

24. See House of Commons Select Committee on Home Affairs, "Terrorism and Community Relations," sixth report of session 2004–2005, vol. 1, together with formal minutes and appendix (2005), para. 58, 161.

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CHAPTER 6

CONFRONTING TERRORISM IN NORTHERN IRELAND AND THE BASQUE COUNTRY: CHALLENGES FOR DEMOCRACY AND LEGITIMACY

ROGELIO ALONSO

This chapter analyzes the effects of specific counterterrorist policies aimed at the Basque Freedom and Homeland Organization (Euskadi ta Askatasuna, ETA) and the Irish Republican Army (IRA) on the societies in which they were implemented. Since a comprehensive examination of the consequences of all the measures introduced against these types of terrorism would exceed the limitations of this chapter, special attention is paid to two policies that have often been defined as undemocratic: the banning of political parties and media censorship. The chapter argues that such a view is superficial when causes and effects of those policies are assessed in terms of the Spanish and Irish examples.

These initiatives did not fundamentally damage democratic freedoms because they were aimed precisely at terrorist activities that deprived citizens of their rights. A serious challenge to democracy like the one posed by terrorism sometimes requires drastic but lawful responses in order to confront efficiently those who are defying basic democratic values. My approach widens the focus of this volume's analysis of the consequences for democracy of counterterrorist policies because it takes into consideration

the effects of failing to apply policy instruments that are less conventional but nonetheless legal.

As the Northern Ireland and Basque cases reveal, terrorists articulate their challenges to the state on several different fronts, and their fight for legitimacy represents an important dimension of this multifaceted approach. This acknowledgment is of great relevance for counterterrorist strategies, since the effectiveness of terrorist groups like ETA and the IRA has relied on the legitimization and endorsement that they receive. Thus, before examining specific policies, the chapter outlines the democratization processes that have considerably weakened support for violence in both regions. This outline reveals the evolution of counterterrorism measures that facilitated the decline of the IRA and ETA by forcing them to search for alternative paths to terrorism.

Nonetheless, the decrease in violence perpetrated by terrorist groups occurred in parallel with their tactical decision to remain in existence in order to exert considerable pressure on society and political players. This scenario has posed important challenges for democracy, demanding appropriate responses from governments that have been tempted to increase the legitimacy of terrorist movements that for years have been constantly delegitimized. This change has been a key component of recent counterterrorist strategy in Spain and the United Kingdom.

As the chapter demonstrates when looking at the consequences of controversial initiatives such as the proscription of ETA's political wing and the media ban applied to Sinn Féin, these organizations largely failed in their attempts to undermine the legitimacy of the democratic states in which they perpetrated their violence. Nonetheless, certain governmental responses in both areas, once violence decreased and gave way to what has been termed a "peace process," encouraged the legitimization of those who threatened democracy. This chapter argues that political pragmatism and leniency toward separatist movements that allegedly set out on a transition from terrorism to peaceful politics after protracted violence can be more counterproductive than beneficial to the strengthening of democracy.

Despite the decrease in violence, the refusal of both terrorist organizations to disband and the coercion they both tried to exert on the political process in Northern Ireland and in the Basque Country following their formal declarations of ceasefire demonstrate that states still had to respond to the challenges posed to governance by these terrorist groups and the parties closely linked to them. The absence of systematic terrorist attacks and the two governments' engagement with political parties linked to terrorist groups during the "peace processes" did alter the stage of what

is always, in Brian Jenkins's (1975, 4) graphic description, the "theater" of terrorism.

It is true that, to a great extent, "the terrorism that plays itself out in newspapers and on television screens to rapt audiences around the world, is to be understood as activity that is primarily expressive in character rather than outcome-oriented," since it mainly expresses "virulent and unregulated opposition to the preconditions of successful civility" (Lomasky 1991, 105–6). Nonetheless, terrorist groups aim at subverting public order and democracy, and these are goals that can be pursued in the absence of systematic terrorist attacks. In fact, during the "peace processes," systematic terrorist violence was replaced in Northern Ireland and the Basque Country by a new strategy whereby a reduced level of terrorist activity complemented other criminal activities as a means of exerting pressure on legitimate democratic parties.

TERRORISM AND THE LEGITIMACY OF DEMOCRACY: A COMPARATIVE PERSPECTIVE

Violence and the Battle for Hearts and Minds

Since the late 1960s, the Spanish and British states have faced serious terrorist campaigns by ETA and the IRA. These organizations—which are both part of what has been referred to as the third wave of modern terrorism (Rapoport 2004)—have espoused an ethno-nationalist ideology on the basis of which they have legitimized their campaigns for over thirty years. The political, social, and cultural contexts in which these terrorist groups emerged provide some explanation for the origins of their violent campaigns.

However, despite the changes in these contexts during the last three decades, the actuality of or the threat of terrorism persists. Therefore, in order to explain why terrorism happens, it is also useful to understand why terrorism continues over time, as well as the reasons behind its decline (Crenshaw 1981, 2003). A key variable in understanding both the continuation and the progressive decline of ETA and the IRA is the degree of legitimacy achieved by each terrorist organization, as well as that of the state.

In this respect, the roles of society in general and the communities from which the terrorists and their political representatives seek support are relevant when confronting terrorism. Experience demonstrates the importance of policies that delegitimize terrorist groups in the communities in whose interests they claim to be fighting. Delegitimization and condemnation of violence by the majority prevents terrorists from increasing their

social support and is a necessary, but not sufficient, precondition for terrorism to remain a minority phenomenon (Crenshaw 1983; Schmid 1993, 2000).

Therefore, counterterrorism in Northern Ireland and the Basque Country has also required the encouragement of such delegitimization and isolation, which have been particularly efficient coming from political or religious leaders who are respected in the communities from which these groups drew their support. Certain policies have allowed these leaders to exert a positive influence on other members of that section of the population as part of the "battle for hearts and minds."¹

The evolution of the IRA and ETA during the last four decades—since the outbreak of terrorism in Northern Ireland and the Basque Country—shows that violence has gradually decreased in both areas. More than 3,600 people have died since the outbreak of violence in Northern Ireland, with the IRA being responsible for most of these killings, including a considerable number of Catholic civilians. Statistics attribute to the IRA and other splinter groups almost 60 percent of all the killings caused during the conflict. Loyalist terrorists were responsible for 28 percent of all deaths, and security forces, including the army and the police, for 10 percent (McKittrick et al. 1999, 1473–93; Fay, Morrissey, and Smyth 1997; Fay, Morrissey, and Smyth 1999, 168–71). In 1972, the year with the highest number of casualties, 496 people were killed, whereas the deaths between 1980 and 1990 amounted to a total of 972. During the following decade, violence kept diminishing, to the level of 468 killings between 1991 and 1999.

In the Basque Country, ETA has been responsible for the deaths of almost one thousand people since the beginning of its campaign. Furthermore, during the transition from authoritarian rule in the second half of the 1970s after the death of General Francisco Franco, right-wing extremists, including those of Basque origins, and a number of Italian neofascists related to reactionary members of the state security agencies killed ten people in France and twenty-three others inside Spain. The victims were presumably chosen because of their suspected relationship with ETA (Alonso 2005). Also, between 1983 and 1987, a similar campaign of terrorist activity against suspected members and supporters of ETA was carried out by a shadowy organization known as GAL (Grupos Antiterroristas de Liberación, or Liberation Antiterrorist Groups), resulting in the killing of twenty-seven individuals (Woodworth 2001). ETA's violence peaked in 1981, then gradually decreased until, from 2004 to December 2006, the terrorist group failed to commit any murders. Two people were killed on December 30, 2006, when a bomb planted by ETA went off at Madrid's airport. Between then and the end of 2008, six other people were killed by the terrorist group.

Like the IRA, ETA's decreasing level of violence confirms the declining cycle of the group: 1968 to 1975, 45 deaths; 1976 to 1980, 280 deaths; 1981 to 1987, 277 deaths; 1988 to 1995, 178 deaths; 1996 to 2003, 70 deaths (Alonso 2005, 132). These decreases occurred in parallel with the successful political and coercive measures adopted over time by successive governments in the United Kingdom and Spain (Neumann 2003; Reinares and Alonso 2007).

In this context, the political and social weakness of the IRA and ETA, as well as that of the parties that traditionally represented their views, Sinn Féin and Batasuna, created a scenario in which the end of terrorism seemed a real possibility. In August 1994, the IRA declared a ceasefire; it broke down in February 1996, but was reinstated in July 1997. In September 1998, ETA called a truce that broke down in 1999 but was followed by a new ceasefire in March 2006. Once again, ETA returned to killing on December 30, 2006, when two men were murdered in a terrorist attack at Madrid's airport. In June 2007, ETA formally declared the reopening of "all fronts against the State."

Democratization and the Reform of the State

When both groups became active in the late 1960s, the political arenas in which they emerged were clearly characterized by an important democratic deficit (Elorza 2000; Whyte 1994; Tonge 2006). General Franco's dictatorship in Spain represented for Basque nationalists a serious grievance that, in the view of some of them, demanded a violent response. In Northern Ireland, the Unionist-controlled government that had excluded the nationalist minority in the region since the creation of the state in 1922 had long ignored the need for reforms that would address the just grievances of a significant section of the population in the region.² Although reforms were implemented in the late 1960s and most of the demands by the civil rights movement had by then already been satisfied, the outbreak of intercommunal violence in that period facilitated the emergence of the IRA.

Once violence erupted, the Spanish and British states engaged in serious processes of democratization and reform that evolved in tandem with their security policies. To some extent, the decrease in both terrorist campaigns can be seen as a result of these processes, which delegitimized terrorism.

In Spain, new political institutions and a legal framework replaced Franco's regime. In 1978 a new Spanish constitution opened the door for the decentralization of the state, and the 1979 "Statute of Autonomy of

the Basque Country" was approved by popular referendum. The statute, which provides for Basque institutions of territorial self-government, has the status of constitutional law and provides autonomous authorities with extensive powers, including a separate fiscal system, a regional police force under the command of the Basque executive, and complete responsibility for education and health, as well as a long list of matters with respect to which the regional authorities enjoy sole jurisdiction. The process of administrative decentralization undergone by Spain in the last decades has been described as "unparalleled in the rest of Western Europe" and "tantamount to a revolution" (Conversi 1993, 264).

