

The Fight for Legitimacy: Liberal Democracy Versus Terrorism

by
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INTRODUCTION

Terrorism poses unique challenges to the liberal democratic state. Namely, terrorists target state legitimacy, therefore democratic states must carefully choose their counter-terrorist strategies so as not to undermine their own values. Comparative studies reveal that societies of liberal states must provide consensus for those anti- and counter-terrorist policies adopted by the state.¹ If liberal democracies take police state-like action in response to terrorism, then arguably the terrorists have achieved their ends. This challenge requires close scrutiny of political culture, which serves as a reflection of a society's legitimacy for its leaders and policies. Moreover, the transnational nature of terrorism necessitates cooperation between and among states to address the common threat of terrorism. If societies must condone their states' counter-terrorist policies, then those societies of the cooperating states must reach a minimal level of consensus on how to view justice, human rights, rule of law, civil liberties, etc; the operating level of these traits in a society describes a society's political culture.

The Basque case will demonstrate the relevance of these theoretical connections and examine how the combination of Spain's adherence to democratic principles during its transition and its cooperation with France facilitated Spain's democratic consolidation and mitigation of the Basque terrorist threat, while also strengthening France's liberal democratic principles. Through cooperation, both countries addressed the transnational terrorist problem, while securing the legitimacy of their liberal democratic orders. In fact, Europe as a region benefitted from this case because it helped pave the way for increased regional cooperation on this issue and other transnational threats. Such an examination requires an interdisciplinary approach to the challenge of transnational threats to liberal democracies. The theoretical portion of this article will use international relations, security studies, and comparative politics to address the transnational nature of the security environment; the basis of state legitimacy; terrorism as a

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transnational threat to liberal democracies; and the connection of political culture and political community to a liberal democratic state's legitimacy.

The purpose of this study is to learn from our European allies. According to Bruce Hoffman: "The changing face of terrorism will only diminish the divisions between the United States and Europe, as governments on both sides of the Atlantic strive to adapt to the challenges posed by transnational networks" And "Given the prevailing patterns of globalization, the security, coordination, and policy challenges facing Europe today are likely to spread to other countries tomorrow It is perhaps time for the United States to listen and learn rather than to hector and push."² Moreover, with the newly formed EUROPOL, which coordinates and supports member states' law enforcement activities, with a charter to combat terrorism and other transnational threats, there may be widespread convergence of political cultures across Europe in the future.³ Admittedly, the EU members' economic integration has affected political culture, and the systematic steps toward furthering political integration cannot help but have a profound effect on the members' political cultures. As Europe's primary ally, the United States has many opportunities for cooperation, especially when dealing with transnational threats, such as terrorism. Cooperation will be essential to address these threats, but it ought not be at the expense of American regime legitimacy. A convergence of political cultures implies that the participants are all making adjustments at the foundation of their regimes, namely recalculating their legitimacy formula.⁴ This study will also shed light on the meaning and implication of the concepts of terrorism, liberal democracy, political culture, political community, and legitimacy. A better understanding of these terms may enhance policy discourse and choices.

THE SECURITY ENVIRONMENT

The challenge of terrorism to liberal democracies must be analyzed in a strategic context. This is not an easy task, and during the timeframe of the Basque case the security environment was dominated by the superpower rivalry. Forces that we are now just observing and analyzing in the post-Cold War era were operating, albeit in the Cold War's blind-spot. For example, the forces of globalization and localization shaped the situation in Spain and its relationship with the Basque region, with France, and with the European Community (EC). Moreover, globalization and localization influenced the democratization process in post-Franco Spain. The term, "globalization" is a frequently used term that is cast in a variety of contexts, and, consequently, it has come to mean many different things, both positive and negative, to many different people. For our purpose here, it is important to view globalization as a dynamic process that has potential for both good and bad, democratic and non-democratic, and security-enhancing and security-detracting. In sum, it is a non-normative process. James Rosenau makes this point when he differentiates between globalism as a world system that embraces universal values and globalization as a process that

describes forces in every sphere of human and environmental activity that transcends borders. He further distinguishes between globalization and localization: "In short, globalization is boundary-broadening and localization is boundary-heightening." He describes the combination of these forces as "framgregation."⁵ Today, the US Commission on National Security/21st Century recognizes these two forces: "This Commission's Phase I report pointed to two contradictory trends ahead: a tide of economic, technological, and intellectual forces that is integrating a global community, amid powerful forces of social and political fragmentation."⁶

These forces are not necessarily contradictory. The nation-state is not withering away; rather, we are witnessing a sharing of powers both at the local and supranational level. The nation-state is still the most viable political entity, and nations without states are still struggling in their quest for statehood. Just like post-1945 decolonization unleashed nationalism, the fall of the Soviet Union and the post-Cold War aftermath unleashed another echelon of nationalist sentiment.⁷ However, with the end of bipolarity, feelings of irredentism, nationalism, religion, and ethnicity stress the international system. Bruce Hoffman claims that these sentiments, not ideology, are fueling terrorism and forecasts that these forces ". . . long held in check or kept dormant by the cold war may erupt to produce even greater levels of non-state violence . . ."⁸ Consequently, the Basque case may provide enduring lessons for like cases now and in the future.

