacks with restrictions on rights and liberties affect the likelihood of terrorism in the first place?

For all of the research on how democratic governments are or should be fighting terrorism, scholars and policy makers have neglected this important question. This is problematic since terrorist attacks are not natural disasters: a terrorist attack takes place when terrorists actively plan a strike and when the security agencies in charge of terrorism prevention fail to detect the plot. Since liberty-reducing antiterrorism measures aimed at increasing the cost of terrorism transform the environment in which security agencies and terrorist

groups interact, it is important to investigate how the expectation that free speech protections are curtailed after a terrorist attack affects the pre-attack motivations of terrorist groups to plot and carry an attack as well as the pre-attack incentives of security agencies to foil the threat.

To answer this question, I develop a two-period model of an interaction between a security agency and a terrorist organization in which the first-period outcome determines the second-period interaction: If no terrorist attack occurs in the first period, the level of free speech protections remains unchanged in the second period, and thus the security agency and the terrorist organization play the same game as in the first period. However, free speech protections are curtailed if a terrorist attack occurs in the first period, and in this contingency, the security agency and the terrorist organization play a game with lower free speech protections in the second period. The fact that the level of free speech protections is lower in the second period if the outcome of the first period is a terrorist attack creates dynamic incentives: the prospect of changing the level of free speech protections should a terrorist attack happen changes the first-period stakes of terror prevention and terror success, which in turn alter the first-period (pre-attack) incentives of the players.

The dynamic analysis shows that the prospect of reducing free speech protections in the event of a terrorist attack has perverse effects on the pre-attack incentives: it either increases the level of terrorist activities or decreases the level of counterterrorism effort (or possibly both) in the first period, which can make a terrorist attack more likely in the first period. The analysis suggests that a commitment to not curtailing fundamental rights and liberties in the wake of security crises can be security-beneficial: this norm that liberal societies remain faithful to their fundamental values even when bombs go off can reduce the likelihood of terrorism.

Restrictions on free speech and other liberty-reducing antiterrorism measures have ignited a long-standing scholarly and public debate about the trade-offs between liberty and security. Legal and political theory scholars have argued extensively whether such antiterrorism policies are normatively undesirable because they depart from established liberal-democratic principles or whether they are essential to respond effectively to terrorist threats (Heymann 2003; Ignatieff 2004; Posner 2006; Waldron 2003). Theoretically, scholars have analyzed whether liberty-reducing counterterrorism policies have their intended policy effect to decrease the likelihood of terrorism in the future, after the adoption of such counterterrorism measures (Dragu 2011; Posner and Vermeule 2007). And scholars of terrorism have investigated empirically the effectiveness of various repressive counterterrorism tactics to show that, once implemented, such policies

can be counterproductive (Benmelech, Berrebi, and Klor 2015; Daxecker 2015; Daxecker and Hess 2013; Dugan and Chenoweth 2012; LaFree, Dugan, and Korte 2009).

However, researchers have yet to determine how the expectation created by the typical response in the aftermath of a major terrorist attack (i.e., a reduction in rights and liberties to alter the cost of terrorism) affects the pre-attack incentives of terrorism prevention/occurrence. This question is particularly important since restricting fundamental rights and liberties to make it harder for terrorist groups to operate has been the typical response of democratic governments to major terrorist attacks. The article presents, to the best of my knowledge, the first dynamic game-theoretic model that tackles this question.³ The article uncovers novel results regarding the dynamic consequences of such antiterrorism measures, results that are missing from current scholarly and policy debates about terrorism prevention. The dynamic analysis underscores the importance of assessing this strategy of prevention in light of the incentives of security agencies responsible for terrorism prevention. It suggests that in a world where politicians respond to major terrorist attacks with restrictions on civil liberties, security agencies try less hard because the pain of terror attacks is ameliorated somewhat by the future gains from having a better counterterrorism environment (i.e., one with less free speech), a finding that has several institutional and policy implications that I discuss in the concluding section.⁴

A DYNAMIC MODEL OF TERRORISM PREVENTION

To answer the question of how a policy of reacting to terrorist attacks with restrictions on free speech affects the likelihood of terrorism, I analyze a two-period interaction between a security agency and a terrorist organization. For simplicity of exposition, I suppress time superscripts from the presentation of players' actions in the stage game below and use such notations only when necessary.

3. The article also contributes to a political economy literature on terrorism (Moore 2010; Sanchez-Cuena and de la Calle 2009). The existing scholarship on terrorism has addressed several important questions about terrorism prevention, including the optimal (or suboptimal) counterterrorism policy (Bapat 2011; Bueno de Mesquita 2007; Dragu 2011; Langlois and Langlois 2011; Powell 2007; Rosendorff and Sandler 2004; Siegel 2011), terrorism recruitment and support (Bueno de Mesquita and Dickson 2007; Siqueira and Sandler 2006), and the effect of terrorism on domestic politics and institutional design (Indridason 2008; Shapiro and Siegel 2010).

4. The dynamic analysis can also help understanding the effectiveness of preventive measures in situations in which governments engage in preemptive actions to foil various social harms, and, as such it contributes to a small but growing political economy of prevention (Forand 2015; Fox and van Weelden 2015).

In each period, the structure of the interaction (i.e., the stage game) is as follows: the terrorist organization chooses a level of terrorist activities to prepare an attack, $e_t \in \mathbb{R}_+$. The agency chooses a level of counterterrorism effort aimed at detecting terrorist activity, $e_s \in \mathbb{R}_+$. The players make their decisions simultaneously.⁵

The outcome of the stage game is binary, and it is captured by a variable $A \in \{0, 1\}$, where $A = 1$ denotes a successful terrorist attack and $A = 0$ denotes failure or absence of a terrorist attack. The actions of security agency and terrorist organization translate into a probability of a successful terrorist attack, given by a twice continuously differentiable function $P(e_s, e_t) \equiv \text{prob}(A = 1)$. This probability increases in the level of activities to prepare a terrorist attack, e_t , and decreases in the level of counterterrorism effort to detect terrorist activity, e_s . Also, $P(e_s, e_t)$ is convex in e_s (i.e., there are decreasing marginal returns to terrorism prevention in e_s), and it is concave in e_t (i.e., there are decreasing marginal returns to terrorism occurrence in e_t).

The existing scholarship depicts terrorism as an asymmetric form of warfare: the weapon of the weak (the terrorist organization) against the strong (the government) (Hoffman 2013; Richardson 2007; Wilkinson 2006). In other words, terrorists do not wear uniforms or openly confront the government; rather they want to be undetected by security agencies and have an advantage by remaining unknown and plotting in secrecy (Hoffman 2013; White 2003). That is, the effectiveness of the terrorists' effort to successfully execute a terror plot is higher when the government's surveillance to detect traces of terrorist activity is lower (White 2003; Wilkinson 2006). To formalize this, let the cross-partial derivative of the probability of a successful terrorist attack be negative, that is, $[\partial^2 P(e_s, e_t) / \partial e_s \partial e_t] < 0$.

Let $O_s(A)$ be the security agency's payoff if the outcome is $A \in \{0, 1\}$. The objective of the security agency is to prevent a terrorist attack and thus $O_s(1) < O_s(0)$. Denote the difference by $\Delta_s \equiv O_s(0) - O_s(1)$, where Δ_s can be thought as the security agency's stake for terrorism prevention. The security agency also incurs a cost given by a twice continuously differentiable function $C_s(e_s)$; the cost increases in e_s and is convex in e_s .⁶ The security agency's expected utility in the stage game is

$$\begin{aligned} U_s(e_s, e_t) &= [1 - P(e_s, e_t)]O_s(0) + P(e_s, e_t)O_s(1) - C_s(e_s) \\ &= O_s(0) - P(e_s, e_t)\Delta_s - C_s(e_s). \end{aligned} \tag{1}$$

5. The stage game is related to Dragu (2011).

6. I assume standard Inada conditions: $\lim_{e_s \rightarrow 0} C'_s(e_s) = 0$ and that $\lim_{e_s \rightarrow \infty} C'_s(e_s) = \infty$.