This significant decentralization eroded support for violence in the Basque Country and contributed to the consolidation of democracy in the region (Tejerina 2001; Mees 2001). Aiding the consolidation was the gradual professionalization and modernization of the security agencies, which had been distrusted by society because of their previous association with an authoritarian regime (Jaime 2002). Moreover, between 1975 and 1977, nearly nine hundred ETA members and collaborators who had been exiled or imprisoned under the dictatorship were freed. After the Spanish National Court was set up in 1977, terrorist crimes were dealt with by judges instead of military courts. Finally, after 1982, social reinsertion measures based on individual pardons were applied to individuals who were prepared to distance themselves from the terrorist organization.

In Northern Ireland, the reform process aimed at improving living conditions and equality for all sections of the population. As it gathered force during the first half of the 1970s, it was complemented by a greater involvement of the British government through different political initiatives aimed at pacifying the region, a process in which the Irish government was also involved (Alonso 2001a, 131–236). In 1972 the British government suspended the autonomous Stormont administration, which had been established in 1922 and was exclusively controlled by Unionists throughout its existence. Its suspension was followed by the introduction of direct rule from London: the administration of Northern Ireland became the exclusive responsibility of the British government. Coinciding with the outbreak of violence between 1969 and 1973, the British government established the three main principles on which its policy would be based for the following decades.⁹

First, the so-called principle of consent established that the British government accepted as legitimate the possibility of the unification of the North and the South of Ireland as long as the majority of Northern Irish people consented. Second, what was known as the "Irish dimension" rec-

ognized Northern Ireland's position within Ireland as a whole and considered it "desirable" that, as far as possible, the provisions for governing Northern Ireland would also be accepted by the Irish state. This would require some institutional expression of the Irish dimension. Third, decentralization would lead to the devolution of powers to an autonomous government that would be based on greater consensus than the Stormont regime. The executive would not be controlled by a party representing only one of the communities in the divided Northern Irish society.

Overall, this approach heightened the IRA's crisis of legitimacy to the point that, even in supportive communities, criticism of IRA violence became not uncommon (Burton 1978). In fact, the high level of IRA intimidation in the ghettos of Northern Ireland reveals that, rather than "admired," the group was merely "tolerated" (Mallie and Bishop 1987, 288). As two former IRA members put it, the organization "went into a serious decline" between 1972 and 1974, so that, "apart from the British occupation, there is very little injustice there that's worth an armed struggle, and an armed struggle can't win on that basis" (Alonso 2007a, 96).

Attitudes Toward Terrorism

Following some early abuses and miscarriages of justice by authorities in both countries, the British and Spanish states adopted a more selective and successful security and judicial approach. However, the early counterproductive measures against terrorism contributed to the sustaining of significant and lasting popular support for the terrorists and their political wings. Those measures went from the introduction of internment and the excessive use of force by the army and the police in Northern Ireland to the extension of normal detention periods and the lack of judicial control over home searches in Spain, as well as the maltreatment of prisoners in both areas. Nonetheless, the initial pattern of massive raids and convictions was replaced by a higher degree of efficiency with fewer detentions but higher percentages of convictions. The result was a decrease in alienation among those sections of the population who were most likely to become radicalized or sympathetic to the terrorist point of view.*

The combination of all these factors guaranteed that terrorism would remain, in both Northern Ireland and the Basque Country, a minority phenomenon that was never widely supported despite the existence of a significant minority who still empathized with terrorist groups or those who represented them politically. Public opinion studies conducted from 2003 to 2008 found that, compared to earlier surveys, the rejection of ETA

among Basque citizens was year after year stronger than ever before and remained, interestingly enough, the majority's attitude even among Batasuna's constituency—that is, those who voted for the terrorist group's political wing.⁵ This pattern marked an important shift from previous positions. In 1978 nearly half of the Basque adults perceived ETA members as either patriots or idealists, and only 7 percent of those interviewed in public opinion surveys called them plain criminals. In 1989, however, fewer than one-quarter of Basque citizens referred to them in more or less favorable terms, those who portrayed members of ETA simply as criminals having more than doubled in comparison with figures from the previous decade (Llera 1993, 97–117; Linz 1986, 617–65).

The poor performance of ETA's political wing in general elections over the years confirms the decreasing support that violent nationalism has found among the Basque people: in 1979, it garnered a 15 percent vote; in 1982, 14.8 percent; in 1986, 17.8 percent; in 1989, 16.8 percent; in 1993, 14.6 percent; and in 1996, 12.3 percent.⁶ Another indicator of the decreasing support for ETA and the growing dissociation of important sections of Basque society from the terrorist group is evidenced in an increasing mobilization of citizens against violence, a phenomenon articulated in a number of associations that have regularly held public demonstrations, with strong turnouts, demanding the end of terrorism (Funes 1998; Uriarte 2003).

On the other hand, terrorist violence seems to be more highly condoned in Northern Ireland than in the Basque Country, although such approval is still restricted to a significant minority of the population, as the surveys conducted in the region would indicate (Hayes and McAllister 1996). In 1968, 51 percent of Protestants and 13 percent of Catholics believed that it was right to use violence. In 1973, 16 percent of Protestants and 25 percent of Catholics saw violence as a legitimate way to achieve goals. In 1978, 35 percent of Protestants and 46 percent of Catholics regarded IRA members as patriots and idealists. Twenty years later, in 1998, 69 percent of Protestants expressed no sympathy toward Loyalist terrorist groups, whereas 24 percent of Protestants indicated some sympathy, and 7 percent a lot of sympathy, for them. At the same time, 72 percent of Catholics showed no sympathy toward Republican terrorism, whereas 21 percent of Catholics had some sympathy for Republican violence, and 7 percent of Catholics a lot of sympathy. Surprisingly, one in five Catholics had "some sympathy" for Loyalist terrorists, and one in ten Protestants shared "some sympathy" for Republicans (Hayes and McAllister 2001, 913–14). Successive results at general elections contested by Sinn Féin are also indicative of the limited endorsement received by violent republicanism: in 1983, Sinn Féin received

13.4 percent of the vote; in 1987, 11.4 percent; in 1992, 10 percent; and in 1997, 16.1 percent.⁷

These patterns indicate that as the IRA and ETA declined in terms of mobilization potential and frequency of attacks, a core element remained supportive of the aims and means employed by the terrorist organizations. It was in these contexts that two particular measures were implemented in order to further diminish the legitimacy of both organizations. Given the repressive nature of these controversial initiatives, they could have undermined the legitimacy of the states rather than that of the terrorist groups. Nonetheless, the effects for society were quite positive, the timing of the introduction of these measures being decisive in such an outcome. At a time when terrorists in both areas persisted in their attempts at undermining the resilience of the state and society, these policies sought to wear out those who defied the system, deepening their political and social isolation. Thus, more common coercive measures were complemented with extraordinary tools that managed to further delegitimize the means used by the terrorist movements, which became increasingly demoralized.

MARGINALIZING THE TERRORISTS: THE BANNING OF ETA'S POLITICAL WING

The Consequences of Outlawing Batasuna

One of the most controversial measures implemented by the Spanish state was the banning of ETA's political wing, formerly known as Batasuna. In 2002 the Spanish Parliament approved new legislation that allowed the executive, upon the request of the legislature, to demand judicial procedures to outlaw political groups that were unwilling to condemn terrorism or that maintained links with a terrorist organization.

Even before this law was passed, Judge Baltasar Garzón, a magistrate from the National Court who had been investigating Batasuna's links with ETA, had already suspended the party's activities as a result of the close relationship between the two wings of the movement. The basis for the banning of Batasuna rested in the belief that the party was part of the network of organizations ultimately led by ETA. The movement shared objectives as well as membership with the party.⁸ Following the September 2002 suspension of Batasuna's activities through the penal code, the government also asked the Supreme Court to outlaw the party, which took effect in March 2003.

This initiative was widely criticized by nationalist politicians in the Basque Country, who claimed that it would trigger more violence and

deepen the delegitimization of the state (Alonso and Reinares 2005). The outcome has been positive, however, in democratic terms. First, lethal terrorist action, as well as urban terrorism, has decreased, since ETA has been unable to regain the popular support it lost over the years. Second, the banning of Batasuna has had significant material consequences because the measure deprived the political party of generous public funding from different institutions at both the national and European levels, amounts that represented a valuable source of income for ETA (Buesa 2006). Since the proscription of Batasuna resulted in the expulsion of the party from the institutions of municipal and local government throughout the Basque Country, the organization's ability to exert social and political control over the population has eroded.

Another positive outcome has been that the state was seen as confronting terrorism with determination but through legal means, rather than the illegal means adopted in the early 1980s when members of the Spanish Ministry of Interior were linked to the terrorist actions of GAL. The democratic credentials of the state were seriously damaged by GAL's crimes, since the group benefited from the passivity and allegiance of some prominent figures. Fortunately, Spain proved to be a functioning democratic regime, and the rule of law was finally applied: the police officers, gangsters, and Socialist Party politicians involved all received severe court sentences.

The state's reaction of banning Batasuna came at a time when ETA's intimidation had reached extraordinary levels. In 1995 ETA introduced a campaign of "socializing the suffering": representatives of non-nationalist parties were targeted in an attempt to push them to the margins of the political system. The group pursued a systematic campaign of violence and intimidation against Basque citizens who did not share a nationalist ideology. The extent of the threats and abuses of human rights led Judge Baltasar Garzón to accuse ETA and Batasuna of pursuing a campaign of "ethnic cleansing."⁹ Garzón's report argued that both organizations had promoted the "depuration of the census" in the Basque Country through the elimination of those citizens who would block a nationalist hegemony. This strategy coincided with ETA's concerns (as expressed in an internal document dated July 1999) about the need to establish a "national census" as well as a "definition of who is a citizen of Euskal Herria" and who is entitled to vote (Domínguez 2003, 260–61).¹⁰ The ideological hunt that followed resulted in the premeditated harassment and intimidation of more than forty-two thousand people, as estimated by the nongovernmental organization (NGO) Gesto por la Paz (Gesture for Peace) ("Gesto por la Paz

estima que 42,000 personas sufren la amenaza directa de los etarras," *El País*, November 9, 2002). Under these circumstances, the state had to act in order to protect a section of society that felt vulnerable and defenseless.