Furthermore, while this article's focus is the challenge of the transnational nature of terrorism that the end of the Cold War has escalated, it is not the only transnational threat we face. The US 1999 National Security Strategy describes transnational threats as:

. . . threats that do not respect national borders and which often arise from non-state actors, such as terrorists and criminal organizations . . . Examples include terrorism, drug trafficking and other international crime, illicit arms trafficking, uncontrolled refugee migration, and trafficking in human beings . . . We also face threats to critical infrastructures, which increasingly could take the form of a cyber-attack in addition to physical attack or sabotage . . .⁹

Moreover, with the increased number of weak states and transitioning states, internal conflicts, regardless the cause, can quickly escalate regionally and possibly globally. Michael Brown contends that internal conflicts matter because they are widespread, cause much suffering, involve proximate states, and can indirectly or directly influence the interests of international organizations and "distant powers."¹⁰ While the scope of this article is limited to terrorism, its significance as a source for internal conflict and the escalating effects of such conflict, make critical study of terrorism even more a matter of national – and global – security.

The discussion above focuses on the threats and vulnerabilities associated

with the forces of “framgegration.” There are also opportunities in such an environment.¹¹ The coincidence and commonality of national and global interests among states have fostered alliances, treaties, international organizations, and international regimes as means for attaining or securing these interests. For example, the European Community offered member countries great advantages. For Germany, it offered a means to gain sovereignty of the iron and steel resources; a path back into the international system; and hope for possible reunification. For France, the EC helped manage the “German problem,” while allowing France to influence Europe. The EC gave more voice to the smaller states, such as the Benelux countries, vis-à-vis the larger European states; brought Spain and Portugal back into the European family of nations; assisted with Italy’s economic development; and offered Britain a powerful forum, which it could not afford to ignore. The integration of these member EC (now the European Union [EU]), countries was supported by the idea that unification could prevent war.¹² Other opportunities in the environment include non-state actors, such as civil society, non-governmental organizations, and individuals. The security environment of Western Europe during Spain’s democratic transition favored integration and cooperation, which helped mitigate the terrorist challenge it faced. The global security environment, through the forces of “framgegration,” presents liberal democracies with not only challenges, but also tools to manage and meet these challenges, as well.

TERRORISM

Before beginning a critical analysis of terrorism in the context described above, we will carefully consider the myriad of definitions, categories and perceptions of the term, terrorism. As one would expect, there is no one right answer. Alex Schmid cautions that, “The question of definition of a term like terrorism cannot be detached from the question of who is the defining agency.”¹³ It is a subjective term, an important point to which we will return later in the article. According to Donald Hanle, “Terrorism is called terrorism because it violates the normative values of the target entity regarding the employment of lethal force.”¹⁴ Philip B. Heymann illustrates the subjectivity of this term by reviewing several countries’ definitions. According to the Office for the Protection of the Constitution, Germany’s internal security agency, terrorism is the, “enduringly conducted struggle for political goals, which are intended to be achieved by means of assaults on the life and property of other persons, especially by means of severe crimes [such as murder, kidnapping, arson].” Britain’s “Prevention of Terrorism Act” of 1974 defines terrorism as “the use of violence for political ends, and includes any use of violence for the purpose of putting the public or any section of the public in fear.” The US State Department views terrorism as any violent act conducted for political purposes by substate actors or “secret state agents” against normally noncombatants with the goal of influencing an audience. US law (18 U.S.C. 3077) defines a terrorist act as criminal vio-

lence that “appears to be intended (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnapping.” And, according to a group of European interior ministers coordinating their efforts concerning the challenges of terrorism, “Terrorism is . . . the use, or the threatened use, by a cohesive group of persons of violence (short of warfare) to affect political aims.”¹⁵

Heymann settles for a definition that seems to represent a common ground for most definitions. Consequently, he uses the following traits: politically motivated; conducted by groups, but not by individuals; acts are an integral part of a bigger strategy; directed at noncombatants; and, “to preserve moral fervor,” Heymann limits his use of terrorism “to political violence in or against true democracies.”¹⁶ Heymann concludes that “terrorism is an illegal form of clandestine warfare that is carried out by a sub-state group to change the policies, personnel, structure, or ideology of a government, or to influence the actions of another part of the population – one with enough self-identity to respond to selective violence.”¹⁷ As with all definitions of terrorism, Heymann’s definition raises interesting questions such as: should terrorism include states that terrorize their own populations? Should terrorism be limited in scope concerning only democratic regimes? For purposes of this study, we will rely heavily on Heymann’s definition, while acknowledging that there is much debate on exactly what terrorism is or is not.