Let $O_t(A)$ be the terrorist organization's payoff if the outcome is $A \in \{0, 1\}$. The objective of the terrorist organization is to successfully carry a terrorist attack and thus $O_t(1) > O_t(0)$. Denote the difference by $\Delta_t \equiv O_t(1) - O_t(0)$, where Δ_t can be thought as the terrorist organization's stake for terrorism occurrence. The terrorist organization also incurs a cost given by a twice continuously differentiable function $C_t(e_t, f)$; the cost increases in e_t , and it is convex in e_t .⁷ The cost of terrorist activities is also affected by the level of free speech protections, f , as described below.

To formalize the policy justification for curtailing free speech protections and other rights and liberties (i.e., more restrictions on free speech increase the cost of terrorism), let the cost of terrorist activities be decreasing in the level of free speech protections, f (i.e., $[\partial C_t(e_t, f)/\partial f] < 0$), and also let the marginal cost be decreasing in f (i.e., $[\partial^2 C_t(e_t, f)/\partial e_t \partial f] < 0$). The terrorist organization's expected utility in the stage game is

$$\begin{aligned} U_t(e_s, e_t) &= [1 - P(e_s, e_t)]O_t(0) + P(e_s, e_t)O_t(1) - C_t(e_t, f) \\ &= O_t(0) + P(e_s, e_t)\Delta_t - C_t(e_t, f). \end{aligned} \quad (2)$$

As mentioned, I analyze a two-period interaction between the security agency and the terrorist organization. In each period, the structure of the interaction is given by the stage game described above. The key difference is that the game played in the second period depends on the outcome of the first period: If no terrorist attack occurs in the first period, the security agency and the terrorist organization play the same game as in the first period (i.e., the same level of f). However, the level of free speech protections is reduced if a terrorist attack occurs in the first period, and in this contingency, the security agency and the terrorist organization play a game with lower free speech protections in the second period. To formalize this argument, let f denote the level of free speech protections in the first period, and let f' denote the level of free speech protections in the second period in the contingency that a terrorist attack happens in the first period, where $f' < f$. The timing of the interaction is as follows:

- In the first period, the security agency chooses a level of effort e_s^1 , and the terrorist organization chooses a level of effort e_t^1 .
- The outcome of the interaction in the first period is a terrorist attack with probability $P(e_s^1, e_t^1)$ and no terrorist attack with probability $1 - P(e_s^1, e_t^1)$.

- In the second period, the level of free speech protection remains f if the outcome of the first period is no terrorist attack.
- In the second period, the level of free speech protections decreases from f to f' if the outcome of the first period is a terrorist attack.
- In the second period, the security agency chooses a level of effort e_s^2 , and the terrorist organization chooses a level of effort e_t^2 .
- The outcome of the interaction in the second period is a terrorist attack with probability $P(e_s^2, e_t^2)$ and no terrorist attack with probability $1 - P(e_s^2, e_t^2)$.

The security agency's and the terrorist organization's total utility in this two-period interaction is the sum of the first period and (discounted) second period utilities, where the security agency's and the terrorist organization's per-period utility is given by expressions (1) and (2).

The analysis proceeds in two steps. First, I present some equilibrium properties of the stage game. Second, I analyze how a policy of reducing free speech protections if the outcome in the first period is a terrorist attack affects the players' first-period actions and, consequently, the first-period equilibrium probability of a terrorist attack.

THE STAGE GAME

I begin by describing some properties of the stage game, which are necessary for the dynamic analysis. For simplicity of exposition, I state the key results of the formal analysis in text and provide a more detailed analysis in the appendix, available online.

The security agency's objective function (1) is concave in e_s , and thus the unique optimal e_s is the solution to the first-order condition:

$$-\frac{\partial P(e_s, e_t)}{\partial e_s} \Delta_t - C'_s(e_s) = 0. \quad (3)$$

Moreover, the security agency's best-response function $e_s(e_t)$ strictly increases in e_t . The result is intuitive: If the terrorist organization increases its level of terrorist activities in preparation for a terrorist attack, in response, the security agency increases its level of counterterrorism effort to detect terrorist activity.

The terrorist organization's objective function (2) is concave in e_t , and thus the unique optimal e_t is the solution to the first-order condition:

$$\frac{\partial P(e_s, e_t)}{\partial e_t} \Delta_t - \frac{\partial C_t(e_t, f)}{\partial e_t} = 0. \quad (4)$$

7. I assume standard Inada conditions: $\lim_{e_t \rightarrow 0} [\partial C_t(e_t, f)/\partial e_t] = 0$ and that $\lim_{e_t \rightarrow \infty} [\partial C_t(e_t, f)/\partial e_t] = \infty$.

Moreover, the terrorist organization's best response function $e_t(e_s)$ strictly decreases in e_s . The result is intuitive as well: If the security agency increases its level of effort to detect terrorist activity, in response, the terrorist organization decreases its level of activities.

The (unique) equilibrium of the stage game is the solution to the system of equations given by (3) and (4).⁸ As a result, we can study how reducing the level of free speech protections affects the players' equilibrium actions and, consequently, the players' equilibrium payoffs in the stage game.

Reducing free speech protections has effects on the equilibrium actions of both players. First, it has a direct effect on the terrorist organization's equilibrium action because it increases its marginal cost. Second, it has a strategic effect on the security agency's equilibrium action, an effect that comes through how the security agency changes its equilibrium action in response to changes in the equilibrium level of terrorist activities. The mechanics of this strategic effect is as follows: reducing the level of free speech protections increases the cost of terrorist activities, which decreases the terrorist organization's equilibrium action, e_t . Since the security agency's counterterrorism effort increases in e_t , reducing free speech protections decreases the security agency's equilibrium action, e_s .

Proposition 1. In the stage game, reducing the level of free speech protections decreases the terrorist organization's equilibrium level of terrorist activities and decreases the security agency's equilibrium level of counterterrorism effort.

I next investigate how changing the level of free speech protections affects the security agency's and the terrorist organization's equilibrium payoffs. In this context, the security agency's equilibrium payoff (as a function of f) in the stage game is the following:

$$U_s^*(f) = O_s(0) - P(e_s^*(f), e_t^*(f))\Delta_s - C_s(e_s^*(f)).$$

A simple inspection of the above expression suggests that the level of free speech protections affects the security agency's equilibrium payoff through two different channels: it changes the equilibrium level of counterterrorism effort, $e_s^*(f)$, and it also changes the equilibrium level of terrorist activities, $e_t^*(f)$. Changes in the level of free speech protections that work through changing the security agency's equilibrium action have a zero effect on its equilibrium payoff, a simple

implication of the envelope theorem. Since reducing the level of free speech protections decreases the equilibrium level of terrorist activities and since a lower level of terrorist activities increases the agency's payoff, it implies that reducing the level of free speech protections increases the security agency's equilibrium payoff in the stage game.

The terrorist organization's equilibrium payoff (as a function of f) in the stage game is:

$$U_t^*(f) = O_t(0) + P(e_s^*(f), e_t^*(f))\Delta_t - C_t(e_t^*(f), f).$$

A simple inspection of the above expression suggests that the level of free speech protections affects the terrorist organization's equilibrium payoff through three different channels: it changes the equilibrium level of counterterrorism effort, $e_s^*(f)$, it changes the equilibrium level of terrorist activities, $e_t^*(f)$, and it also changes the cost of terrorist activities, $C_t(\cdot, f)$. Changes in the level of free speech protections that work through changing the terrorist organization's equilibrium action have a zero effect on its equilibrium payoff, a simple implication of the envelope theorem. On the one hand, reducing the level of free speech protections decreases the security agency's equilibrium action, which, all else equal, increases the terrorist organization's equilibrium payoff. On the other hand, reducing the level of free speech protections increases the marginal cost of terrorist activities, which, all else equal, decreases the terrorist organization's equilibrium payoff. Depending on which effect dominates, the terrorist organization's equilibrium payoff in the stage game can decrease or increase when f is reduced.