Despite the fears of some politicians and observers at the time, the ban is now regarded as a useful measure. That ETA feared such a measure would be taken can be inferred from an internal document dated March 2002 in which ETA, referring to moderate nationalists in the PNV (Partido Nacionalista Vasco, or Basque Nationalist Party), wrote: "The PNV argues that the banning will strengthen Batasuna at a time of weakness. However, if that repressive attack was really beneficial, why is it that the PNV doesn't ask to be banned too accepting the subsequent police surveillance, listening devices, raids, [and] canceling of demonstrations."¹¹

Other internal ETA documents confirm how damaging the ban was for ETA as it deepened the isolation of the movement by depriving it of valuable resources.¹² Furthermore, in the aftermath of the proscription, the number of lethal terrorist actions decreased and ETA was incapable of regaining more popular support. The dismantling of the satellite structures that had supported ETA, together with increased formal sanctions on violent activism, accelerated the group's decline and reduced the levels of social control imposed by ETA's supporters. These harsh measures had positive consequences for threatened citizens, since they were relieved of the pressure exerted by the terrorist network.

The banning of Batasuna was strongly criticized by all of the nationalist parties in the Basque Country, which saw the proscription as a serious violation of fundamental rights and liberties.¹³ Subsequently, the nationalist parties joined forces in the Basque Parliament and voted against the ban. ETA sympathizers considered the fact that the majority of Basque political representatives disagreed with the proscription as evidence of a lack of freedom and democracy for Basque citizens.¹⁴

This was a view that many nationalists from the main party in the region, the PNV, also endorsed. The Basque government decided in September 2003 to formally accuse the Spanish state of violating articles 6, 7, and 11 of the European Convention on Human Rights (ECHR). On February 2004, however, the European Court of Human Rights (ECtHR) unanimously agreed to reject the Basque government's claim, on the grounds that an autonomous government within a state is unable to sue its own state.

The highest judicial bodies in Spain, the Constitutional Court and the Supreme Court, had already rejected the Basque government's claim. The Supreme Court declared in March 2003 that the benefit derived from banning ETA's political wing was the protection of democracy and the rights

of society. In a very relevant endorsement, in June 2009 the European Court of Human Rights confirmed the ruling by the Spanish Supreme and Constitutional Courts that had banned Batasuna. The ECtHR argued that banning "corresponded to a pressing social need."

Defending Democracy from Violence

At the core of these opposing arguments is an important debate about democracy and terrorism. The majority of nationalist politicians portrayed the measure as a denial of the human rights of a section of Basque society. ETA's sympathizers used the term "apartheid."¹⁵ Moreover, the representatives of the main nationalist parties in the region lent credibility to charges of discrimination and repression by the Spanish state, expressed by constant demonstrations of public support for critics of the ban.

In contrast, supporters of the proscription argued that its critics failed to face up to the fundamentally antidemocratic values of ETA's political apologists. They argued that Spanish democracy is an achievement that must be defended against projects that violate fundamental democratic principles. Regarding democracy as a vulnerable system that needs to be defended, these supporters argued that political projects that violate the principles on which democratic political institutions are built are unacceptable. As Katherine Sawyer (2003, 1580–81) concluded, "Political parties are obliged to operate within the bounds of the Constitution and of established notions of democracy. If a given party, in aligning itself with a terrorist organization, chooses not to do so, it may not, then, invoke those same constitutional principles as shield nor seek legal refuge in the very provisions that it has chosen to violate."

When discussing human rights in the context of intrastate violent conflicts, it is not uncommon to assume that violations of rights and liberties originate mainly with the state. The fact that terrorist organizations violate human rights and that states must deploy measures that prohibit such infringements is often ignored. Democracies are vulnerable, and they should have mechanisms to prevent the electoral expression of groups that advocate violent, racist, genocidal, or discriminatory ideas (Casadevante 2006, 163–94).

For this reason, the Spanish state opted to ban a political party, a measure that had previously been implemented by different European states and contemplated by the legislation of others (Casadevante 2006). Therefore, contrary to what the main Basque nationalist parties have argued, this initiative should be seen as a protection of rights that were being abused rather than as an unjust and illegal restriction of those rights. It aimed at

denying terrorists the possibility of exploiting the advantages offered by democracy.

SILENCING TERRORISTS: THE BROADCASTING BAN IN IRELAND AND THE UNITED KINGDOM

An Unlimited Freedom of Expression?

A similar argument can be made with regard to another antiterrorist measure adopted by liberal democracies, specifically the United Kingdom and the Republic of Ireland in the late 1980s and early 1970s, respectively. Both states introduced legislation that forbade the broadcasting of interviews with representatives of terrorist organizations on television and radio (Hogan and Walker 1989, 267–69; Donohue 2008, 293–94). At the beginning of the 1970s, the Irish government took preexisting legislation that prohibited the broadcasting of material that could promote or incite crime or that tended to undermine the authority of the state, and it added a prohibition on the transmission of interviews with Sinn Féin representatives or any other illegal organizations in Northern Ireland—in other words, Unionist and Republican terrorist groups. In October 1988, the British authorities followed this model and imposed similar prohibitions in the United Kingdom. Nevertheless, the restrictions in Ireland were more severe than in the United Kingdom, where the words of the silenced voices were read by actors.¹⁶

Many commentators criticized the ban on the same grounds used to oppose the Batasuna banning. Nonetheless, Paul Wilkinson's (1990, 33) coherent defense of the media restrictions is relevant to both cases: "No freedom of expression is totally unlimited. Most of us believe for example that pornography should be banned from TV and radio. Inviting terrorists on TV to crow about their latest atrocity is the ultimate pornography of violence."

Views on the relationship between the effects these prohibitions had on society in general and on terrorist circles conflict. On the one hand, some claim that even if such measures served to limit the publicity that Sinn Féin obtained, the costs outweighed the benefits because the limitations on the freedom of speech were so serious (Ewing and Gearty 1990, 248). Similarly, critics of the ban argued that it prevented those who "communicated through the use of violence" from expressing their arguments on radio and television (Article 19, 1989). Alan Protheroe, the BBC's assistant director general at the time the legislation was applied, argued that maintaining democracy entailed listening to "unpopular" and "even dangerous views" (Murdock 1991, 110).

On the other hand, supporters of the legislation considered it necessary to pay a price to protect democracy, and some argued that “experience in the Republic of Ireland certainly shows that such a ban can be operated smoothly and efficiently for many years without in any way threatening parliamentary democracy” (Wilkinson 1990, 33). The former Irish prime minister Garret FitzGerald supported the broadcasting ban. Commenting in the *Irish Times* on December 20, 2008 (“Distinguished Writer and Political Meteor Who Illuminated Our Lives”) on the death of Conor Cruise O’Brien, who as minister of posts and telegraphs introduced the ban, FitzGerald explained:

First, it is a patent liberal fallacy that free speech and debate will demolish the stance of extremists. I do not recall any journalist succeeding in down-facing Ian Paisley or, after they were released on to the airwaves some 15 years later, either Gerry Adams or Martin McGuinness. . . . In second place RTÉ [Radio Telefís Éireann] is this state’s public broadcasting system, and if it had been permitted to broadcast interviews with IRA leaders during their campaign of violence, this could have dangerously confirmed unionist delusions that our State was in league with those running the murder campaign, thus increasing the risk to nationalists from loyalist paramilitary gangs. . . . Finally, but far less important, the ban provided a huge incentive to the publicity-hungry IRA to abandon violence and thus secure coveted access to the airwaves.

The Consequences of the Broadcasting Ban

Despite the claims of the policy’s detractors, the restrictions had negative consequences for Sinn Féin. Its head of publicity, Danny Morrison, explained:

We monitored the media and discovered that in the three or four month period before the ban there were something like 500 phone calls, ranging from requests for interviews through to asking for information. That dropped to about 100 in the four months afterwards. It’s an occasion for opening a bottle of champagne when we get a request for an interview from the broadcasting media at the moment. Broadcasting journalists don’t even bother phoning us up because of the internal fights in their organisations, having to go and get clearance and such like. Anybody who goes out of their way to fight for objectivity in the broadcasting media now is considered to be a Provo, there’s no question of that. (Moloney 1991, 47)

Other prominent members of the IRA and Sinn Féin agreed that media restrictions had an “enormous” effect on the republican movement, since “republicans weren’t able to get their voice across” (Alonso 2007a, 175–78). Contrary to the argument of those who thought that the imposition of such significant restrictions would strengthen the more militaristic elements within the republican movement (Pollak 1993, 114; Ewing and Gearty 1990, 250), the IRA ceasefire in 1994 and the testimony of some of its members demonstrate not only that this was not the case, but also that the ban encouraged the IRA to give up terrorism. As former IRA members acknowledged, the media proscription was “very detrimental” for the republican movement, since it constantly emphasized the association between Sinn Féin and IRA terrorism. It constrained their competitiveness in the political system and blocked the achievement of power by the combination of terrorism and politics (Alonso 2007a, 178–79). The well-known republican strategist Jim Gibney admitted that, from the perspective of the British and Irish governments, the media ban was a success. In an interview with *An Phoblacht* published on April 16, 1992 (“Lessons to Be Learned”), he described the effect on Sinn Féin after the party’s disastrous electoral results:

Sinn Féin faces obstacles on a daily basis which no other party has to confront. Among these is censorship, which, although it has always been applied in relation to the South, this was our first election to be contested in the conditions of institutionalised censorship North and South. For us therefore, the ability to communicate directly through the media to the electorate was severely limited. . . . The SDLP [Social Democratic and Labor Party] entered this election with the dissenting nationalist voices—Sinn Féin—censored off the media for the previous four years, what party wouldn’t like that advantage?