In sum, the above discussion suggests that terrorist activities have a political purpose, and they are conducted outside normal political bounds, involving symbolic violence usually perpetrated against innocent victims in order to weaken the bonds between the legitimate government and society.¹⁸ Consequently, the complexities involved with understanding terrorism compel academics and policy makers to view terrorism in a historical, social, and political context.¹⁹

DEMOCRATIZATION

Post-Franco Spain was a precursor to the post-Cold War’s third wave of democratizing states and gives us a glimpse of the unique challenge liberal democracies, especially transitioning states, face with combating terrorism. States that are transitioning to democratic regimes are vulnerable to internal conflict that terrorists can exploit. Essentially, these transitioning states are replicating the early stages of state-making. Different power centers are competing for supremacy, which can easily erupt into conflict. How do such states survive these internal conflicts without de-legitimizing themselves as liberal democracies? Don Chull Shin emphasizes the fact that democratic regimes can only survive when their societies are committed to them; democratizing states have limited resources to facilitate the democratizing process; and, subsequently, this process is marked by uncertainty. Shin discusses the stages of democratization

as the following: decay of authoritarian rule; transition, marked by uncertainty and a hybrid mix of democratic and authoritarian institutions; consolidation, marked by elite consensus, mass participation, and most importantly, the development of a democratic political culture; and, maturation or the consolidation of democracy over time.²⁰ Guillermo O'Donnell and Philippe C. Schmitter underscore the uncertainty found in the transitional stage: “. . . democracy, then, emerges from a nonlinear, highly uncertain, and imminently reversible process involving the cautious definition of certain spaces and moves on a multilayered board.”²¹ Francis Fukuyama claims that it is not the mere existence of democratic institutions that will secure the fate of transitioning democracies; rather, it will be in the critical realms of civil society and culture that successful transitions will be determined.²² In fact, a number of studies indicate that even with the rise of electoral democracies, freedoms world-wide have decreased. The connection between democracy and liberty is not linear, and culture seems to be a critical intervening variable.²³ According to Larry Diamond, “. . . elections are only one dimension of democracy. The quality of democracy also depends on its levels of freedom, pluralism, justice and accountability.” He continues to explain liberal democracy as having the following conditions:

Freedom of belief, expression, organization, demonstration, and other civil liberties, including protection from political terror and unjustified imprisonment; a rule of law under which all citizens are treated equally and due process is secure; political independence and neutrality of the judiciary and other institutions of ‘horizontal accountability’ that check the abuse of power, such as electoral administration, audits, and a central bank; an open and pluralistic civil society, including not only associational life but the mass media as well; and civilian control of the military.²⁴

Democratic political culture fosters these traits of civil liberties, rule of law, civil society, and civilian control of the military, all of which are necessary to a liberal democracy. The liberal qualifier for democratic regimes is so important for the consolidation of these regimes that Samuel Huntington calls for policies that emphasize the liberalization of electoral democracies. He recommends greater cooperation and the development of a community among liberal democracies, a community he suggests be called a Demintern (now that the Comintern is gone!).²⁵

Political culture is at the crux of this study because it is the target of terrorists’ actions, it reflects a society’s legitimacy for its leaders and their policies (in this case counter-terrorist policies), and it is an essential determining ingredient for moving transitioning regimes into a more stable consolidated phase. Inherent in the concept of political culture is the idea of a political community that describes a society’s loyalties toward the political system. These concepts – political culture, legitimacy, and political community – are intricately interwov-

en, but because of their amorphous nature, they do not always receive the critical analysis necessary to understand political behavior. Consequently, I will address each of these foundational concepts and then fold them back together to better understand how liberal democracies can best ward off threats that target their inner souls. This inner soul is the state's legitimacy. According to Max Weber, "If the state is to exist, the dominated must obey the authority claimed by the powers that be. When and why do men obey? Upon what inner justifications and upon what external means does this domination rest?"²⁶ This inner justification is a state's legitimacy. Ralf Dahrendorf explains legitimacy and effectiveness as two keys to a state's stability. He argues that for governments to work:

. . . two things have to be present: effectiveness and legitimacy. Effectiveness is a technical concept. It simply means that governments have to be able to do things which they claim they can do . . . they have to work. Legitimacy, on the other hand, is a moral concept. It means that what governments do has to be right . . . A government is legitimate if what it does is right both in the sense of complying with certain fundamental principles, and in that of being in line with prevailing cultural values.²⁷

Moreover, these two concepts are asymmetrically related. Governments, such as totalitarian regimes, may be effective without being legitimate. However, "Over time, ineffectiveness will probably erode legitimacy."²⁸ Dahrendorf is most concerned about the erosion of legitimacy because for democracies ". . . there is a great danger that the response to a crisis of legitimacy will be authoritarianism and illiberty."²⁹ Augustus Norton agrees that the most important element for state survival is legitimacy, meaning "that authority which rests on the shared cultural identity of ruler and ruled." States base legitimacy on a "political formula" which justifies a leader's rule.

As Gaetano Mosca notes, political formulas are not 'mere quackeries' aptly invented to trick the masses into obedience . . . The truth is that they answer a real need in man's social nature; and this need, so universally felt, of governing and knowing that one is governed not on the basis of mere material or intellectual force, but on the basis of moral principle, has . . . a practical and a real importance.

When legitimacy dissolves, the regime is vulnerable to change.³⁰ Timothy J. Lomperis argues that ". . . a state can rule without legitimacy, but not well."³¹ Ted Robert Gurr and Muriel McClelland stress the importance of societal attitudes for legitimacy. They define legitimacy as "the extent that a polity is regarded by its members as worthy of support. This is not the same as citizens' compliance with laws and directives, but refers to a basic attitude that disposes them to comply in most circumstances . . ."³²

Along with this idea of an attitude toward the political system is the idea

of a political community or identity.³³ David Easton refers to the political community as a “domain of support” for the political system.³⁴ Michael C. Hudson links the idea of community with legitimacy: “If the population within given political boundaries is so deeply divided within itself on ethnic or class lines . . . then it is extremely difficult to develop a legitimate order.”³⁵ Furthermore, this “legitimate order requires a distinct sense of corporate selfhood: the people within a territory must feel a sense of political community . . .”³⁶

These ideas of a political community and attitude toward the political system describe the concept of political culture. In fact Robert Dahl’s work on political opposition groups helped reveal political culture based on a society’s attitudinal orientations toward problem solving, the political system, cooperation and individuality, and people. Interestingly, even among democracies, political cultures differ. For example, citizens of Italy and France have been described as having alienated or apathetic attitudes toward their political systems; West German citizens exhibit detached attitudes; and citizens of the United States and Great Britain tend to have an allegiant orientation toward their political systems.³⁷ Gabriel Almond and Sidney Verba, in their seminal work on civic culture, conclude:

In sum, the most striking characteristic of the civic culture . . . is its mixed quality. It is the mixture in the first place of parochial, subject, and citizen orientations . . . The result is a set of political orientations that are managed or balanced. There is political activity, but not so much as to destroy governmental authority; there is involvement and commitment, but they are moderated; there is political cleavage, but it is held in check. Above all, the political orientations that make up the civic culture are closely related to general social and interpersonal relationships, of general trust and confidence in one’s social environment, penetrate political attitudes and temper them.³⁸

A civic culture, that is a democratic political culture, describes a culture in which people feel that they make a difference politically; they tolerate others; they trust their fellow citizen and political elites; and they have allegiance toward the political system.³⁹ I will use Almond’s definition of civic culture, Diamond’s criteria for liberalism, and the idea of political community to assess the impact of terrorism on political culture for the case below. Consequently, I will examine institutions, attitudes, policies, and scholarly opinion that reflect shifts in the political culture. Specifically, this study of Spain will examine shifts in attitudes at the elite level, that is evidence of elite consensus on democratic principles; shifts in societal attitudes toward its members’ ability to affect the political system; attitudes toward other members and groups in society; and societal attitudes toward the political system and its policies. Attitudes toward the terrorist group, ETA (*Euzkadi ta Askatasuna* or Basque Homeland and Freedom), will also be

examined. A liberal, democratic culture is the essence of democracy; it provides legitimacy for the democratic regime, making it the terrorist's bull's-eye.