Proposition 2. In the stage game, reducing the level of free speech protections increases the security agency's equilibrium payoff. In the stage game, reducing the level of free speech protections has an ambiguous effect on the terrorist organization's equilibrium payoff.

Other results that will be useful for the dynamic analysis pertain to how the players' equilibrium actions in the stage game are affected by changes in the security agency's stake for terrorism prevention and by changes in the terrorist organization's stake for a successful attack. The next proposition summarizes these effects.

Proposition 3. In the stage game, the security agency's equilibrium action increases in its stake for terrorism prevention, Δ_s , and also in the terrorist organization's stake for a successful terrorist attack, Δ_t . In the stage game, the terrorist organization's equilibrium action increases in its stake for a successful ter-

8. For a detailed analysis, see the appendix.

rorist attack, Δ_t , and decreases in the security agency's stake for terrorism prevention, Δ_s .

Proposition 3 indicates that a higher Δ_s increases the security's agency equilibrium action in the stage game. This is intuitive since a higher Δ_s means that the security agency has a higher benefit from stopping a terrorist attack, which augments the agency's incentives to put more effort to stop a terrorist attack. On the other hand, an increase in Δ_s decreases the terrorist organization's equilibrium action since a higher Δ_s increases the agency's equilibrium action and since the terrorist organization decreases its action when the level of counterterrorism effort is higher. Proposition 3 also indicates that a higher Δ_t increases the terrorist organization's equilibrium action in the stage game. This is intuitive as well since a higher Δ_t means that the terrorist organization gets a bigger benefit from a successful attack, which increases the organization's incentives to put more effort into carrying a terrorist attack. On the other hand, a higher Δ_t increases the security agency's equilibrium action in the stage game since a higher Δ_t increases the terrorist organization's equilibrium action and since the security agency's action increases when the level of terrorist activities is higher.

Given these equilibrium properties of the stage game, I present the dynamic analysis in the next section.

THE DYNAMIC GAME

How does a policy of reacting to terrorist attacks with restrictions on free speech protections affect the pre-attack incentives of terrorism prevention/occurrence and therefore the likelihood of a terror attack in the first place?

To answer this question, I compare the dynamic game previously described with a benchmark game in which the level of free speech protections in the second period remains the same regardless of the outcome in the first period. That is, I compare the dynamic game in which the level of free speech protections in the second period decreases from f to f' if the first-period outcome is a terrorist attack with a benchmark game in which the level of free speech protections in the second period remains f even if the first-period outcome is a terrorist attack. For simplicity of exposition, henceforth, I label the interaction in which the level of free speech protections remains unchanged after a terrorist attack as the benchmark game and the interaction in which the level of free speech protections changes after the first period in the event of a terrorist attack as the dynamic game.

Benchmark game

Let us first analyze the benchmark scenario in which the level of free speech protections is the same in the first and

second periods regardless of whether a terrorist attack happens after the first period. In other words, the level of free speech protections in the second period is f . Similar to the equilibrium analysis of the stage game, the interaction in the last period has a unique equilibrium, and let $u_s^2(f)$ and $u_t^2(f)$ denote the security agency's and the terrorist organization's second-period equilibrium payoffs.

When the security agency chooses its first-period level of counterterrorism effort its total utility (the sum of first and discounted second period utilities) is:

$$\begin{aligned} U_s &= \underbrace{O_s(0) - P(e_s, e_t)\Delta_s - C_s(e_s)}_{\text{first-period payoff}} \\ &\quad + \underbrace{\delta_s[P(e_s, e_t)u_s^2(f) + [1 - P(e_s, e_t)]u_s^2(f)]}_{\text{second-period payoff}} \quad (5) \\ &= O_s(0) - P(e_s, e_t)\Delta_s - C_s(e_s) + \delta_s u_s^2(f), \end{aligned}$$

where the term $P(e_s, e_t)u_s^2(f) + [1 - P(e_s, e_t)]u_s^2(f) = u_s^2(f)$ represents the second-period utility from the perspective of the security agency when choosing its first-period effort and $\delta_s \in [0, 1]$ represents the agency's discount factor.

Similarly, when the terrorist organization chooses its first-period action its total utility (the sum of first and discounted second period utilities) is:

$$\begin{aligned} U_t &= \underbrace{O_t(0) + P(e_s, e_t)\Delta_t - C_t(e_t, f)}_{\text{first-period payoff}} \\ &\quad + \underbrace{\delta_t[P(e_s, e_t)u_t^2(f) + [1 - P(e_s, e_t)]u_t^2(f)]}_{\text{second-period payoff}} \quad (6) \\ &= O_t(0) + P(e_s, e_t)\Delta_t - C_t(e_t, f) + \delta_t u_t^2(f), \end{aligned}$$

where the term $P(e_s, e_t)u_t^2(f) + [1 - P(e_s, e_t)]u_t^2(f) = u_t^2(f)$ represents the second-period utility from the perspective of the terrorist organization when choosing its first-period action and $\delta_t \in [0, 1]$ represents the terrorist organization's discount factor.

Notice that the security agency's and the terrorist organization's first-period maximization problems are identical to their respective second-period maximization problems since the second-period utilities $u_i^2(f)$ for $i \in \{t, s\}$ do not affect the first-period equilibrium incentives. As a result, the equilibrium actions and payoffs in the first and the second period are the same. Let \bar{e}_s , \bar{e}_t , and \bar{P} denote the first-period equilibrium actions and the equilibrium probability of a terrorist attack in the first period of the benchmark game.

Dynamic game

Similar to the equilibrium analysis of the stage game, in the second period, the game has a unique pure strategy equi-

librium. The second-period equilibrium payoffs depend on whether the level of free speech protections is f or f' , where $f' < f$. Let us denote the second-period equilibrium payoffs by $u_s^2(f)$ and $u_t^2(f)$ if the level of free speech protections is f and by $u_s^2(f')$ and $u_t^2(f')$ if the level of free speech protections is f' . Proposition 2 shows that the security agency's equilibrium payoff increases when the level of free speech protections decreases, which implies that the security agency's second-period equilibrium payoff is higher if the level of free speech protections is reduced from f to f' (i.e., $u_s^2(f') > u_s^2(f)$). On the other hand, proposition 2 shows that the terrorist organization's equilibrium payoff can decrease or increase when the level of free speech protections decreases, which implies that the terrorist organization's second-period equilibrium payoff can be higher or lower if the level of free speech protections is reduced from f to f' .

Let $d_s = u_s^2(f) - u_s^2(f') < 0$ denote the security agency's payoff difference between the game in which the level of free speech protection is f and the game in which the level of free speech protection is f' . Likewise, let $d_t = u_t^2(f) - u_t^2(f')$ denote the terrorist organization's utility difference between the game in which the level of free speech protections is f and the game in which the level of free speech protections is f' . Table 1 summarizes the relevant parameters in this dynamic analysis and their substantive interpretations.

