

# [Example of critical thinking on challenge to civil liberties](https://assignbuster.com/example-of-critical-thinking-on-challenge-to-civil-liberties/)

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## Introduction

Civil liberties are the freedoms and guarantees that the government cannot limit to an individual, either by law or judicial interpretation. Such civil liberties are; freedom from forced labor and slavery, freedom from torture and death, and so on. Many contemporary states have constitutional documents and bill of rights that function to warrant civil liberties. Some laws have been enacted by different countries using different legal means like ratifying and signing or address some controversial civil liberties. Controversial examples include; reproductive rights, property rights, civil marriage and rights to possess and bear arms.
The formal concept of civil liberties traces back to 1215 Magna Carta, an English legal charter which was then based on the document called the English Charter of Liberties. Despite the efforts to promote civil liberties, the process has been faced with numerous challenges. Some of this challenges include; the slavery issue, terrorism, civil war, colonialism, racial discrimination
Slavery history dates back to the early years of 1619, where industrialization made the need for slaves to become high. Black slavery was mostly witnessed in the British colonies. Slavery was fueled by the increased demand for plantation labor as well as the English people cultural perception about the “ alien people” which referred particularly to Africans. Slavery conflict rose in the 19th century during the America explosive growth. The amendments made in America in 1865 to abolish the slave trade were a step of reclaiming lost liberties of the slaves. Former slaves received and were allowed to enjoy civil rights as any other American citizens, which meant that they received equal protection by the constitution. Despite all these efforts, civil liberty of the slaves encountered great challenges as the constitutional provision was ignored and violated, and this made it difficult for former slaves to enjoy the post—war economy. Constitutional violation challenged the “ slave” civil rights.
Colonialism is another challenge that civil liberty faces. When colonial powers took and controlled some countries around the world, violation of human and civil rights was inevitable. For example, when British colonial power established their control in India, the country was divided into two spheres under their influence. British India was ruled by British colonial power and, the other part was called native princely states, which were indirectly controlled by the Britons. There was no difference in the native princely states despite being governed by the natives of the country. The condition of the Indian subjects was worse than that of the British Indian subjects. The subjects were deprived of their civic liberty. They were denied rights to complain or present their grievances as their rulers were so ruthless; devoid them any civil liberty, that is, right to life, property and freedom of any kind, and worst of all freedom of expression. The autocratic attitude of the Indian rulers exposed their subjects to suffering in the absence of civil liberties. Struggle and fight for independence yielded fruits of freedom. However, neo-colonialism is still witnessed in many countries around the world especially the less developed countries. This is another constraint to the civic liberty, experienced in the present life.
Terrorism is another factor that offers a challenge to the civil liberties. Terrorism activities are direct violations of civil liberties as it results to loss of lives, destruction of property and personal incapacitation. A country’s anti-terrorism policies can also be a barrier to civil liberties. In America, about 44% of the people are concerned with the government anti-terrorism policies which have gone too far to the extent that it restricts civic liberties, and further claiming that the anti-terrorism policies have not worked to provided adequate security for Americans. America policy maker’s priorities are based on defending the freedom of the Americans citizens, but the authorization by the congress to secret subpoenas, secret regulations and secret arrests affects such freedoms. If the America Congress continues to rashly enact anti-terrorism legislation in the events preceding terrorist incident, Americans will lose their civic liberty over the long term.
During the time of war, civil liberties are restricted for periods that mostly depend on the length of time it will take for normalcy to return. However, after the crisis, it takes quite some time for the restrictive measures on the civil liberties to be removed. In America, during the time of crisis and war, the policy makers react fearfully to the predicted threat by putting in place measures that limit civil liberties. This was evidently witnessed in the, in military like during the quasi-war against France in 1790’s, cold war and the world wars . For example during the quasi war, many civic liberties were restricted. The presidential directive to deport all the aliens who were perceived to be a threat to the country’s security was a setback to civil liberation. Political surveillance during this time suppressed the freedom of speech and expression, as the government deployed secret agents all over the state to monitor political propaganda in all public places including markets (Bruce & Nichols, 1988). Another evidence of civil liberties suppression in case of war includes loss of lives, destruction of properties, torture to the captives of war and denial of freedom of expression and movement.
Racial discrimination is a challenge faced when it comes to the issue of civil liberty. " We hold these truths to be self-evident: that all men are created equal. That their creator gave them with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness”. These are the words spoken by the American authors of freedom” . This has been regarded as a bold vision for America since more than two hundred years down the line; America has never achieved this vision. In 1968, Martin Luther King was assassinated while standing at the balcony of the Lorraine motel in Memphis, Tennessee. The assassination resulted in massive riots across US by the blacks. This led to the amendment of civil right acts, which prohibited discrimination, based on race, religion, and sex. The law endowed the black’s opportunities to live beyond the “ ghetto”. However, discrimination is still taking place though at a very advanced level. Important progress has been made by the civil rights activist in fighting for equal opportunities in legal, political, social and economic sectors to eliminate this vice. Despite all the efforts to eliminate racial discrimination, the dream of equality is yet to be achieved. This is evident in public institutions like education where students of different colors are racially isolated, to the judicial system where people colored are often targeted. Anti-migration policies also codify racialism. The law provides equal opportunities theoretically, but practically that is not the fact. Racial discrimination is a significant challenge to civil liberty.

## Conclusion

Civil liberties have faced many challenges. Those challenges restrict individuals for full access to freedom and equality of rights. Slavery is a historical problem, which has taken the center stage attention of the human rights. Slaves are denied the basic right of fair treatment as human beings; rather they are treated as their master’s property. Civil war and crisis results in death and suffering to human beings. In addition, the consequences of war may force a country to deprive its citizens some civil liberties as a measure of security concern. Colonialism was another major event that denies an individual civil liberty. Colonial power suppresses freedom of the natives in order to effectively take control of the colony. Racial discrimination is still experienced throughout the world. This deprives the disadvantaged group equality to civil liberty, for example, equality in the human rights factors. The most recent challenge to civic liberty is terrorism. Increased terrorism activities have resulted in violation of human rights. In light of these facts, the challenges posed to civil liberties cannot be overlooked. Civil liberty ensures that every human being, whether an American or a citizen of any other nation lives life to the fullest without any form of discrimination or hindrance, When civil liberties are challenged, people are denied their right to unlimited life. The government should immediately come up with tougher measures to ensure the protection of civil liberties and the elimination of the challenges that face civil liberties.

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