DEMOCRATIC COUNTER-TERRORISM (CT) PRINCIPLES

Mature democracies, while more stable than consolidated or transitioning democracies, must still guard against challenges that threaten their legitimacy. Consequently, they face similar legitimacy challenges when dealing with terrorism, and political culture stands out again. While the definitions of terrorism may differ, there seems to be a consensus concerning the imperative of society's support in its state's counter- and anti-terrorist policies. This consensus is important on several levels. First, mature, liberal democracies cannot undermine their own values by imposing police state-like policies as a means of addressing terrorism. Grant Wardlaw warns that, "The danger lies in the possibility of doing the terrorists' job for them by taking unnecessary steps in an attempt to counter the perceived threat and thereby fundamentally altering the nature of democracy."⁴⁰ And in a comparative study, David Charters acknowledges that, "political culture, more than any other factor, shaped – and continues to shape – democratic responses to the challenge of . . . terrorism."⁴¹

The underlying check for any organizing framework regarding CT policy is its ability to protect a state's population, while eliciting legitimacy. Public opinion and attitudes matter. Policy should mitigate fear in society by employing "fear-reduction measures," such as crisis management; reducing the "hype" in the media; exposing the weaknesses and failures of terrorists, while emphasizing the successes against terrorist groups; and, ensuring institutional checks and balances for both the executive and legislative branches through oversight and enforcement procedures.⁴² Finally, the state must understand the differences among terrorist groups; they are not all at the same level of threat, and these distinctions are important to avoid needless panic, while performing objective analysis.⁴³ These views can be expanded into the following CT principles for CT policy in a democratic state.

1. Real ". . . commitment to the rule of law."⁴⁴

Security authorities must have full governmental support, but they must also understand and adhere to the rule of law and know that any extra-legal actions would be punished. The issue of balance is important. States that have experienced the effects of terrorism may be more inclined to adopt anti-terror legislation than states that have not experienced a sustained or high degree of terrorism. The government must demonstrate that it can protect its citizens, and if the existing laws are widely viewed as ineffective, then the government may craft more restrictive policies. However, these policies must be accepted as legitimate.⁴⁵ The same type of considerations must be made for the use of anti-terror assault teams and covert intelligence gathering. The militarization of a police

force can only occur if society views its creation as necessary, for an identifiable purpose, and as a last resort used under very controlled conditions.⁴⁶ And for intelligence gathering, the state must balance the critical importance of intelligence to secure its populations against terrorists, while safeguarding individual freedoms and liberties. Subsequently, intelligence services must ensure that there is a specific mandate for its operations, are within legal bounds, and monitor only those individuals who the state has reason to believe are engaged in serious criminal activities.⁴⁷ The same judgment must be made about the media. States' policies represent the full spectrum from allowing media access to terrorist sympathizers to relying on self-imposed restrictions to government-imposed restrictions.⁴⁸ The balance between security and liberty must be struck, but with societal support.

2. Each state must define terrorism.

As the definition becomes all inclusive, so does the potential for over-reaction; “. . . terrorism must be countered in a discriminating, case-by-case manner.”⁴⁹ Understanding the context of terrorism allows for a better integration of a state's elements of power to deal with the terrorist challenge. Ian Lesser explains that “. . . political violence, including terrorism, has systemic origins that can be ameliorated.”⁵⁰ Both “diplomacy and the use of force can contribute both to the containment and the eventual resolution of such [ethnic and nationalist] conflicts . . .”⁵¹

3. A state's CT policies' credibility relies on the close correlation between words and actions.

The state must demonstrate resolve and avoid making empty threats. If the government fails to elicit confidence that it will protect its citizens, then vigilante CT groups may arise, which undermines the rule of law and can trigger a regime crisis.⁵²

4. A state must work to lower expectations for a total victory.

There are too many factors that cannot be controlled, and as a result CT strategies will fall somewhere between what's desirable and what's feasible. This spectrum allows for a range of options for the government short of an all-out crusade that can go way off track. Society must realize that the measure of success is short of total victory.⁵³

5. Collaboration between and among states and within a state's intelligence agencies is increasingly important.

Bruce Hoffman emphasizes the criticality of foreign collaboration, especially between states that share a border that terrorists exploit.⁵⁴ Philippe B. Heymann states that “intelligence gathering is the most important form of pre-

vention of terrorism.⁵⁵ Again, the guiding principle is one of balance described in the preceding principles.

As explained earlier, this study will measure societal and elite attitudes toward the political system; institutional changes that reflect shifts in political culture across the population; attitudes towards ETA; and, finally attitudes toward the CT policies and political efforts aimed at eliciting legitimacy. As the preceding CT principles indicate, legitimacy for CT policy in a democratic state is essential. That legitimacy is a product of political culture and effectiveness of the policy. This equation becomes more challenging to solve for states that are democratizing and are facing societal and political legitimacy issues that are indeed sources, albeit not justifications, for terrorist activity.