When the security agency chooses its first-period action, its total utility (the sum of first and discounted second period utilities) is:

$$\begin{aligned}
 U_s &= \underbrace{O_s(0) - P(e_s, e_t)\Delta_s - C_s(e_s)}_{\text{first-period payoff}} \\
 &\quad + \underbrace{\delta_s[P(e_s, e_t)u_s^2(f') + [1 - P(e_s, e_t)]u_s^2(f)]}_{\text{second-period payoff}} \quad (7) \\
 &= O_s(0) - P(e_s, e_t)B_s - C_s(e_s) + \delta_s u_s^2(f),
 \end{aligned}$$

Table 1. Parameters in the Dynamic Model

Parameter	Substantive Interpretation
$u_i^2(f)$ for $i \in \{t, s\}$	A player's second-period equilibrium payoff in the f game
$u_i^2(f')$ for $i \in \{t, s\}$	A player's second-period equilibrium payoff in the f' game
$d_s = u_s^2(f) - u_s^2(f')$	The security agency's second-period utility difference between the f and f' games
$d_t = u_t^2(f) - u_t^2(f')$	The terrorist organization's second-period utility difference between the f and f' games
δ_i for $i \in \{t, s\}$	A player's discount factor

where $B_s = \Delta_s + \delta_s d_s$ can be understood as the security agency's stake for preventing a terrorist attack in the first period of the dynamic game. If we compare the security agency's first-period maximization problem in the benchmark game and the dynamic game (i.e., expressions (5) and (7)), we can see that the security agency's stake for terrorism prevention decreases from Δ_s to B_s .⁹ The agency's stake for preventing a terrorist attack is lower in the dynamic game since the agency's second-period equilibrium payoff is higher in the game in which the level of free speech protections is lower. Since the first-period equilibrium actions determine which game is played in the second period and since the agency prefers the f' game in the second period, the agency's stake for preventing a terrorist attack in the first period is lower in the dynamic game.

Similarly, when the terrorist organization chooses its first-period action, its total utility (the sum of first and discounted second period utilities) is:

$$\begin{aligned}
 U_t &= \underbrace{O_t(0) + P(e_s, e_t)\Delta_t - C_t(e_t, f)}_{\text{first-period payoff}} \\
 &\quad + \underbrace{\delta_t[P(e_s, e_t)u_t^2(f') + [1 - P(e_s, e_t)]u_t^2(f)]}_{\text{second-period payoff}} \quad (8) \\
 &= O_t(0) + P(e_s, e_t)B_t - C_t(e_t, f) + \delta_t u_t^2(f),
 \end{aligned}$$

where $B_t = \Delta_t - \delta_t d_t$ can be understood as the terrorist organization's stake for a successful terrorist attack in the first period of the dynamic game. If we compare the terrorist organization's first-period maximization problem in the benchmark and the dynamic game (i.e., expressions (6) and (8)), we can see that the terrorist organization's stake for a successful terrorist attack changes from Δ_t to B_t , where B_t can be higher or lower than Δ_t , depending on whether the terrorist organization's second-period equilibrium payoff decreases or increases when the level of free speech protections decreases from f to f' .

Similar to the equilibrium analysis of the stage game, the first-period interaction of the dynamic game has a unique equilibrium. As mentioned, let us denote the equilibrium actions in the first period of the dynamic game by e_s^1 and e_t^1 , and the equilibrium probability of a terrorist attack in the first period of the dynamic game by P^1 .

Equilibrium comparison

The key difference between the strategic interaction in the benchmark scenario and the dynamic game is that the prospect of changing the level of free speech protections if the first-period outcome is a terrorist attack alters the incentives of the players by changing the stakes of terror prevention and terror

9. $B_s < \Delta_s$ since $0 < \delta_s \leq 1$ and $d_s < 0$.

success in the first period. Proposition 4 below indicates that the prospect of reducing the level of free speech protections after a terrorist attack has perverse effects on the first-period incentives, either by increasing the level of terrorist activity or by decreasing the level of counterterrorism effort to detect terrorist activity.

Proposition 4. The security agency's first-period equilibrium action is lower in the dynamic game than in the benchmark game if $d_t > 0$. The terrorist organization's first-period equilibrium action is higher in the dynamic game than in the benchmark game if $d_t < 0$.

Recall that the terrorist organization's second-period equilibrium payoff can decrease or increase when the level of free speech protections decreases from f to f' . Therefore, we need to consider two cases: (1) the terrorist organization's stake for a successful terrorist attack in the first period of the dynamic game is higher than in the benchmark game (i.e., $d_t < 0$) and (2) the terrorist organization's stake for a successful terrorist attack in the first period of the dynamic game is lower than in the benchmark game (i.e., $d_t > 0$).

Consider first the situation in which the terrorist organization's second-period equilibrium payoff decreases when f decreases (i.e., $d_t > 0$). In this scenario, both B_s and B_t are lower than Δ_s and Δ_t , respectively. Proposition 3 shows that the security agency's equilibrium action increases when Δ_s and Δ_t are higher, which implies that the security agency's equilibrium action is lower in the dynamic game than in the benchmark game. The intuition is as follows: decreasing the agency's stake for terrorism prevention from Δ_s to B_s has a direct effect of reducing the security agency's incentive to prevent a terrorist attack. At the same time, decreasing the terrorist organization's stake for a successful terrorist attack from Δ_t to B_t reduces the terrorist organization's incentives for terrorist activities. Since the level of counterterrorism effort decreases when the level of terrorist activities is lower, a decrease in the terrorist organization's stake for a successful terrorist attack reduces the security agency's level of counterterrorism effort. Both the direct effect and the strategic effect work in the same direction to decrease the level of counterterrorism effort in the first period of the dynamic game as compared to the benchmark scenario.

Consider next the situation in which the terrorist organization's second-period equilibrium utility increases when f decreases (i.e., $d_t < 0$). In this scenario, B_s is lower than Δ_s , but B_t is higher than Δ_t . Proposition 3 indicates that the terrorist organization's equilibrium action decreases in Δ_s and increases in Δ_t , which implies that the terrorist organization's equilibrium action is higher in the dynamic game than in the

benchmark game. The intuition is as follows: increasing the terrorist organization's stake for a successful terrorist attack from Δ_t to B_t has a direct effect of increasing its incentives for terrorist activities. At the same time, decreasing the security agency's stake for terrorism prevention from Δ_s to B_s has a strategic effect of increasing the terrorist organization's incentives for terrorist activities since the terrorist organization's equilibrium action is higher when the level of counterterrorism effort is lower. Both the direct effect and the strategic effect work in the same direction to increase the level of terrorist activities in the first period of the dynamic game as compared to the benchmark scenario.

Proposition 4 indicates that a policy of reducing free speech protections in the aftermath of a terrorist attack either decreases the level of counterterrorism effort or increases the level of terrorist activities in the first period (or both as shown in example 1 below). In other words, the prospect of such policy intervention has perverse effects on the pre-attack incentives of terrorism prevention/occurrence since either $e_s^1 < \bar{e}_s$ or $e_t^1 > \bar{e}_t$ (or both). This is the moral hazard of terrorism prevention.¹⁰

Example 1 illustrates the perverse effects of curtailing free speech protections in the aftermath of a terrorist attack on the pre-attack incentives. To this end, let the parameters of the stage game be as follows: $P(e_s, e_t) = e_t(1 - e_s)$, $C_s(e_s) = (1/2)e_s^2$, $C_t(e_t, f) = (1/2)(1 - f)e_t^2$, $f < 1$, $\delta_s = \delta_t = 1$, and $O_s(0) = O_t(1) = 1$, $O_s(1) = O_t(0) = 0$ (which imply that $\Delta_s = \Delta_t = 1$).

Example 1. Suppose that the level of free speech protections is $f = 0$ in the first period and that it decreases from $f = 0$ to $f' = -2$ if a terrorist attack happens in the first period. In the second period, the security agency's equilibrium payoff is $u_s^2(f) = 5/8$ in the f game and $u_s^2(f') = 25/32$ in the f' game, which implies that $d_s = -5/32$ and $B_s = 27/32$. Also, in the second period, the terrorist organization's equilibrium payoff is $u_t^2(f) = 1/8$ in the f game and $u_t^2(f') = 3/32$ in the f' game, which implies that $d_t = 1/32$ and $B_t = 31/32$.