One veteran analyst of the Northern Ireland conflict also thinks that the ban “removed the organisation from television screens and by so doing isolated it from its voters and potential electorate,” inflicting “a damaging blow to a party whose political/military strategy depended for success on winning a steadily growing share of Northern Ireland’s nationalist vote” (Moloney 1991, 27). The ban contributed to the failure of the republican strategy, which assumed that mixing violence with a greater politicization of the movement through Sinn Féin would lead to a loss of electoral hegemony for John Hume’s Social Democratic and Labor Party (SDLP), the voice of moderate nationalism. The combination of violence and politics had been the basic pillar of the “Armalite and ballot box” strategy, a

phrase coined by Danny Morrison in 1981. However, the contradictions inherent in this dual strategy, which aimed to “take power in Ireland with the ballot paper in one hand and the Armalite in the other,” prevented it from succeeding. The IRA leadership decided not to carry on with an activity that resulted in considerable losses rather than gains.

Therefore, the broadcasting ban was an effective tool of the “battle for hearts and minds” that affected the nationalist opinions of those who supported violence. The impact of such a measure in the Republic of Ireland is revealing. It became an important instrument in shaping public opinion, thus limiting the effectiveness of IRA propaganda. In 1983 the Irish television and radio corporation RTÉ (Radio Telefís Éireann) was prevented from broadcasting supporters’ shouts in favor of Gerry Adams when he won the seat for West Belfast in the British Parliament. Years earlier, in 1972, the government had sacked the RTÉ management team after the broadcast of an interview with IRA leader Sean MacStiofain. In short, the Irish authorities took strong action to delegitimize the political discourse of Sinn Féin and the IRA, aware that the integrity of the state could not tolerate the slightest challenge from republicans.

Thus, the IRA and Sinn Féin lost the battle for respectability in the South of Ireland, where the public was prepared to accept limitations on freedom of expression. This attitude reinforced the irrelevance of republicans as a political force south of the border throughout the conflict. Before 1997, Sinn Féin had not won a single seat in the Irish Parliament since “the Troubles” began in the 1970s. In the 1997 elections, Sinn Féin obtained a 2.6 percent share of the vote, which rose to 6.5 percent in 2002. This clearly contradicted the republican analysis of the conflict, as Albert Reynolds, Irish prime minister from 1992 to 1994, pointed out when he told *The Economist* on March 19, 1994 (“The Provocations of the IRA”) that the IRA was not in conflict with the British government but rather with the Irish people—both north and south of the border—an Irish people who longed for peace and were prepared to accept the existence of Northern Ireland.

Political Vetting in the United Kingdom

The delegitimization of support for violence achieved by the broadcasting ban was deepened by another initiative also deemed repressive. It was known as “political vetting”: canceling public funding for social and cultural associations from which terrorist organizations could benefit. Between the late 1980s and early 1990s, around twenty associations saw their funding cut off. The main legal basis was the following statement made in Parliament by then-Secretary of State for Northern Ireland Douglas Hurd: “I am satisfied,

from information available to me, that there are cases in which some community groups, or persons prominent in the direction or management of some community groups, have sufficiently close links with paramilitary organisations to give rise to a grave risk that to give support to those groups would have the effect of improving the standing and furthering the aims of a paramilitary organisation, whether directly or indirectly.”¹⁷ Such a generic statement was used shortly afterward to cancel the funding of a number of community groups.¹⁸

This drastic measure was supported by the main nationalist party in Northern Ireland, the SDLP.¹⁹ Brian Feeney, a leader at the time, argued that some government-aided community centers were “IRA fronts,” and he demanded that the authorities cut off all grants to these groups. He also suggested seizing property that belonged to individuals and companies involved in racketeering.²⁰ Moderate nationalists supported the measure because it “tainted” Sinn Féin and the IRA and made it hard for them to attract individuals and organizations that were afraid of the “vetting” (Political Vetting of Community Work Working Group 1990, 27). This was another means of strengthening the influence of moderates within the communities where radicals strove to exert their influence. Their support was reduced only after Glór na nGael, an association devoted to the promotion of the Irish language, was affected by the measure, which was then widely criticized in nationalist circles.

ENDING THE VIOLENCE AND THE TRANSITION FROM TERRORISM TO DEMOCRACY

Pragmatic Counterterrorism?

Although less attention is usually paid to conflicts once violence decreases, the reaction of democratic players at this stage is still important. Democracy can be seriously damaged if terrorist groups remain in existence under a publicly declared ceasefire and groups linked to terrorism manage to achieve a certain degree of legitimacy because of governmental policies. Although pragmatism and leniency toward those who have allegedly set out on a transition from terrorism to peaceful politics seems reasonable at first glance, such an approach can be counterproductive.

The IRA’s prolonged campaign of violence in Northern Ireland was ended in two stages. In the first stage, the main democratic parties in the region and the British and Irish governments unanimously refused to allow the IRA to entertain any hopes of victory, thus confirming the ineffectiveness of its use of violence and providing the group with an incentive to abandon

terrorism. The 1994 ceasefire was a direct consequence of this approach (Patterson 1997).

During the second stage, this strategy alternated with one of concessions to the IRA and its political wing, Sinn Féin, on the basis that this was what the transition from terrorism to democracy required (Bew, Frampton, and Gurruchaga 2009). In practice, however, this policy led to indulging the needs of Sinn Féin to such an extent that the democratic framework was undermined. Political normalization of the region was slowed while the IRA continued to exist. The Northern Ireland experience suggests that similar policies would have similar effects with respect to ETA.

It is valuable to compare the two groups because, since the 1990s, some political and social actors in Spain have insisted on replicating the peace process in Northern Ireland. ETA's ceasefire in 1998 was a result of a pact reached between the terrorist group and the main nationalist political parties, which was based on a deliberate misrepresentation of the events that led to the IRA ceasefire (Alonso 2004). The parties to the agreement argued that it would facilitate the disappearance of ETA by creating a united nationalist front representing a more radical constitutional nationalism that ETA would interpret as being in its interests.

This approach conveniently ignored the fact that the IRA's attempt to establish a similar coalition was rejected by nationalist representatives, both in the North and the South of Ireland, on the grounds that it would effectively legitimate terrorism. Not only would such an alliance have been counterproductive, but it would also have made reaching an agreement with the Unionist community impossible. By rejecting this proposal, the Nationalists deepened the IRA's isolation. Because the effectiveness of the antiterrorist measures adopted by the British and Irish governments had also weakened its position, the IRA decided to call a ceasefire in August 1994 (Smith 1995).

Certain factors were decisive in the process by which IRA terrorism was brought to an end. On the one hand, IRA internal dynamics allowed the views of those critical of continuing violence to finally hold sway. At the same time, attempts by Sinn Féin and the IRA to blackmail other political actors into concessions in exchange for a promised cessation of violence were met by an appropriately firm response from democratic parties and states. This rejection was particularly important in leading the IRA to judge that its violence was not effective.

It is important to remember that the leaders of these groups had freely chosen to engage in terrorist activities after ruling out other possible forms of action. Terrorism is not a simple expression of spontaneous protest

beyond the control of the individuals who perpetrate it, nor is it an inevitable reaction to material and historical conditions. It is one possible strategy that is preferred to others. When the political and human costs are high and the expectations of success disappear, terrorism is usually abandoned (Crenshaw 1991; Alonso 2007a, 102–90). These dilemmas led the IRA to question its use of violence and subsequently to end its terrorist campaign by accepting principles that the group had previously considered to be anathema, as set out in the Good Friday Agreement of April 1998. Ultimately, Sinn Féin participated in the very system it had previously tried to destroy (Horowitz 2002; Alonso 2001b).

The weakening of the IRA through effective government coercion was therefore the main reason behind the cessation of violence. A similar line of reasoning was apparent in some ranks of ETA. In the summer of 2004, six well-known ETA prisoners recognized that the organization had clearly failed to achieve its objectives, an admission that led them to advocate the end of terrorist activities despite the absence of political concessions. As they themselves admitted, ETA's "politico-military strategy has been defeated by the enemy's repression" (quoted in *El Correo*, November 3, 2004).

Experience indicates that during the transitional period, which is necessary to ensure that declining terrorist groups definitively disappear, there is a dangerous temptation to make concessions in order to consolidate the peace. This is clear if we examine the situation in Northern Ireland from the time of the ceasefire called by the IRA in the 1990s to the present.

From Terrorism to Something More Suited for the Times

Although the IRA called a ceasefire despite having obtained little in return, in the political process that followed the political wing of the movement benefited considerably from concessions made by both the British and Irish governments. Such gestures had negative consequences for the political normalization of the region. The Northern Ireland Assembly, which gave the region limited political autonomy, remained suspended from October 2002 to May 2007 because of the IRA's reluctance to give up training, recruitment, intelligence-gathering, and criminality.²¹ The IRA abandoned its traditional campaign of terror but did not stop recruiting members, stocking arms, or engaging in other criminal activities that guaranteed the group financing and power. As Ian Pearson, one of the ministers in the Northern Ireland Office (NIO), noted to a *Sunday Times* reporter on March 20, 2005 (Dean Godson, "Look Around You, Tony, No One Else

Is Still Wooing Sinn Féin"), the republican movement became one of the largest and most sophisticated criminal gangs in the world. The IRA was "being deliberately restructured to something more suited for the times" (Independent Monitoring Commission 2006a, 17).