BACKGROUND TO SPAIN, THE BASQUES, AND ETA 1975-1992

This case reflects the security environment trends discussed above. A democratizing state, Spain, and its eventual partner, France, a mature democracy, together faced the challenge of transnational terrorism. Moreover, the time-frame includes Spain's transition and consolidation of democracy.⁵⁶ The Basques and the EU demonstrate the forces of "framegration." More importantly, the case reveals the impact of cooperation on Spain and France's political cultures as they worked together to manage their common terrorist threat. By examining this regional case, we may discover insights that will help other states, including the United States, combat terrorism.

Spain is an interesting case because it was the first country to democratize in Huntington's "third wave." It was a "regime-initiated transition;" the authoritarian regime did not suffer a defeat per say. Moreover, the problems and issues of a multi-lingual and multi-national state came to the fore during the regime's transition.⁵⁷ For the purpose of this article, Spain is unique because as Howard Wiarda claims, "Perhaps in no other country in the world has the culture . . . the political culture, changed as dramatically in so short a time – during the 1960s and 1970s – as in Spain. In that period Spain went from being a fundamentally conservative, traditional, and exceedingly Catholic society to being liberal, radical, innovative, and secular . . ." ⁵⁸ In this context, Spain had to legitimize its transitional democracy in order to consolidate and stabilize its democratic, political regime. The story of the Basques, therefore must be told in this democratizing context.

The Basque Separatist and ETA Challenge

Three themes emerge that have historically affected Spain's political development. First, Spain has had to deal with tension between the central authority and regional areas. Geography reinforced regional and tribal isolation and the authority of the local caudillos vis-à-vis the state. Second, there has been conflict between the state and the robust corporate life, consisting of the military,

religious fraternities, guilds, towns, etc. Third, there's been an ideological split between advocates of tradition and faith versus those of liberalism. This split manifested itself in the Spanish Civil War, from which Franco emerged and consolidated power at the state level. Additionally, change has been an on-going process for Spain. It experienced industrialization during the last decades of the nineteenth century and the beginning of the twentieth century with a reactionary monarch in power. Spain even experienced some political participation during its First Republic in 1931-36. Franco's emergence after the Spanish Civil War rolled back many of these advances; however, during the 1960s and 1970s, Franco did allow for some opening in the economic, political, and social realms. This opening characterized the change of his regime from a *Dictadure* (hard dictatorship) to a *Dictablanda* (soft dictatorship).⁵⁹

While there was some openness, Franco's goal was to restore Spain's authenticity. He sought to instill values that reflected conservatism, tradition, Catholicism, anti-communism, and obedience. Public opinion polls in the 1960s reflected these values, suggesting that Franco was somewhat successful.⁶⁰ Additionally, he set out to modernize the country by increasing industrial production in the established, industrial Basque and Catalan regions. He diverted the gains made in these areas to the lesser industrialized areas of the south. This strategy had devastating effects on the Basques. First, with increased industrialization, many non-Basques fled to the area for jobs thus competing with the Basques. Second, needed resources to deal with the public effects of industrialization were nonexistent since the resources were diverted elsewhere.⁶¹

The story of the Basques and the Spanish state has been a long, contentious one. The Basques were on the losing side of the civil war, and Franco was determined to create "a single personality, Spanish." Consequently, the Franco regime dealt with the Basques in a repressive manner, forbidding any outward expression of Basque culture and political identity. In response, the Basques formed a 'we-they' identity between themselves and the Spanish, viewing the Spanish as an occupying foreign force.⁶²

This inability to express cultural or political aspirations through legitimate means created a growing sense of discontent and disenfranchisement among the younger Basque nationalists. From 1956 and 1975, Franco declared 12 states of exception in which five were directed against all of Spain and six were directed only against the Basque region. Approximately, 8,500 Basques were directly affected by either arrests, imprisonment, torture, or fleeing the state. The ETA was founded in 1959 in response to Franco's repression, having the goals of Basque independence and maintaining Basque cultural integrity.⁶³

The ETA began as and continues to be a transnational terrorist organization; Basques live on both sides of the French-Spanish border, which has been a hard border to control. France helped legitimize the ETA's activities by offering sanctuary. Additionally, the ETA has coordinated such activities as training and

arms supplies with other terrorist organizations in Europe and the Third World, and it has adopted foreign frameworks to assist with legitimizing its activities and developing strategies. Specifically, ETA members have received training in Yemen, Libya, and Algeria, with the Middle East supplying arms and Libya providing funds. Other European terrorist groups have coordinated the purchase of weapons from Communist Czechoslovakia and the former Soviet Union, and close continuous ties were established with the IRA. Finally, the ETA have adopted anti-colonial ideological views and insurgent strategies from many terrorist groups from the Third World.⁶⁴