In the dynamic game, the security agency's first-period equilibrium action is $e_s^1 \approx 0.45$, the terrorist organization's first-period equilibrium action is $e_t^1 \approx 0.53$,

10. The term "moral hazard" in its original sense refers to the adverse effects that insurance may have on an insuree's behavior. In principal-agent models, the notion of moral hazard is usually equated with "hidden action" problems: the effort of agents is unobservable (Gailmard 2010, 39; Kreps 1990, 578). Therefore, the term is broadly applied to situations in which there is a hidden action problem (i.e., effort is unobservable) that is not handled successfully.

and the first-period equilibrium probability of a terrorist attack is $P^1 \approx 0.29$. In the benchmark game, the security agency's first-period equilibrium action is $\bar{e}_s = 0.5$, the terrorist organization's first-period equilibrium action is $\bar{e}_t = 0.5$, and the first-period equilibrium probability of a terrorist attack is $\bar{P} = 0.25$. Therefore, we have $e_s^1 < \bar{e}_s$, $e_t^1 > \bar{e}_t$, and $P^1 > \bar{P}$.

Thus, the first-period level of counterterrorism effort is lower in the dynamic game, the first-period level of terrorist activities is higher in the dynamic game, and the first-period equilibrium probability of a terrorist attack is higher in the dynamic game as compared to the benchmark game.

We have the following result:

Proposition 5. The first-period equilibrium probability of a terrorist attack can be higher if the level of free speech protections is reduced when the first-period outcome is a terrorist attack.

Proposition 5 implies that a commitment to not reducing the level of free speech protections in the aftermath of a terrorist attack can make a terrorist attack less likely. In other words, an expectation that liberal societies remain faithful to their fundamental values even in times of duress can in fact reduce the likelihood of terror. In the appendix, I analyze a version of the dynamic model in which the cost of counterterrorism effort decreases if the outcome in the first period is a terrorist attack.¹¹ This analysis shows that such a policy intervention also has perverse effects: it reduces the level of counterterrorism effort in the first period, which in turn can make a terrorist attack more likely in the first period.

In sum, the previous analysis shows that a policy of reducing the level of free speech protections in the aftermath of a terrorist attack has perverse effects and can make a terrorist attack more likely. The mechanism is as follows: When choosing their first-period actions, the security agency and the terrorist organization take into account how reducing the level of free speech protections (if the outcome of the first period is a terrorist attack) affects their payoffs in the second period. A reduction from f to f' increases the security agency's second-period utility whereas the effect of such a policy on the terrorist organization's second-period utility is ambiguous. This implies that a reduction from f to f' (if the outcome of the first period is a terrorist attack) decreases the security agency's first-period stake for terror-

ism prevention and can decrease or increase the terrorist organization's first-period stake for a successful terrorist attack. Regardless of how the terrorist organization's first-period stake for a successful terrorist attack is affected, reducing free speech protections in the aftermath of a terrorist attack either decreases the first-period level of counterterrorism effort or increases the first-period level of terrorist activity (or both), with the overall effect of potentially making a terrorist attack more likely in first period.

The dynamic analysis shows that a policy of restricting free speech protections in the aftermath of a terrorist attack has a deleterious effect on the pre-attack incentives, which can make a terrorist attack more likely. As mentioned, the policy justification for passing such antiterrorism measures is that, by increasing the cost of terrorism, such policies decrease the incidence of terrorism in the future. The US Supreme Court expounded this very rationale in *Holder v. Humanitarian Law Project*, the landmark case that upheld the constitutionality of material support provisions against free speech considerations in the United States. Without denying that Patriot Act provisions limit the scope of freedom of expression, the court intoned that the law is a legitimate preventive measure because "material support," even if intended to foster nonviolent, nonterrorist activities, "helps lend legitimacy to foreign terrorist groups—legitimacy that makes it easier for those groups to persist, to recruit members, and to raise funds—all of which facilitate more terrorist attacks."¹²

In the context of our model, this security rationale would imply that a reduction from f to f' if the outcome in the first period is a terrorist attack should decrease the probability of a terrorist attack in the second period. Notice that the perverse effects documented above do not depend on whether a reduction in f decreases or not the probability of a terrorist attack in the second period. In other words, proposition 4 holds regardless of whether liberty-reducing measures aimed at increasing the cost of terrorism have their intended policy benefits or not. Moreover, the equilibrium analysis of the stage game suggests that the policy justification for such antiterrorism measures might not be valid even on its own terms. That is, proposition 1 shows that a reduction in f decreases both players' equilibrium actions in the stage game. Since the probability of a terrorist attack in the second period decreases in the security agency's action and since the equilibrium level of counterterrorism effort decreases when the level of free speech protections is reduced, proposition 1 implies that there can be situations in which reducing free speech protections increases the equilibrium probability of a terrorist attack in the second period.

11. This analysis is related to a larger literature on how altering the budgets of bureaucratic agencies affects policy making (see, e.g., Ting 2001).

12. *Holder v. Humanitarian Law Project*, 561 U.S. 1 (2010), 25.

The previous discussion therefore suggests that a policy of restricting free speech protections should a terrorist attack happen not only has perverse effects on the first-period incentives but might also make a terrorist attack more likely in the second period after the reduction in f is implemented. In the next section, I assess the conditions under which reducing the level of free speech affects the probability of a terrorist attack in the second period.

THE SECURITY RATIONALE FOR REDUCING FREE SPEECH

To this end, I analyze a parametric model that allows us to derive closed-form solutions for the equilibrium actions in order to investigate how a reduction in f affects the equilibrium probability of a terrorist attack in the second period. In this context, let the probability of a terrorist attack in the stage game be given by $P(e_s, e_t) = e_t(1 - e_s)$,¹³ the cost of counterterrorism effort be given by $C_s(e_s) = (1/2)k_s(e_s)^2$, and the cost of terrorist activities be given by $C_t(e_t, f) = (1/2)M(f)k_t(e_t)^2$.¹⁴ We can think of k_s as parametrizing the (marginal) cost for counterterrorism effort; similarly, we can think of k_t as parametrizing the (marginal) cost for terrorist activities due to factors other than the level of free speech protections. Also, the function $M(f)$ captures the (marginal) effect of free speech protections on the cost of terrorism, where $M'(f) < 0$ (i.e., a higher level of free speech protections decreases the marginal cost of terrorist activities).

Given these specifications, the equilibrium actions in the second period are $e_s^* = \Delta_t \Delta_s / [\Delta_t \Delta_s + M(f)k_t k_s]$ and $e_t^* = \Delta_t k_s / [\Delta_t \Delta_s + M(f)k_t k_s]$, and, as a result, the equilibrium probability of a terrorist attack in the second period is $P^2 = [M(f)\Delta_t k_t k_s^2] / [\Delta_t \Delta_s + M(f)k_t k_s]^2$.¹⁵

The next proposition states the conditions under which a decrease in the level of free speech protections increases the equilibrium probability of a terrorist attack in the second period:

Proposition 6. Reducing the level of free speech protections increases the equilibrium probability of a terrorist attack in the second period if

$$\frac{\Delta_t \Delta_s}{k_t k_s} - M(f) > 0 \quad (9)$$

13. We need $e_s \leq 1$, but such a restriction is not necessary because it will be the case that the equilibrium effort $e_s^* < 1$.

14. Notice that the cost functions are quadratic in effort. To avoid any confusion with time superscripts denoting the second-period action, I use parentheses to denote effort squared.

