



Countering the Intuitive: Democracy and Inclusion as a Response to Terrorism

by Michael Patterson Brown

“For if it is true, as the Romans said, that *inter arma silent leges* (when arms speak, the laws fall silent), it is equally true that when the laws speak arms fall silent.” –Jonathan Schell¹

Elections, or impending elections, seem to exacerbate the tendency towards insularity in US political discourse. As even the most gradual timetable for withdrawal from Iraq is derided as emboldening the enemy, larger questions about how such an enemy has been created are ignored.

There is a pervasive sense that the current administration's policy in Iraq is a failed one. But to call this a policy over-dignifies it, and falls into the trap of regarding war as a rational response in countering terrorism. Yes, it's amazing what thousands of repetitions can do. If there weren't international terrorist networks operating in Iraq before the war (as has been admitted), there certainly are now (as has been claimed). We have been subjected to justifications resembling absurdist political satire worthy of Joseph Heller (were they better written), but this is no biting and tragic commentary: it is instrumental to the prosecution of the war itself. These stories shape the deep intuitions around which our public reason turns.

There are alternatives. If we raise our eyes past our borders we see evidence of the failure of even very efficient security-states to control violence (Israel), but we also see societies that have responded to attacks very differently, with some success. Spain is such a society, and should lead us to ask basic questions about the way democracies function and define themselves when faced with violent opposition.

To recount the story, on March 11, 2004 ten bombs placed on crowded commuter trains were detonated by cell phone near the Atocha station in Madrid, killing 191 people and injuring more than 1400. With only three days to go before national elections were to be held, Prime Minister José María Aznar blamed the Basque separatist group ETA for the bombings, but police quickly found evidence implicating a group of Islamic fundamentalists that opposed the stalwart support of the Spanish government for George W. Bush's war in Iraq, including the involvement of Spanish troops.

The country was stunned, but it was not paralyzed. While the government scrambled to find a response, the message from Spanish civil society was clear and immediate: millions of people turned out on the streets the day after the bombings to express sympathy for the victims and their families, and to condemn the use of violence. It was a powerful showing of solidarity and unity of purpose that touched the world.

One thing that makes this case special is that the condemnation of violence was earnestly broad, and self-reflective. As police efforts to find those responsible for the bombings continued, the public took to the polls and expressed a common sentiment that the

government in power had failed the community, not just by failing to prevent an attack and by seeming to misrepresent its origin to the public, but also in having fostered the kind of resentment that provoked it. Socialist candidate Jose Luis Rodriguez Zapatero was elected as his party won 43% of the vote, enough to form a coalition government with other minority parties. Central to their opposition platform had been a promise to withdraw from Iraq, a promise which the new government fulfilled upon assuming power.

This move led to predictable accusations from the Bush administration that Spain was soft on terror, and had made concessions rather than standing firm. This is a difficult case to make of a country with a long history of dealing with internal political violence, especially that of ETA. Spain has developed special antiterrorist legislation (addressing membership in an "armed band") with measures intended to insure that responses to terrorist acts function within the rule of law, and are consistent with democratic forms (a deeply held value, after surviving four decades of dictatorship). Though human rights organizations still cite abuses like incommunicado detentions and impediments to fair trials,² Spain's system is often regarded as a model.

This was not easily or immediately accomplished. In the mid-1980's the Ministry of the Interior secretly funded "Antiterrorist Liberation Groups," paramilitary forces responsible for the extrajudicial killing of 28 people, some with no relationship to ETA.³ Officials linked to these crimes were brought to trial in the 1990's, and since this time there has been a more public recognition of the importance of community responses. Irune Aguirrezabal Quijera writes, "One major factor of democracy is that there are legitimate non-violent ways to defend any ideology, religion or grievance. In this regard, Spain's civil mobilisation against terrorism was called an exemplary democratic response; for years now, civil movements against terrorism in the Basque Country have demonstrated that a strong and committed civil society, actively engaged in promoting democracy and tolerance, is vital to combating terrorism."⁴

While it is not uncommon in the US to hear the suggestion that democracy is a valid and useful response to terrorism, and that intolerance may be countered with tolerance, these claims are often treated ideologically, and fail to be enacted procedurally with legislation, or—as it happens—the sacking of a government.