The unique regional dialect, *Euskera*, provided a source for identity of the ETA's nationalist aspirations. Many of the rural areas spoke the dialect by the end of the nineteenth century, but Basques embraced it as a means of preserving cultural identity. General Franco forbade the dialect because it detracted from centralism and unity, the basis of his Fascist Falange goal. Initially, the ETA did not call for a terrorist strategy or insurgency, although it did not share the PNV's (*Partido Nacionalista Vasco* – the recognized nationalist party) goals at the time. With Franco's continued brutality against the Basque region and culture, and the influence of the Third World's anti-colonial struggles, the ETA opened its terrorist campaign in 1968.⁶⁵ The ETA violence did not cause the transition, but it did put pressure on the Franco regime. Franco responded through severe repression, which tended to further de-legitimize Franco.⁶⁶

Franco's death did not stem ETA's activities. The main challenge the ETA posed was its ability to provoke perceived, harsh police state-like responses from Spain during its fragile democratic transition period. Critics of Spain's regime point to its alleged torture of ETA members and the regime's support of right-wing counter-terrorist groups. These harsh responses were infrequent, and they did not represent main-stream policy of the transitional regime.⁶⁷ Also, the state did not officially sanction any state-sponsorship for counter-terrorist activities. The purpose of the ETA in the post-Franco period remained the same: de-legitimize the regime, mobilize public support, and Basque independence. The ETA targeted six audiences: the Spanish public at-large with the aim of furthering polarization; the Basque public with the goal of eliciting nationalist sentiment; the Spanish military, which the ETA wanted to put at odds with the state; the Spanish state, which the ETA wanted to de-legitimize by eliciting repressive reactions; ETA members, with the aim of sustaining solidarity; and the Basque government, which the ETA viewed as traitorous, but ironically, wanted its support.⁶⁸

During this transition opinions about the institutional nature of the state wavered. With national focus on issues of regional autonomy versus independence, Spanish public opinion changed from 1977 with 45 percent supporting regional autonomy to 1979 with 56 percent in favor of autonomy. The Basque opinion in 1977 was 63 percent supporting autonomy and 16 percent supporting

independence, and in 1979 (with the constitution ratified), 20 percent supported independence and 54 percent favoring autonomy. Interestingly, the Spanish population's supportive opinion of autonomy increased, while Basque opinion reflected more polarization. Overall, in 1979, the Basque population did not reach consensus on its future regional status, but more importantly, the Spanish population rejected any move toward state repression or conciliation in response to ETA's violent activities. The Spanish people wanted rule of law to guide the regime's transition and CT policy. Interestingly, the Basque opinions were divided as reflected in the multiple parties (namely PNV, and *Euzkadiko Ezkerra* – EE) that represented the Basque region.⁶⁹ The EE represented most of the Basque Left, although there were many splits among the Left. The main issues that separated the Left from the PNV included the amount of Basque and Spanish party cooperation; the amount of territory that ought to be included in the Basque autonomous region (the extreme Left wanted to include, for example, the French Basque region); the relationship between the Basque autonomous region and the central government; and, finally, the degree of free market versus nationalization of industries.⁷⁰

Moreover, there were schisms within the leading party, the PNV, that reflected its desire to gain support among the diverse opinions of the Basques. Consequently, the PNV had an ambiguous platform that reflected its desire to strengthen its power within the state system but to also represent Basque nationalist sentiment. One PNV elite remarked that the party's goal was "to reunify the Basque provinces so that we can join our brothers in France."⁷¹ One Basque Socialist leader explained PNV's situation: The PNV "cannot dare to condemn the convent [ETA] because they are orthodox; it cannot renounce *posibilismo* because that is salvation. As a consequence, its ambiguity persists; ambiguity in its behavior, ambiguity in its words, and in its strategy It wants at one and the same time to be with the constitution and with ETA."⁷² The PNV Basque government did not publicly condemn ETA violence until 1985, which followed ETA violence against PNV officials.⁷³ Shabad and Ramo make an insightful observation, which is that moderate parties may manipulate extremist or violent terrorist groups to strengthen their own bargaining power with the state.⁷⁴ The Basque province itself was wracked with ambiguity and polarization. In 1983, one former Socialist leader remarked: "Something paradoxical has occurred in the Basque Country. In these moments, it is the corner of Spain that is most remote from democratic principles practiced in Europe It is the corner in which intolerance, fanaticism, and violence are most entrenched. They are the ones who represent the old Spaniard . . . the intolerant Spaniard, fanatic."⁷⁵