15. A sufficient (but not necessary condition) for P^2 to (always) be less than 1 is $\Delta_s > k_s$.

and decreases the equilibrium probability of a terrorist attack in the second period otherwise.

Proposition 6 shows that the probability of a terrorist attack in the second period increases when the level of free speech protections is reduced if condition (9) holds. A simple inspection of expression (9) shows that the inequality is more likely to be satisfied when Δ_t and Δ_s are higher and when k_s and k_t are lower. These parameters have various substantive interpretations; below I discuss some possible interpretations of the parameters, and the implications of Proposition 6 in light of these interpretations.

The marginal cost of counterterrorism, k_s , is lower when more budgetary resources are allocated to terrorism prevention. In this context, most Western democracies have considerably increased their counterterrorism budgets since 9/11 (Alexander 2006; Glennon 2015). For example, in an article describing the counterterrorism spending increases in the United States since 2001, the Washington Post reports that the counterterrorism spending “is an espionage empire with resources and a reach beyond those of any adversary, sustained even now by spending that rivals or exceeds the levels at the height of the Cold War.”¹⁶ An implication of proposition 6 is that, all else equal, reducing free speech protections is more likely to increase the probability of a terrorist attack when the counterterrorism budget is higher.

Proposition 6 suggests that reducing the level of free speech protection is more likely to be ineffective when the stake for terrorism prevention, Δ_s , is higher. The importance of counterterrorism has increased considerably in the aftermath of 9/11, both in terms of how the citizens view the salience of terrorism prevention and also in terms of how democratic governments rank this issue on their governing agenda. For example, in a Gallup poll conducted before September 11, 2001, less than one-half of 1% of Americans mentioned terrorism as the nation’s most important problem; however, since 9/11, citizens have considered terrorism to be one of the most important policy problems (Merolla and Zechmeister 2009). Similarly, the White House’s National Security Strategy has constantly placed terrorism prevention as the top security priority since 9/11. In this context, the stake of preventing a terrorist attack, Δ_s , is likely to depend on the salience of terrorism prevention: Δ_s is higher when terrorism prevention is a more salient policy issue. Given this interpretation of Δ_s , an implication of proposition 6 is that, all else equal, reducing free speech protections is more likely to in-

16. Barton Gelman and Greg Miller, “Black Budget Summary Details US Spy Network’s Successes, Failures and Objectives,” *Washington Post*, August 29, 2013.

crease the probability of a terrorist attack when terrorism prevention is a more salient issue.

Proposition 6 indicates that reducing the level of free speech protection is more likely to be ineffective if the terrorist organization's marginal cost for terrorist activities, k_t , is lower. The group's cost of terrorist activities is likely to depend on the potential support that terrorists receive from the community they claim to represent, if we think about the threat of domestic terrorism. In this context, the marginal cost of terrorist activities is likely to depend on the degree of integration/assimilation of the (minority) community in the institutional fabric of a certain liberal society: more integrated communities are less likely to lend support to potential terrorists. Given this interpretation of k_t , an implication of proposition 6 is that curtailing free speech protections is more likely to increase the probability of a terrorist attack when the (minority) community that terrorists claim to represent is more alienated from the social, political and economic fabric of a certain liberal society.

The previous discussion points out some policy and empirical implications of proposition 6. Undoubtedly, there could be other substantive interpretations of the parameters of the model. Proposition 6 presents a general condition (as a function of the exogenous parameter of this model) when reducing f increases the equilibrium probability of a terrorist attack in second period. As such, scholars could derive other policy and empirical implications regarding the conditions under which reducing the level of free speech protections is likely to be ineffective.

The game-theoretic analysis shows that the policy justification for restraints on free speech is questionable on its own terms. The decrease in privacy and the concomitant increase in the government's surveillance powers are another important preventive policies adopted in the wake of 9/11 by various liberal societies (Epifanio 2011). Since the game ends after the second period, there are no dynamic incentives in the second period and therefore the analysis of how a reduction in f affects the second-period probability of a terrorist attack is related to existing theoretic accounts of how reducing privacy affects terrorism prevention (Dragu 2011). From a modeling perspective, the key difference between reductions in privacy and restraints on free speech is the fact that changing privacy protections affects both the cost of terrorist activities and the government's cost of detecting terrorist activity. As a result, changes in privacy protections have both strategic and direct effects on each players' equilibrium actions (Dragu 2011). This implies that, in contrast with the previous analysis, the equilibrium level of counterterrorism effort in the static (one-shot) game can decrease or increase when privacy is reduced, depending on

whether the strategic effect (working through changes in the level of counterterrorism effort in response to changes in the level of terrorist activities) dominates the direct effect (working through changes in the cost of counterterrorism effort).¹⁷

CONCLUSION

In the wake of Charlie Hebdo and the November 2015 terrorist attacks, the French authorities began what has become almost a rite of passage for Western nations since the 9/11 terrorist attacks: curbing freedom of expression and restricting other fundamental rights and liberties in order to increase the cost of terrorism. When terrorists strike home there is an overwhelming political urge to fix things so that the events will not be repeated (Crenshaw 2010; Heymann 2003; Ignatieff 2004; Richardson 2007). The "what if something awful happens again" factor creates a political climate in which it is easier for liberty-reducing antiterrorism measures to pass since no politician wants to be blamed for another terrorist strike and since no politician wants to be perceived as not doing whatever it takes to safeguard security (Donohue 2008; Dragu and Polborn 2014; Fox and Stephenson 2011). Exacerbating the problem, situations of crisis, such as the aftermath of a terrorist attack, afford security agencies opportunities to push for antiterrorism measures that were not attainable in normal times (Dragu 2011; Glennon 2015).¹⁸

While the symbolic and political rationales of restricting rights and liberties in the aftermath of a terrorist attack are clear, perhaps less understood are the potential deleterious effects of such measures. The analysis shows that the prospect of curtailing free speech protections in the wake of a terrorist attack has perverse effects on the pre-attack incentives of terrorism prevention/occurrence, which can make a terrorist attack more likely in the first period. Moreover, the article suggests that the effectiveness of liberty-reducing antiterrorism measures should be considered in light of the incentives of bureaucratic agencies responsible for terrorism prevention. In this context, scholars and governmental reports have documented various agency problems such as a

17. That is, if we consider reductions in privacy protections, p (where a reduction in p decreases the marginal cost of counterterrorism and increases the marginal cost of terrorist activities), $e_t^*(p)$ can increase or decrease in p . Notice that proposition 4 generalizes to this set-up since proposition 3 and the result of propositions 2 that the agency's equilibrium payoff in the stage game increases when p is reduced hold even when $e_t^*(p)$ decreases in p .

18. As proposition 3 indicates, security agencies have incentives to push for liberty-reducing antiterrorism policies in the aftermath of a terrorist attack, regardless of their effectiveness.

bureaucratic culture rewarding quantity over quality, a focus on short-term at the expense of long-term strategic analysis, inability to connect the dots, among other problems (Garicano and Posner 2005; Treverton 2008). Scholars have also pointed out numerous bureaucratic inefficiencies in collecting, analyzing, and sharing intelligence (Hewitt 2008).

That curtailing free speech protections and other liberty-reducing antiterrorism measures changes the environment in which the security agencies and the terrorist groups interact is particularly important in light of such dysfunctional incentives. This is especially problematic because to head off a terrorist attack it is necessary to look for “the needle in a haystack,” so to speak—an activity that is particularly prone to “false positives” and that requires spending most of the time and resources on null results (Garicano and Posner 2005). Preventive policies that reduce rights and liberties to presumably make it harder for terrorist groups to operate inside liberal societies might instead make terrorist activity more difficult to spot, which can exacerbate the bureaucratic inefficiencies scholars have widely documented.¹⁹

Generalized a bit, the dynamic analysis suggests that security agencies would prefer to magnify the threat of terrorism so as to justify and augment their counterterrorism powers. This finding, for example, is consistent with empirical observations regarding the use of informants and agents provocateurs to instigate terrorist acts, a tactic that has been documented, at least, since the nineteenth century struggle against anarchist terror.