In February 2006, the Independent Monitoring Commission (IMC), a body set up to supervise the status of the ceasefire, corroborated that the IRA continued to be involved in illegal activities (Independent Monitoring Commission 2006a, 18). The commission argued that "intelligence gathering" was "predominantly directed towards supporting the political strategy" of Sinn Féin, involving "among other things the continuation of efforts to penetrate public and other institutions with the intention of illegally obtaining or handling sensitive information." As the IMC observed, this raised "the question of whether the commitment to exclusively democratic means is full and thoroughgoing, or whether there remain elements of a continuing subversive intent going beyond the boundaries of democratic politics." The IMC acknowledged that intelligence gathering was "authorised by the leadership," including "some very senior members." They engaged in the accumulation of information about individuals and groups, including members of the security forces. Although the commission added that they did not think "there is any intent to mount attacks," such activities were in clear breach of the IMC's guiding principles, among them the principles that "the rule of law is fundamental in a democratic society" and that "violence and the threat of violence can have no part in democratic politics. A society in which they play some role in political or governmental affairs cannot be considered either peaceful or stable" (Independent Monitoring Commission 2004, 6).

Nevertheless, some observers played down the fact that the organization remained active and engaged in illegal activities, among them "intelligence gathering directed towards supporting the political strategy" of Sinn Féin (Independent Monitoring Commission 2006a, 18). The British government was inclined to underestimate the seriousness of such a level of criminality, in part because of the absence of fatalities. This dynamic led to incoherent behavior, such as the positive assessment of the IRA's activities in the October 2006 Independent Monitoring Commission report. The main Northern Ireland parties were under considerable pressure to reach an agreement that would permit autonomous institutions to be put in place after four years of suspension when the commission produced a very upbeat report. Its purpose was to facilitate this political step. The contradictions contained in the report, however, reveal the dangers for democracy that stem from accepting inconsistencies in the rule of law in the name of political expediency.

The IMC stated: "What might be described as *military* or *terrorist* intelligence gathering has ended. We do not think that PIRA [Provisional Irish Republican Army] is gathering intelligence on members of the security forces for the purpose of attacking them or that illegal action is being planned or undertaken on the basis of intelligence." The commission also asserted, however, that

we believe that PIRA remains interested in information which supports its political strategy and maintains cohesion of the movement. . . . We believe that what we say above, taken together, presents convincing evidence of PIRA's continuing commitment to the political path. It is implementing the policy, sometimes vigorously (though legally) so far as individual members are concerned. We refer above to the disbanding of those departments which were directly involved in the campaign of terrorism; such structures as remain are largely concerned with preserving the cohesion of the organisation and serving the wider purpose of the republican movement as a whole in a period of major change of strategy and direction.

Therefore, the report concluded, "we believe there has been further evidence of the implementation of the strategy whereby PIRA is following a political path and differences of view within the organisation will not divert the leadership from implementing it" (Independent Monitoring Commission 2006b, 15–16).

As these quotes demonstrate, the existence of an illegal organization linked to a political party and engaged in obviously illegal activities such as the gathering of "information which supports its political strategy" was not judged unacceptable and clearly unfair to democratic parties. The consequence of the pragmatism justifying this attitude is that a party linked to a terrorist organization is treated favorably, thus undermining the democratic principle that terrorism should not result in any political advantage or gain whatsoever. Dialogue in a democratic society must take place between the citizens' legitimate representatives in the context of and according to the rule of law.

Weakening the Moderates While Strengthening the Extremists

Several statements of the Irish and British prime ministers are also particularly revealing. In January 2005, Bertie Ahern, the Irish prime minister, admitted in the Irish Parliament that in his attempt to bring

Sinn Féin within the party system he had ignored the IRA's criminal activities. A year before, Tony Blair stated that the representatives of the people's will should not be obliged to share the government of Northern Ireland with a party like Sinn Féin, which was associated with a still-active terrorist group, the IRA.²² Unionist politicians had criticized these concessions for years, although their criticism had been systematically ignored by the British and Irish governments, who took the view that a politically strengthened Sinn Féin would ensure that the IRA's ceasefire would hold.

The dangers of such a policy were clearly exposed in a speech delivered by Prime Minister Tony Blair in November 2002 in which he acknowledged that the continuing existence of the IRA as an active paramilitary organization justified the Unionists' refusal to share power in Northern Ireland. He added: "To this blunt question: how come the Irish Government won't allow Sinn Féin to be in Government in the South until the IRA ceases its activity, but Unionists must have them in Government in the North?, there are many sophisticated answers. But no answer as simple, telling and direct as the question."²³

The approach of the British and Irish governments ignored fundamental democratic principles. Instead, they accepted Sinn Féin's blackmailing tactics, so adroitly used by its president and one of the main leaders of the IRA, Gerry Adams. By way of example, in May 2005 Adams called for northern nationalists to vote for Sinn Féin on the grounds that this would ensure the disappearance of the IRA, while also warning that without such votes the political vacuum would be filled by violence. One month earlier, Adams's call to the IRA to consider giving up the armed struggle had a similar objective, as observed by Michael McDowell, the Irish minister of justice, who saw this public statement as an election stunt designed to attract nationalist votes (Mary Dundon, "IRA Told Disband Before May Election," *Irish Examiner*, April 11, 2005).

Faced with the failure of thirty years of violence, Adams used the IRA as his trump card to rehabilitate his image as president of Sinn Féin, a party that, until the ceasefire declaration, had failed to overtake the democratic nationalists of the SDLP in the North and whose support in the Republic was electorally insignificant. By presenting himself as the key player, the one whose position needed to be strengthened through concessions because this was the only way in which he would be able to convince the IRA of the need to give up the armed struggle, Adams deliberately perpetuated the terrorist group's existence while reinforcing his political power. He used coercion by promising the disappearance of the IRA while it continued to

break the law through extortion, contraband, and other criminal activities, including murder (Richards 2007). The implied threat of a return to increased levels of violence if concessions were not made placed a great strain on both politicians and society as a whole, transforming the peace process into an instrument of coercion (Alonso 2008a).

The SDLP and the UUP (Ulster Unionist Party), which until recently had represented most of the Nationalist and Unionist electorate, experienced the counterproductive effects of this policy directly. The two parties lost much ground in the 2005 British general election to Sinn Féin and the DUP (Democratic Unionist Party), led by the Reverend Ian Paisley. Northern Ireland's Unionists, led until May 2005 by the UUP's David Trimble, clearly resented the inconsistent approach of the British government and punished Trimble, who in 1998 had accepted Tony Blair's promise of support in the event that Adams reneged on his pledge to deliver on the decommissioning and disbanding of the IRA. Blair's support often arrived too late to help Trimble.

Various observers have accused the Unionists of obstructing the move toward peace by refusing to cooperate with Sinn Féin. Yet Sinn Féin, which had the same leadership as the IRA, including Adams and Martin McGuinness (Moloney 2002; Clarke and Johnston 2001), took no steps to disband the terrorist group. Trimble repeatedly gave Adams and McGuinness the benefit of the doubt when they promised that they were working toward this end, but his failure to obtain cooperation undermined his credibility.

In addition, the pressure brought to bear on Adams and the IRA by the British, Irish, and American governments after the 2004 Northern Bank robbery in Belfast confirmed what Unionists had been arguing for years: the IRA and Sinn Féin gave ground only when they were put under pressure. This being the case, Unionists decided that Ian Paisley was the best means of putting pressure on the IRA, a strategy that appeared to have worked in the past.

Therefore, British policy during the peace process considerably undermined political leaders such as John Hume and David Trimble, both recipients of the Nobel Peace Prize in 1998, and seriously weakened their influence in society and politics while strengthening less moderate parties (Bloomfield 2007). Former secretary of state Peter Mandelson criticized Blair's "unreasonable" and "irresponsible" behavior for giving too much credence to "excessive" IRA demands. As reported in *The Guardian* (March 13, 2007) and the *Belfast Telegraph* (March 14, 2007), Blair's policy of "conceding and capitulating" to republican demands ended up "alienating unionists

and upsetting nationalists because on that side of the community they are in competition for the same votes."

Seamus Mallon, former deputy leader of the SDLP and former deputy first minister of the Northern Ireland executive, shared this view. Mallon argued that "peace" could and should have been delivered without the counterproductive effects of the government's approach: "Anyone who knows the north of Ireland would not have contemplated actions which sold middle unionism to Paisley, just as the same way in which our party [the SDLP] was treated" (*The Guardian*, March 14, 2007).

THE POLITICAL LEGITIMIZATION OF VIOLENCE

Disarmament

Experience has shown that failing to require Sinn Féin to abide by the democratic rules of society was a major mistake.²⁴ Fred Halliday, in *El País Domingo*, summed up the prejudicial consequences of treating Sinn Féin with kid gloves:

Adams himself has presented himself as a man of peace, even, God help us, as a statesman, offering advice to the Basques about the prospects for peace in Spain and producing mawkish autobiographies that make him out to be some sort of neo-Celtic gentleman. His policy of weakening and overtaking the more moderate, anti-violence, SDLP, has been greatly helped by the passage of time: a younger generation in north and south forgets the killings, disappearances and tortures and admires him for getting the kind of TV coverage that the more staid, and responsible, SDLP leaders John Hume and Seamus Mallon never got. Yet the IRA has not changed, and the pretence of a difference between IRA and Sinn Féin, whereby Adams issues "appeals" to the IRA is no more than that between a ventriloquist and his dummy.²⁵

The disarmament of the IRA proved to be a particularly important prerequisite for peace and for the political normalization of the region. In the *Sunday Times* in 1999, Michael Oatley, a member of the British secret service MI6, criticized Unionist demands for IRA decommissioning as an "excuse to avoid the pursuit of peace" ("Forget the Weapons and Learn to Trust Sinn Féin," October 31). Similarly, important figures in the Northern Ireland Office (NIO) argued that the release of prisoners should not be made a concession in return for the IRA's disarmament. However, this viewpoint, which came to be accepted by leading civil servants and politicians,

overestimated the alleged good faith of Sinn Féin's leaders. It ignored the fact that supporting the Adams approach undermined the confidence of the democratic parties because his strategy created a system that protected those threatening to destroy it—namely, the IRA and its political wing.