One reaction to such concrete measures was evinced by CNN Presents host David Ensor. After stating that many Americans were surprised by Spain's decision to withdraw troops from Iraq, Ensor denied that Spain could be called "soft on terror," noting that it had been battling ETA for over 30 years, and had moved quickly to arrest and try al-Qaeda members in Spain after the March 11 attack. He went on to state:

"But, there's another twist to this story. Despite the bloody march attack committed by North African immigrants, Spain's socialist government did something counterintuitive. It relaxed immigration laws declaring an amnesty for illegal immigrants already in the country...Spain's message to the Muslim world is clear. We're all in this together, it is not a clash of civilizations. And that message is being heard."⁵

Ensor is here referring to what is called the regularization of immigration in Spain (granting legal status to undocumented immigrants), and to the fact that Moroccans represent the second largest immigrant community in Spain. It was the characterization of this as a "*counterintuitive*" move which caught my attention.

In fact, there was nothing unprecedented about this decision, as most of the debate about regularization revolved around economic rather than security concerns, and similar legislation has been passed in Spain four other times since the mid-80's. In a similar vein, I should extend a few qualifications to the larger issue of Spain's response to terrorism. While it is true that Spain withdrew troops from Iraq after the train bombings, it was far from a total renunciation of violence. There was already strong political opposition to the war, as evidenced by some 6 million Spanish protestors who demonstrated across the country on Feb. 15, 2003. Spanish borders are still partially militarized, and as has been noted, human rights abuses of terror suspects persist.

The point is not that the Spanish response is an overly idealistic or perfect model, but that it is a rational one. The overwhelming sentiment is that acts of terrorism are special kinds of crimes against a community, and should be dealt with as just that: *crimes*. Later in the CNN program, Spanish Justice Minister Juan Fernando Lopez Aguilar stressed, "We have to bear in mind very clearly that [the] enemy is not Islam, but the enemy is not the Arab immigrant. The enemies are those who are devoted to crime, particularly to organized crime. So, we must tell always the difference."

The scope of this inclusion is not limited to the issue of immigration, but extends to foreign policy. In addition to supporting international treaties against torture and for cooperation in countering terrorism, Prime Minister Zapatero proposed in a speech to the UN General Assembly on Sept. 21, 2004 the creation of an "Alliance of Civilizations" as an alternative to the "Clash of Civilizations" predicted by Samuel Huntington.⁶

Further, an International Summit on Democracy, Terrorism and Security held from the 8th to the 11th of March, 2005 produced what was called the Madrid Agenda,⁷ which characterizes terrorism as a crime against all humanity, and focuses on law enforcement that respects human rights and the rule of law. The pivotal role of democratic citizenries and the need for international cooperation is emphasized in the Madrid Agenda, as is the importance of intercultural dialogue, anti-poverty programs, mediation and peacemaking in divided societies.

Calling reliance on legal and nonviolent means "counterintuitive" might be a simple case of a double-standard. Within a political community, when members transgress, there is a set of measures designed to minimize violence while serving the cause of justice. There are safeguards to protect even the transgressor. However, incursions from without are *not* treated as transgressions, but are taken as threats to the entire regime, the sense of community, and what peace it secures. The normal mechanisms of enforcement and response do not clearly apply. The double-standard does not afford the same types of legal consideration to those outside of the political community. They are not transgressors, but invaders, barbarians.

I'd suggest that what Spain's example demonstrates is that the question is not whether nonviolent legal means are applicable to the case, but instead how best to make them practicable. There is a recognition that such means rely mostly on a community of enforcement, the boundaries of which are not drawn by the ability to project force, but by the scope of moral and political inclusion. In this light, the exercise of a double-standard hobbles any response from the outset.

My hope is that in describing real alternatives to military and militarized responses, we may also move toward a recognition that, as Jonathan Schell writes, "in a steadily and irreversibly widening sphere, violence, always a mark of human failure and a bringer of sorrows has now also become dysfunctional as a political instrument."⁸

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