Scholars have widely documented the fact that the security agencies themselves contributed in part to the phenomenon of anarchist terrorism at the end of the nineteenth century, through their use of agents provocateurs (Butterworth 2010; Jensen 2013; Laqueur 1987; Merriman 2009). For example, agents provocateurs urged the adoption of violent tactics at the 1881 London anarchist congress (Butterworth 2010); Louis Andrieux, the Paris police prefect, secretly financed the creation of *La Revolution Sociale*, the first anarchist periodical published in France, which, among other provocations to violence, published detailed instructions for fabricating dynamite (Butterworth 2010; Laqueur 1987); in 1894, a bomb went off outside the Greenwich Observatory in London, killing the man who was carrying it who had been recruited for the attack and supplied with explosives by an undercover po-

19. The bureaucratic agency problems discussed above suggest that the security agency's counterterrorism cost is higher than that of the population it serves, which in turn suggests that the agency's objective is not necessarily in tune with the public interest when it comes to designing liberty-reducing counterterrorism policies.

lice officer (Butterworth 2010).²⁰ From his archival and documentary record of the nineteenth century anarchist milieu, Alex Butterworth concludes that provocateurs were close to the planning and/or financing of many headline-making anarchist bomb plots (Butterworth 2010). Inspired by the environment that Butterworth chronicles, in his 1908 novel *The Man Who Was Thursday*, G. K. Chesterton describes a convocation of anarchist conspirators in which all plotters turn out to be cops sent to infiltrate the group.

The notion that policing terror sometimes means encouraging it is not a thing of the past. The FBI, of course, has a long history of infiltrating dissident organizations and of using agents provocateurs to instigate violence. From the 1950s until the early 1970s, the bureau ran the Counter Intelligence Program, which, among other tactics, infiltrated various organizations and spurred their members to commit violent acts (Marx 1974). In the context of the current fight against Al-Qaeda terrorism, the FBI has routinely used paid informants not to capture existing terrorists but often to cultivate them by offering ideas and incentives to encourage individuals to engage in terrorist activity (Aaronson 2013). For instance, Human Rights Watch and the press reports have documented that FBI-involved agents orchestrated several well-known terror plots of the last decade, including the Miami Seven, the Washington DC Metro bombing plot, the New York City subway plot, and the attempt to blow up Chicago's Sears Tower, among others.²¹ In the case of the “Newburgh Four” suspected terrorists, for example, who were accused of planning to blow up synagogues and attack a US military base, a US district judge said, “I believe beyond a shadow of a doubt that there would have been no crime here except the government instigated it, planned it, and brought it to fruition.”²² Unsurprisingly, perhaps, government officials have cited such foiled terrorist plots as evidence that liberty-reducing antiterrorism measures are effective.²³

This bias of security agencies to magnify the threat of terrorism in order to justify or augment their counterterrorism powers has important policy and institutional implications. From a policy perspective, the presence of this bias

20. These events formed the basis of Joseph Conrad's 1907 novel, “The Secret Agent.”

21. For example, see Human Rights Watch, “Illusion of Justice: Human Rights Abuses in US Terrorism Prosecutions,” July 2014; Spencer Ackerman, “Government agents directly involved in most high-profile US terror plots,” *The Guardian*, July 14, 2014; Petra Bartosiewicz, “Deploying Informants, the FBI Stings Muslims,” *The Nation*, June 14, 2012.

22. Peter Finn, “Documents Provide Rare Insight into FBI's Terrorism Stings,” *Washington Post*, April 13, 2012.

23. Glenn Greenwald and Andrew Fishman, “Latest FBI Claim of Disrupted Terror Plot Deserves Much Scrutiny and Skepticism,” *The Intercept*, January 16, 2015.

makes it difficult to assess empirically the effectiveness of liberty-reducing antiterrorism policies. At the minimum, reliable data on the number of foiled terrorist plots would be necessary in order to accurately determine whether such measures are working or not. However, because security agencies have an interest in exaggerating their success and worse still in cultivating terror plots to foil them, accurate statistic on the number of prevented plots is not necessarily reliable. From an institutional perspective, the result regarding the agency bias suggests that it may not be desirable to allow those governmental officials responsible for terrorism prevention to also craft antiterrorism measures. It also indicates that it is not necessarily desirable to rely on information from security agencies when deciding on the scope of liberty-reducing antiterrorism measures. Indeed, as the press has documented, senior counterterrorism officials have given an inaccurate description of the effectiveness of liberty-reducing antiterrorism measures whenever the wisdom of such policies becomes a matter of public debate.²⁴

Democratic governments have a hard time fighting terrorism by resorting to repressive measures since a free and vibrant civil society is a necessary condition for the existence and proper functioning of a liberal polity. Indeed, terrorist groups will find it very difficult, if not impossible, to grow and operate inside a totalitarian regime that is willing to use maximal force and disregard any considerations for freedom of expression, association, privacy, and other fundamental rights. A democratic government, on the other hand, cannot use maximal force in its antiterrorism campaign for the government would endanger the very foundation of a liberal society if it were to set aside all rights and liberties to tackle the threat of terrorism. Since restricting rights and liberties has been a typical response of democratic governments to major terrorist attacks, we need to understand the security consequences of antiterrorism measures. This article provides a necessary first-step analysis of the dynamic effects of such policies. It suggests that in a world in which democratic governments respond to major terrorist attacks with restrictions on rights and liberties, such policy interventions have perverse effects on the pre-attack incentives of terrorism prevention/occurrence, which can make a terrorist attack more likely. The analysis implies that a commitment to respecting fundamental rights and liberties in times of duress can be security-beneficial: if liberal societies were to remain faithful to their fundamental values in the aftermath of terrorist attacks, such a strategy can decrease the probability of a terrorist attack.

24. Justin Elliott and Theodor Meyer, "The NSA's Big Terrorism Claim Doesn't Hold Up," *ProPublica*, October 23, 2013.

ACKNOWLEDGMENTS

I thank Terrence Chapman, Christian Davenport, Ursula Daxecker, Livio Di Lonardo, Xiaochen Fan, John Ferejohn, Jean Guillaume Forand, Lewis Kornhauser, Will Moore, Monika Nalepa, Adam Przeworski, Arturas Rozenas, Peter Rosendorff, and Melissa Schwartzberg for helpful comments and suggestions. All errors are mine.