The underlying logic of not insisting on disarmament was that the transition to democracy required concessions to those who, theoretically, were going to make the transition possible. It now appears that the best policy would have been to require Sinn Féin to adhere to exactly the same democratic rules as any other political party. It should not have been given any favorable treatment simply because of the intimidating and coercive presence of a terrorist group waiting in the wings.

Such an approach would have exposed the IRA's manipulation of the situation. As Ed Moloney, the veteran journalist and expert on the IRA, put it in the *Sunday Tribune* ("Adams Conned Governments," October 7, 2001): "Gerry Adams has cleverly played on the belief that the hard men of the IRA will not allow him the room to manoeuvre. The record of this post Good Friday Agreement period will, when it appears, show to the contrary that this was a man who was utterly in control of the military and political wings of his organisations and who could have, had he wished, moved much sooner and more substantially on IRA weapons. The two governments were brilliantly conned and Adams exploited their doubts masterfully."

The British and Irish strategy ignored the nature of the relationship between the two wings of the terrorist movement and the pursuit of a common objective through alternative means such as elections and terrorism.²⁶ Thus, the complacency of both governments facilitated Sinn Féin's increasing legitimization and access to power. Political concessions to those who challenge the rule of law have negative consequences for democracy.

Dialogue Under the Pressure of Violence

Such a response is clearly at odds with the main principles of Spanish anti-terrorist policy since 2000, as reflected in the "Pact in Favor of Freedom and Against Terrorism" (Pacto por las Libertades y contra al Terrorismo), which was agreed to by the Spanish Socialist Party (Partido Socialista Obrero Español, PSOE) and the Popular Party (Partido Popular, PP) that year. Both parties agreed to "work towards the disappearance of any attempt at direct or indirect political legitimization of violence," thus ensuring that "under no circumstances should terrorist violence result in any political advantage or gain whatsoever." The pact also stated that "the dialogue

typical of a democratic society must take place between the citizens' legitimate representatives, in the context of and according to the rules contained in our Constitution and State and, of course, without the pressure of violence."

The case of Northern Ireland shows that entering into dialogue with political representatives of terrorist groups while the threat of violence remains risks marginalizing moderates and increasing the appeal of those who continue to legitimize violence. The contradictory nature of some British policies was also reflected in the speech given by Blair on November 18, 2002, in which he demanded "an end to tolerance of paramilitary activity in any form," as well as "one law for all applied equally to all," and promised that "a criminal act is a criminal act."²⁶

The political, legal, and even moral impunity resulting from policy in Northern Ireland damaged its fledgling democratic structures (Bloomfield 2007). It allowed the republican movement to obtain a propaganda victory since it provided legitimacy to those who had vetoed progress in the democratic process, thus weakening constitutional authority and democracy. The political and social polarization demonstrated in an institutional blockage that lasted from 2002 to 2007 was another consequence of this type of management.²⁷

Such a precarious scenario emerged as a result of a policy whose ambiguity some leaders described as constructive, despite having created a destructive dynamic (Aughey 2005) that could be repeated in another country like Spain, where Northern Ireland is often cited as a model. The decrease in ETA's violence after 2003 raised speculation about possible pathways out of terrorism. Many voices demanded governmental responses like the ones adopted in Northern Ireland. It was in this context that in May 2005 the Spanish Parliament approved entering into dialogue with ETA should it end its terrorist campaign. The proposal made negotiations with ETA conditional on its demonstrating "a clear willingness to end the violence" through "unequivocal attitudes that may show such a conviction."²⁸ This formula thus established limits that allowed the proposal to obtain widespread support, although without the much-needed endorsement of the main opposition party, the PP.

ETA's Tactical Truce and the State's Response

ETA's ceasefire declaration in March 2006 prompted hopes that the terrorist group was willing to end its violent campaign. Skeptics proved, however, to be right: ETA was still reluctant to disappear, and it understood the truce

as a means of reorganizing itself (Europol 2007, 4, 13, 27–31). ETA was following a strategy similar to the one outlined in documents seized in France following the arrest of ETA leader Mikel Albizu, alias Mikel Antza, in October 2004 (*El País*, July 18, 2005). ETA's plans contemplated the possibility of temporary, incomplete, and tactical cessations of violence in return for important political concessions to be extracted gradually. ETA did not envisage disappearing but instead wanted to retain a coercive capacity that would achieve its objectives by affecting political negotiations.

ETA was probably relieved by the significant policy shift adopted by the Spanish government after the Socialist Party won the country's general election on March 14, 2004 (Alonso 2006b, 2007c). In contravention of the antiterrorist pact signed by the two main political parties, representatives of the Socialist Party had maintained contacts with ETA at least since 2002. After 2004, the government negotiated a truce with ETA in exchange for political concessions, which indicated to the terrorist group that the threat of violence could pay off. The extraordinary importance of the issues negotiated between ETA representatives and the Spanish government, which culminated in a preliminary agreement accepted by both sides, demonstrated how the terrorist group had managed to bring the state closer to its demands.²⁹

This response weakened those within the terrorist organization who were abandoning violence given its high cost. At a time when dissenting voices within ETA were questioning the usefulness of continuing terrorism, the Spanish government encouraged those opposed to the interruption of violence by offering negotiations.

Furthermore, negotiations with ETA took place as the state considerably reduced pressure on the terrorist group, despite criticism from Spanish and French counterterrorist officials. As senior counterterrorist experts put it, the policy implemented by the Socialist government provided ETA with oxygen for more years at a time when the group had been on the brink of defeat.³⁰

In June 2007, ETA issued a public statement ending its "cessation" of violence and declaring that it had again opened "all fronts" against the Spanish state. ETA's terrorist activities had not ceased during the truce.³¹ In fact, public statements during the truce made it quite clear that the ceasefire "was not irreversible."³² Nonetheless, the Spanish government authorized negotiations, thus contravening Parliament's resolution in May 2005 that "dialogue with those willing to put an end to violence" could begin only if ETA demonstrated "clearly" and "unequivocally" its willingness to abandon terrorism. The fact that ETA did not show any signs of willingness to

put an end to violence did not deter Prime Minister José Luis Rodríguez Zapatero from authorizing negotiations. The shift in the government's policy strengthened ETA, which could argue that the Spanish government had violated Parliament's mandate even though violence had continued.

The Spanish government underestimated ETA in part because of the emergence of a new terrorist threat in Madrid on March 11, 2004. The high lethality and indiscriminate nature of the terrorism perpetrated by Muslim extremists led to a certain undervaluation of the threat still posed by ETA. In fact, ETA benefited from the comparison. In reality, ETA could damage the political and social system without engaging in the same kind of violence practiced by Muslim extremists.

Those who believed that the lack of deaths since May 2003 revealed a radical change in the Basque situation, which justified negotiating with ETA, were engaging in wishful thinking.³³ The offer of talks in return for promises rather than actions confused antiterrorist policy and divided the democratic parties. The government's insistence on entering into dialogue with ETA despite the fact that the conditions established by Parliament were not met further polarized society, as evidenced by massive public demonstrations in 2005 and 2006 in opposition to the government's shift.

Terrorists Dividing the Enemy

The Spanish minister of interior highlighted the dangers of eroding a strong consensus among democratic parties in the fight against terrorism. In September 2005, he claimed that ETA was an organization that remained "alive, active, operational and with the capacity to commit murder," adding that "hypothesizing and prospecting about the future with no basis in reality weaken democracy and raise obstacles in the combat against terrorism"—the reality being that ETA had no intention of disappearing from the political scene (*El País*, September 21, 2005).

Causing division among democratic parties was also the IRA's objective when the organization was put under pressure. In 1992, Danny Morrison, a prominent IRA and Sinn Féin leader at the time, made this clear in a letter written from prison to Gerry Adams. He recognized that violence succeeded only in uniting the IRA's enemies and that therefore the best course of action was to stop terrorist activities and exploit the doubts that would arise in the subsequent political process, thus dividing the democratic parties (Morrison 1999, 242). This strategy is seen in the IRA's refusal to disarm completely and its failure to disband, despite Sinn Féin's repeated promises that it would do so.

Since 2004, ETA's political wing has deliberately raised hopes of a ceasefire, using a type of language that has seduced many even as the group has not provided any proof of a real willingness to end terrorism. When the ceasefire was called in March 2006, ETA did not abandon terrorism, but sections of Spanish public opinion and some politicians still argued that the terrorist group had given up its campaign. The breakdown of the truce on December 30, 2006, exposed the mistake made by those who had trusted ETA's propaganda.

The Northern Ireland experience shows the negative consequences of favoring concessions in the absence of the effective and total dissolution of the organization. As the process in Northern Ireland demonstrates, the declaration of a ceasefire was followed by divisive tactics, methods that had already manifested themselves in the Basque case.

In May 2006, the Spanish prime minister said that in one month he would announce the opening of a dialogue with ETA despite the minister of interior's acknowledgment only days before that "the government still lacks the conviction that ETA wants to put an end to violence" (see "El gobierno admite que sigue sin la convicción de que ETA quiere poner fin a la violencia," *El Correo*, May 17, 2006). As later confirmed, the prime minister's announcement was rushed out because Batasuna had threatened to "collapse" the process if certain party members were prosecuted by the National Court.

The prime minister's announcement was followed by another announcement. Contradicting previous positions, the leader of the Basque Socialist Party announced a meeting with the political wing of ETA, although Batasuna was a banned organization. The meeting was an attempt to damage the efficacy of the proscription through a propaganda stunt. The opposition and a widely respected nonpartisan civic movement, ¡Basta Ya!, criticized the move. This influential civic movement argued that "the recognition of Batasuna as a necessary participant inevitably implies the legitimization of violence as a valid political instrument since such a participant doesn't represent anything else but the interests of a terrorist organization which refuses to disappear while imposing conditions before definitely stop[ping] the killing." Furthermore, "such a meeting already represents a political price which is being paid to ETA since it recognizes the group's political wing as a party as legitimate as the ones that they have so cruelly hunted down for all these years." This led ¡Basta Ya! to conclude: "To accept a political negotiation with ETA may lead to throwing away a historic opportunity to defeat the terrorist group for ever."³⁴

The government's approach to ETA in this period tended to sideline the negative indications of its activities in order to change the public's widespread rejection of concessions to ETA, vis-à-vis the group's prisoners (*El País*, December 5, 2005). It was common to resort to rhetoric that promised peace and hope. In effect, this became an effective coercive instrument that exploited society's collective longing for a speedy demise of ETA. This rhetoric pressured the public to accept the need to make certain "sacrifices and risks for peace." ETA's ceasefire was followed by a propaganda campaign aimed at presenting previously rejected concessions as reasonable and necessary. The argument that concessions were essential to maintaining the ceasefire stressed the fact that society was worn out by so many decades of terrorism and that a historic opportunity to obtain peace must be grasped in order to avoid further victims.³⁵

The government's behavior had real costs. It opened up the possibility of turning a blind eye to violations of the rule of law in the belief that certain aims require dubious means, all of which seriously affect the credibility of the state's institutions. Suspicion increased as the government's policy toward ETA during this period tolerated the group's activities.³⁶ As has been pointed out, this is what had already happened in Northern Ireland. The resulting political, legal, and moral impunity enjoyed by the IRA allowed it to make a partial recovery politically of the ground it had lost militarily, a situation that could have been repeated in the Basque Country if the same mistakes had been made.

Thus, advocating negotiations with ETA on the grounds that previous governments did the same was actually the best reason for not entering into negotiations, considering how ineffective and even counterproductive they had proved in the past (Domínguez 1998). Over the last three decades, negotiations with ETA failed to contribute to the end of terrorism. On the contrary, ETA's support and legitimacy gradually decreased as a result of governmental policies that included, among other positions, the refusal to contemplate any dialogue with the terrorist group and the banning of Batasuna.

Although the Spanish government altered significantly its policy against ETA in 2007, following the breakdown of the truce, the group was able to make the most of the negotiation process. ETA used the fact that the government had once again agreed to negotiate to strengthen internal cohesion by arguing that in the future the government would also repeat what it had previously said it would never do again. This recurrent mistake by successive Spanish governments allowed ETA to assume that meaningful political negotiations would finally be offered no matter what. As

ETA's documents following the end of the "peace process" demonstrate, such expectations encouraged the continuation of violence by reducing its negative cost for the group.

CONCLUSIONS

When assessing the consequences of counterterrorist policies in democratic systems, the rights of those who suffer the terrorist threat are sometimes underestimated. Certain fundamental rights are paramount, the right to life being one of them. Therefore, restrictions imposed on those who are prepared to infringe those rights are not necessarily antidemocratic in intention or outcome. As the experiences of Northern Ireland and the Basque Country reveal, these measures can contribute significantly to the defense of democratic values and the marginalization of terrorist organizations if they are applied by democratic regimes that respect the law.

Of course, states may also go too far in restricting liberties in the name of increased security for their citizens. This need not be the case, however, if democratic regimes comply with the rule of law. The measures described in this chapter increased the liberty of those citizens whose security was threatened. It is true that the liberty of the perpetrators of violence was restricted, but the justified and legitimate purpose was to limit their capacity to deprive citizens in a liberal democracy of their political and civil rights. A democratic system should accept all kinds of beliefs except those that promote violence against the majority that a democracy must protect. A presumed democratic tolerance that allows intolerant ideas to prosper is consenting to the destruction of the values that democracy is supposed to defend. In other words, the failure to respond to challenges such as the ones posed by terrorist groups has highly detrimental consequences for democracy.

The decline of ETA and the IRA opened up the possibility of a definitive eradication of terrorism and a process of political normalization in Northern Ireland and the Basque Country. Nevertheless, their decline and the progressive reduction of violence did not lead to their disbandment; instead, violence was replaced by a new strategy, whereby a reduced level of terrorist activity complemented by other criminal activities was used to exert pressure on legitimate democratic parties. In this way, the experience of Northern Ireland after the IRA ceasefire offers some salient lessons concerning the counterproductive effects of certain policies and attitudes during the transitional phase that a political party associated with a terrorist group must go through in order to become a fully integrated member

of the democratic system after the definitive and real cessation of criminal activities.

In light of developments since the IRA ceasefire, the following conclusions apply to the Basque Country. The disarmament and disbandment of ETA are requirements that should be satisfied and rigorously monitored before any dialogue takes place on the question of prisoners, a point on which a significant section of Basque society believes some form of negotiation is necessary.⁹⁷ This would prevent ETA from putting pressure on other political and social actors in a scenario where a ceasefire is in effect but an atmosphere of peace cannot be said to exist, given the continued intimidating presence of ETA.

As time has demonstrated in Northern Ireland, the early release of prisoners could have been made contingent on effective and verifiable disbandment and disarmament. The pressure to have activists freed would have encouraged ETA to comply, just as the denial of expectations of success led the IRA to declare a ceasefire in the absence of any major political gains. Thus, if ETA gains concessions on prisoners in exchange for a mere ceasefire declaration, the state is giving up a valuable means of exerting pressure. ETA's ability to use coercion in the subsequent transition process would thus be enhanced. It should not be forgotten that Spanish democracy already provides for the reintegration into society of those who are prepared to renounce violence and to compensate their victims through expressly asking for forgiveness as well as settling the civil claims resulting from the criminal acts in question.

In fact, it is reasonable to argue that if ETA decided to put an end to its campaign, the group's prisoners should still complete their sentences. In Northern Ireland, the demands for justice made by the victims of terrorism were often ignored in the name of political expediency (Alonso 2008a). It is arguable, however, that a democratic society cannot properly advance when such impunity is allowed and injustice is not redressed.

The ending of ETA's campaign seems possible if impunity is not permitted and ETA is required to show that it is unequivocal in its desire to stop using violence and intimidation. In the words of the Pact in Favor of Freedom and Against Terrorism signed by the major Spanish political parties, terrorism must not be allowed to obtain "any political advantage or gain whatsoever." Democracy demands equality, a basic principle that is betrayed when a political party associated with a terrorist group benefits from gestures and concessions that emanate from its association with an illegal actor. Democracy requires governments to uphold the rule of law with fairness and justice. In the Spanish case, this would prevent the demo-

cratic deficit that would result if the government were to heed Batasuna's demand that the party's proscription be lifted despite the continuous existence of ETA. The political wing of ETA has also proposed a dual negotiation process, which would take place outside the parliament and without the dissolution of ETA. Some democrats mistakenly see such a circumvention of democratic institutions as necessary for the integration of radicals, despite lack of evidence of ETA's willingness to stand down.

The example of Northern Ireland shows that the existence of a terrorist group in the background tarnishes the political processes in which the party representing it participates because the group's influence leads to coercion and does nothing to bring about the definitive disbandment of the terrorist group. In addition, in circumstances where terrorism has become less murderous, it may come to be accepted. Low-level violence as well as threats, intimidations, extortions, and human rights abuses may become tolerated.

In fact, the Basque Country is probably the only region in western Europe where citizens are regularly deprived of their civil rights and liberties by the coercion of a terrorist group. Despite elections, a significant section of the population is unable to exercise their democratic rights freely, since a fundamental right, the right to life, is still under threat. The seriousness of the situation was demonstrated by events in June 2007 when some elected representatives refused to take office as a result of ETA's pressure and threats. Thousands of Basque citizens live with the permanent protection of bodyguards because their lives are at risk (Llera 2003).

The campaigns of violence perpetrated by nationalist groups like ETA and the IRA aim to undermine the legitimacy of the democratic states in which they take place. Therefore, a solid basis for the resolution of these conflicts can hardly be laid if that legitimacy is undermined once violence has declined. If the integration into the system of those who have threatened democracy is not consistent with democratic principles, as is the case when a political party remains associated with a terrorist organization, the state's legitimacy is weakened. The efficiency of counterterrorism should be measured not only by the decrease of violence but also by the diminished capacity of terrorists to illegally control and affect the governance of the regions where they operate.