REFERENCES

- Aaronson, Trevor. 2013. *The Terror Factory: Inside the FBI's Manufactured War on Terrorism*. Brooklyn: Ig Publishing.
- Alexander, Yonah. 2006. *Counterterrorism Strategies: Successes and Failures of Six Nations*. Washington, DC: Potomac.
- Bapat, Navin A. 2011. "Transnational Terrorism, US Military Aid, and the Incentive to Misrepresent." *Journal of Peace Research* 48 (3): 303–18.
- Benmelec, Efraim, Claude Berrebi, and Esteban F. Klor. 2015. "Counter-Suicide-Terrorism: Evidence from House Demolitions." *Journal of Politics* 77 (1): 27–43.
- Bueno de Mesquita, Ethan. 2007. "Politics and the Suboptimal Provision of Counterterror." *International Organization* 61 (1): 9–36.
- Bueno de Mesquita, Ethan, and Eric S. Dickson. 2007. "The Propaganda of the Deed: Terrorism, Counterterrorism, and Mobilization." *American Journal of Political Science* 51 (2): 364–81.
- Butterworth, Alex. 2010. *The World That Never Was: A True Story of Dreamers, Schemers, Anarchists, and Secret Agents*. London: Bodley Head.
- Crenshaw, Martha. 2010. "Introduction." In Martha Crenshaw, ed., *The Consequences of Counterterrorism*. New York: Russell Sage Foundation, 1–30.
- Cronin, Audrey Kurth. 2009. *How Terrorism Ends: Understanding the Decline and Demise of Terrorist Campaigns*. Princeton, NJ: Princeton University Press.
- Daxecker, Ursula E. 2015. "Dirty Hands: Government Torture and Terrorism." *Journal of Conflict Resolution*, first published September 18, 2015; doi:10.1177/0022002715603766.
- Daxecker, Ursula E., and Michael L. Hess. 2013. "Repression Hurts: Coercive Government Responses and the Demise of Terrorist Campaigns." *British Journal of Political Science* 43 (3): 559–77.
- Donohue, Laura. 2008. *The Cost of Counterterrorism: Power, Politics, and Liberty*. Cambridge: Cambridge University Press.
- Dragu, Tiberiu. 2011. "Is There a Trade-off between Security and Liberty? Executive Bias, Privacy Protections, and Terrorism Prevention." *American Political Science Review* 105 (1): 64–78.
- Dragu, Tiberiu, and Mattias Polborn. 2014. "The Rule of Law in the Fight against Terrorism." *American Journal of Political Science* 58 (4): 511–25.
- Dugan, Laura, and Erica Chenoweth. 2012. "Moving beyond Deterrence: The Effectiveness of Raising the Expected Utility of Abstaining from Terrorism in Israel." *American Sociological Review* 77 (4): 597–624.
- Epifanio, Mariaelisa. 2011. "Legislative Response to International Terrorism." *Journal of Peace Research* 48 (3): 399–411.
- Forand, Jean Guillaume. 2015. "Useless Prevention vs. Costly Remediation." *Quarterly Journal of Political Science* 10 (2): 187–220.
- Fox, Justin, and Matthew C. Stephenson. 2011. "Judicial Review as a Response to Political Posturing." *American Political Science Review* 105 (2): 397–414.
- Fox, Justin, and Richard Van Weelden. 2015. "Hoping for the Best, Unprepared for the Worst." *Journal of Public Economics* 130:59–65.

- Gailmard, Sean. 2010. "Politics, Principal-Agent Problems, and Public Service Motivation." *International Public Management Journal* 13 (1): 35–45.
- Garicano, Luis, and Richard Posner. 2005. "Intelligence Failure: An Organizational Economic Perspective." *Journal of Economic Perspectives* 19 (4): 151–70.
- Glennon, Michael J. 2015. *National Security and Double Government*. Oxford: Oxford University Press.
- Gunaratna, Rohan K. 2004. "The Post-Madrid Face of Al Qaeda." *Washington Quarterly* 27:91–100.
- Hewitt, Steve. 2008. *The British War on Terror*. London: Continuum.
- Heymann, Philip B. 2003. *Terrorism, Freedom, and Security*. Cambridge, MA: MIT Press.
- Hoffman, Bruce. 2013. *Inside Terrorism*. New York: Columbia University Press.
- Ignatieff, Michael. 2004. *The Lesser Evil: Political Ethics in an Age of Terror*. Princeton, NJ: Princeton University Press.
- Ingridason, Indridi H. 2008. "Does Terrorism Influence Domestic Politics? Coalition Formation and Terrorist Incidents." *Journal of Peace Research* 45 (2): 241–59.
- Jensen, Richard Bach. 2013. *The Battle against Anarchist Terrorism: An International History, 1878–1934*. Cambridge: Cambridge University Press.
- Kreps, David M. 1990. *A Course in Microeconomic Theory*. Princeton, NJ: Princeton University Press.
- LaFree, Gary, Laura Dugan, and Raven Korte. 2009. "The Impact of British Counterterrorist Strategies on Political Violence in Northern Ireland: Comparing Deterrence and Backlash Models." *Criminology* 47 (1): 501–30.
- Langlois, Catherine C., and Jean-Pierre Langlois. 2011. "The Escalation of Terror: Hate and the Demise of Terrorist Organizations." *Conflict Management and Peace Science* 28 (5): 497–521.
- Laqueur, Walter. 1987. *The Age of Terrorism*. Boston: Little, Brown.
- Marx, Gary T. 1974. "Thoughts on a Neglected Category of Social Movement Participant: The Agent Provocateur and the Informant." *American Journal of Sociology* 80 (2): 402–42.
- Merolla, Jennifer L., and Elizabeth J. Zechmeister. 2009. *Democracy at Risk: How Terrorist Threats Affect the Public*. Chicago: University of Chicago Press.
- Merriman, John. 2009. *The Dynamite Club: How a Bombing in Fin-de-Siecle Paris Ignited the Age of Terror*. New York: Houghton Mifflin Harcourt.
- Moore, Will H. 2010. "Incarceration, Interrogation and Counterterror: Do (Liberal) Democratic Institutions Constrain Leviathan?" *PS: Political Science and Politics* 43 (3): 421–24.
- Posner, Eric, and Adrian Vermeule. 2007. *Terror in Balance: Security, Liberty, and the Courts*. New York: Oxford University Press.
- Posner, Richard. 2006. *Not a Suicide Pact: The Constitution in a Time of National Emergency*. Oxford: Oxford University Press.
- Powell, Robert. 2007. "Defending against Terrorist Attacks with Limited Resources." *American Political Science Review* 101 (3): 527–41.
- Richardson, Louise. 2007. *What Terrorists Want*. New York: Random House Trade.
- Roach, Kent. 2011. *The 9/11 Effect: Comparative Counter-terrorism*. Cambridge: Cambridge University Press.
- Ronen, Yael. 2010. "Incitement to Terrorist Acts under International Law." *Leiden Journal of International Law* 23:645–74.
- Rosendorff, Peter B., and Todd Sandler. 2004. "Too Much of a Good Thing? The Proactive Response Dilemma." *Journal of Conflict Resolution* 48 (4): 657–71.
- Sanchez-Cuenca, Ignacio, and Luis de la Calle. 2009. "Domestic Terrorism: The Hidden Side of Political Violence." *Annual Review of Political Science* 12:31–49.
- Schmid, Alex P. 1992. "Terrorism and Democracy." *Terrorism and Political Violence* 4 (4): 14–25.
- Shapiro, Jacob N., and David A. Siegel. 2010. "Is This Paper Dangerous? Balancing Secrecy and Openness in Counterterrorism." *Security Studies* 19 (1): 66–98.
- Siegel, David A. 2011. "Non-Disruptive Tactics of Suppression Are Superior in Countering Terrorism, Insurgency, and Financial Panics." *PLoS ONE* 6 (4): e18545.
- Siqueira, Keith, and Todd Sandler. 2006. "Terrorists versus the Government: Strategic Interaction, Support, and Sponsorship." *Journal of Conflict Resolution* 50 (6): 878–98.
- Stone, Geoffrey R. 2004. *Perilous Times: Free Speech in Wartime from the Sedition Act of 1798 to the War on Terrorism*. New York: W. W. Norton.
- Ting, Michael M. 2001. "The Power of the Purse and Its Implications for Bureaucratic Policy-Making." *Public Choice* 106 (3–4): 243–74.
- Treverton, Gregory. 2008. *Reorganizing U.S. Domestic Intelligence: Assessing the Options*. Santa Monica, CA: RAND Corporation.
- Waldron, Jeremy. 2003. "Security and Liberty: The Image of Balance." *Journal of Political Philosophy* 11 (2): 191.
- White, Jonathan R. 2003. *Terrorism: 2002 Update*. 4th ed. Belmont, CA: Wadsworth.
- Wilkinson, Paul. 2006. *Terrorism versus Democracy: The Liberal State Response*. London: Routledge.