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NOTES

1. This experience has also informed the counterterrorist response to violence perpetrated by Muslim extremists in the name of Islam, as demonstrated in Alonso (2007b, 2008b).
2. For an analysis of the motivations of activists in both terrorist groups, see Reinares (2001), Alonso (2003), and Alonso (2006a).
3. See *Northern Ireland Constitution Act 1973* (London: Her Majesty's Stationery Office, July 18, 1973); *Northern Ireland Constitutional Proposals* (London: Her Majesty's Stationery Office, March 1973), cmd. 5259; and *The Future of Northern Ireland: A Paper for Discussion* (Belfast: Her Majesty's Stationery Office, Northern Ireland Office, October 30, 1972). See also the parliamentary debate on this last document in *Hansard* 846 (November 13, 1972): 43 seriatim.
4. Some authors have argued that the use of the military in Northern Ireland had negative consequences for democracy. This interpretation underestimates the degree of the terrorist threat and the inability of the security forces to contain very intense violence, particularly in the early days of the conflict, when the police force was completely inadequate to respond to such a challenge. The support of the army was therefore necessary for policing given the severity of the terrorist campaign. To this extent, it is often overlooked that military units were of key relevance in carrying out undercover operations and very complex surveillance and intelligence-gathering activities and thus complemented the work of the police in this area. The use of the military did not necessarily imply negative consequences for democracy, since counter-productive effects were a result of disproportionate actions and the unprofessional conduct of some members of the army when these happened. The death of civilians in 1972 on Bloody Sunday, when soldiers fired against demonstrators in Derry, and the collusion of some officials with Loyalist terrorist groups are clear examples of this very damaging use of the military.
5. See the relevant data in Euskobarómetro, 2003 to 2008, a regular annual survey conducted by the Department of Political Science and Public Administration at the University of the Basque Country, available at: <http://www.ehu.es/euskobarometro>.
6. ETA's political wing called for abstention in the 2000 election. In 2002 Batasuna was banned, preventing it from contesting further elections (see Barbería and Unzueta 2003).
7. This negative pattern reversed slightly after the IRA's ceasefire was consolidated and the Good Friday Agreement was signed in 1998. A negative electoral record was also a common pattern for Sinn Féin in the Republic of Ireland, where the party won its first Parliament seat in 1997.
8. For a thorough analysis of the complex system of organizations linked to ETA, their actions, and the nature of such a relationship, see Mata (1993).
9. The judicial report containing these allegations was fully reproduced in the main Basque newspaper, *El Correo*, in October 2002, and was found at: http://servicios.elcorreodigital.com/vizcaya/pg021018/actualidad/politica/200210/17/RC_auto_garzon.html (accessed October 30, 2002).
10. Euskal Herria, the ethno-linguistic unit claimed by Basque separatists as their homeland, is made up of the three Spanish provinces that form the Basque Country (Guipúzcoa, Álava, and Vizcaya), as well as another Spanish province outside the Basque Autonomous Community, Navarra, and the French departments of Labourd, Soul, and the Lower Navarra portions of Pyrénées.
11. See *Zutabe* (March 2002). *Zutabe* is ETA's internal document published by members of the terrorist group.
12. See, for example, *Zutabe* 91 (June 2001), *Zutabe* 105 (June 2004), and *Zutabe* 104 (April 2004). The internal debate held between 2007 and 2008 within ETA confirmed that the banning of the terrorist group's political wing was very detrimental to ETA. This measure, together with the strengthening of prison sentences, was highlighted by ETA members as two very damaging tools that had been used against the terrorist group.
13. The main nationalist newspapers in the Basque Country provided constant proof of this consensus on their criticism of the banning of Batasuna and questioning of the legality of this measure. See, for example, Joaquín Navarro Estevan, "Gas mostaza," *Deia*, February 23, 2002; Colectivo Ilarra, "La ilegalización de Batasuna," *Gara*, June 6, 2002; Manuel Díaz de Rábado, "La ilegalización de Batasuna," *Deia*, April 19, 2002; "Contra la opinión de la mayoría de los vascos" (editorial), *Deia*, May 18, 2002; and an interview with Arnaldo Otegui in *Gara*, February 24, 2002. See also the view expressed by Joseba Azkarraga, minister for justice of the Basque government, in "Una propuesta inquietante," *El Correo*, February 24, 2002.
14. See, for example, "Rechazo institucional y social a la ilegalización de Batasuna" (editorial), *Gara*, May 18, 2002.
15. Some examples can be found in pieces published by *Gara*, a newspaper that remains supportive of ETA: Joxemari Olarra Agiriano, "Los frutos póstumos del Pacto de Ajuria-Enea," *Gara*, March 5, 2004; "Negación de la voluntad popular" (editorial), *Gara*, June 15, 2003; and "Marcha atrás en el tiempo" (editorial), *Gara*, February 24, 2002.
16. This prohibition was suspended in the Republic of Ireland at the beginning of 1994, when the IRA was making final preparations prior to calling its ceasefire, and months later in the United Kingdom, after the truce had actually been announced.
17. See "Parliamentary Debates," *Hansard* 879 (June 27, 1985): col. 449.
18. For a critical view of this political initiative, see *The Political Vetting of Community Work in Northern Ireland*, The Political Vetting of Community Work Working Group. Belfast: Northern Ireland Council for Voluntary Action, October 1990.
19. As far back as 1976, Gerry Fitt, a prominent figure in the nationalist SDLP, had already warned that certain tenants' associations were controlled by terrorist groups; see Bew and Gillespie (1993, 109).

20. See "Furore at 'Provo Fronts' Charge," *Irish News*, February 5, 1986; Ciaran De Baroid, Frank Liddy, Rowan Davison, and Deirdre McManus, "Put Up or Shut Up Dr. Feeney" (letter to the editor), *Irish News*, February 24, 1986.
21. See, for example, the reports issued by the Independent Monitoring Commission and the security statistics periodically collected by the PSNI (Police Service of Northern Ireland).
22. See Prime Minister's Office, "Prime Minister's Press Conference—15 January," January 16, 2004, available at: <http://www.number-10.gov.uk/output/Page5157.asp>.
23. See Prime Minister's Office, "Prime Minister's Speech on Northern Ireland—18 November, 2002," February 10, 2003, available at: <http://www.number-10.gov.uk/output/Page1732.asp>.
24. On the importance of the time factor in the analysis of the conditions of democratization, see Linz (1998).
25. See Fred Halliday, "La ambiciosa estrategia del Sinn Féin," *El País Domingo*, July 17, 2005.
26. On the relationship between terrorist groups and political parties, see Weinberg (1991).
27. See note 22.
28. Although this chapter has focused on the IRA in order to draw a comparison with an ethno-nationalist group like ETA, there are other terrorist groups in Northern Ireland that have also been involved in violence despite the official declarations of ceasefire. The Loyalist UFF (Ulster Freedom Fighters) and UVF (Ulster Volunteer Force) have repeatedly and clearly breached their cessations of violence in the last years. In spite of their constant denunciation and condemnation of these breaches, politicians have very often failed to act by imposing the sanctions that democracy observes for such circumstances.
29. See "Lucha contra el terrorismo" (Fight Against Terrorism), resolution 32, approved by the chamber in plenary session, Congress of Members of Parliament, VIII Legislature, in *Boletín Oficial de las Cortes Generales (Official Parliamentary Journal)* 206(May 20, 2005).
30. On the extent of the important political concessions by the Spanish government, see "2005–2007: Proceso de negociación: En busca de un acuerdo político resolutivo: Suplemento documentos," *Gara*, September 23, 2007; *Deia*, July 29, 2007; and *Tiempo*, March 19–27, 2008.
31. See José Luis Barbería, "Los celos en Francia subsisten pese al fin del proceso de paz" and "ETA dispone de 30 activistas dispuestas a atentar en España," *El País*, April 29, 2007; see also John Ward Anderson, "Spain's Peace Process in Tatters After Basque Separatist Bombing," *Washington Post*, February 18, 2007.
32. For a thorough analysis of ETA's terrorist activities throughout the period of the so-called truce, see Mikel Buesa, "ETA en 'alto el fuego': Nueve meses de actividad terrorista: Quinto informe de verificación de la violencia terrorista:

- Documentos foro de Ermua," December 31, 2006, available at: http://www.foroermua.com/html/descargas/5Informe_verificacion061231.pdf.
33. See, for example, *Gara*, May 14, 2006. Furthermore, in August 2006 the terrorist group accused the Spanish government of seriously jeopardizing "the process" and threatened to "respond" to the "state's aggressions" if these did not stop. ETA was referring to the detention of some of its members involved in activities of financing and extortion and to the continuation of the judicial processes against activists already prosecuted (*El País*, August 19, 2006).
34. In fact, ETA had been trying to kill since May 2003 but had failed to do so on many occasions as a result of police successes; see Rogelio Alonso, "Falseando la voluntad asesina de ETA," *ABC*, March 31, 2007.
35. See "Iniciativa ciudadana ¡Basta Ya! pide al PSE que no se reúna con Batasuna," available at the ¡Basta Ya! website: <http://www.bastaya.org/uploads/noticias/index.php?id=3598>.
36. This attitude is epitomized, for example, in the declarations of the bishop of San Sebastian, Juan María Uriarte, that "the higher good of peace requires all of us to reduce our legitimate aspirations" and, accordingly, "no party interest, no past or present grievances, no act of violence, must obstruct the path towards peace" (quoted in *El Correo*, May 30, 2005).
37. As a result of this attitude, the Spanish government allowed one of ETA's political fronts, a party called ANV (Acción Nacionalista Vasca), to take part in the local elections held in May 2007. The indulgence of the government provided ETA with a relevant success: while obtaining again very significant economic and political resources, the terrorist group could argue that the banning of its political party had been circumvented. In September 2008, the Spanish government decided to ban ANV, clearly exposing the inconsistency of its previous position on the party; see "Contradicciones frente a ETA," *ABC*, May 4, 2007, and Rogelio Alonso, "Los elevados costes de una ineficaz política," *ABC*, June 12, 2007. It is very revealing that a newspaper that was fully supportive of the Spanish government's negotiations and lenient attitude toward ANV later admitted that the government had made a "political" rather than a "judicial" decision when it had not banned the party. Therefore, such interference in judicial power was clearly at odds with fair democratic principles. The contradictory attitude of the Spanish government and those who supported its antiterrorist policy during this period is clearly seen in an editorial in *El País*, "Ilegalizar, deslegitimar," published September 19, 2008.
38. Euskobarómetro, the survey carried out by the University of the Basque Country Department of Political Science and Public Administration and published in July 2005, showed that around 77 percent of the Basque population was in favor of the idea of negotiations between ETA and the Spanish government; see <http://www.ehu.es/euskobarometro>. Nonetheless, surveys indi-

cate that the majority of Spaniards would support a form of dialogue between the Spanish government and ETA only if the terrorist group gives up violence and without any concessions. See, for example, the survey carried out by Instituto Opina, quoted in *El País*, September 26, 2005.

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CHAPTER 7

FRENCH RESPONSES TO TERRORISM FROM THE ALGERIAN WAR TO THE PRESENT

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France has long been on the "bleeding edge" of terrorism, confronting terrorism in all its guises from bomb-throwing anarchists to transnational networks. This chapter briefly surveys the French experience with counterterrorism over the last fifty years, chronicling the actions that the French government has taken to improve its capacity to fight terrorism and describing the institutional system that has evolved in France to prevent and respond to terrorist attacks. After a long and often painful evolution, that system has become quite adept at preventing terrorist attacks in France while respecting French democratic traditions. But the system is not without its flaws, both in terms of its capacity to deal with terrorism and its effects on civil liberties in general and on the Muslim community in France in particular. The chapter concludes with an assessment and lessons that the French experience holds for other democracies.

The most salient fact about the postwar French experience is the broad range of terrorist threats that France has faced. In the 1950s and 1960s, the French government faced anticolonial terrorism emanating from the war in Algeria as well as right-wing terrorism aimed at preventing France from giving up its Algerian colony. In the 1970s and 1980s, France was