This transition period was very vulnerable to instability, and the ETA took advantage of this opportunity. Between 1960 and 1975, when Franco died, the ETA caused 43 deaths. During 1978, the year in which the constitution was approved, the ETA caused 65 deaths; in 1979, the total number rose to 78, and in 1980, the year of the first regional elections, the total reached 96. Also, the tran-

sition period saw the first killings of military officers as a result of Basque terrorist activities.⁷⁶ Remarkably, the transitional regime was not blamed for these acts because of the legitimizing steps it took during the democratization process. First, state-wide parties campaigned in the Basque and Catalan regions and four of them captured 51.4 percent of the Basque vote. Second, the government devolved power to the regions of Catalan and Basque. Linz and Stepan argue that by establishing state-wide elections before regional level elections, Spain defused the Basque nationalist fervor. Regional politicians were able to work with legitimate state-wide politicians, which strengthened their relationships. Moreover, this fostered multiple, regional, and state identities that were supportive of democracy.⁷⁷

The Spanish Regime's CT Policies

As previously mentioned, the Franco government's response to ETA was repression. For example, the Franco regime considered military crimes to include distribution of information designed to cause public disturbances, international conflict, or a loss of prestige for the state and its regime components. Persons accused were tried by a military tribunal. In 1969, of the 1,100 cases heard by military tribunals, 80 percent involved activities that would not have been crimes under a democratic system, such as distributing literature, participating in demonstrations, and other forms of political dissent. During the final years under Franco, protections guaranteed by the constitution were completely set aside as a State of Exception. Amnesty International reported the regime's use of torture as a way to obtain information and instill fear in the Basque population. Franco approached the ETA and Basque separatist challenge in a military manner, dividing Spain into military regions.⁷⁸

The post-Franco regime quickly abolished the tribunals, ensured all politically-related crimes came under civilian jurisdiction, and abolished almost all internal security policies created under Franco. In 1977, the parliament approved amnesty for political prisoners. However, because ETA's activities continued, the parliament approved an anti-terrorist law, which ironically did not stem ETA's violence. After a coup attempt in 1981, the state established the Law for the Defense of the Constitution. This law defined terrorism as an attack on the Spanish nation or an effort to create an independent region within the Spanish state. This law now included support for terrorist organizations, allowed for government censorship of the media, and resulted in fewer prison releases.⁷⁹

As an example, however, of a democratic state requiring the consent of its public for CT policy, the Interior Minister's plan, "Plan Zen," for further security in the Basque region was rejected by the Basque parliament in 1983; consequently, Madrid dropped it. But the Spanish state established the new Organic Law 8 in 1984, which gave increasingly more power to judges, allowing them to order detention, up to two and one-half years, without trial for suspected terrorists. Other powers included the banning of parties, shutting down media that

supported terrorism, and prosecuting elected officials who criticized the government and its symbols.⁸⁰ Since 1984, however, there have been modifications to this law stemming from political and social calls for protections of civil liberties.⁸¹

By 1987, the Spanish Parliament passed an antiterrorist pact that banned political contact between signatories of the pact and any organization that failed to condemn ETA. In 1988, the Basque Parliament approved a corresponding pact, as well. By 1989, ETA and the Spanish government began to engage in talks, but by 1990, there appeared to be only a stalemate status.⁸²

Spain has intentionally avoided militarizing the fight against ETA, and has, therefore, not committed its Army. Instead, the Ministry of the Interior directs the fight using the following forces: *Guardia Civil*, a para-military force, responsible for areas and towns of less than 20,000 in population; *Cuerpo Policia Nacional*, comprised of a Secret Police and a Uniformed Police, which acts as a paramilitary force; *Policia Municipal*, uniformed police responsible for cities over 20,000 in population; and, two operational police forces, the GEO, responsible for special CT operations, and GAR, the CT Civil Guard for rural areas. The Basque police force ensures public order within the Basque provinces and answer to Basque authorities.⁸³

As mentioned earlier, there have been reports that government support was extended to the “Anti Terrorist Liberation Group” (GAL), a right-wing, anti-ETA counter-terrorist group. This group conducted its activities in the mid-1980s and was responsible for 27 deaths. Most of their activities took place in southern France, with the goal of changing France’s policy of allowing sanctuary for ETA members. While the state never officially sanctioned GAL, its links to governmental officials, including members of the police, top officials in Spain’s CT units, and high officials within the Interior Ministry, resulted in prosecution and imprisonment. While the short-term effects of GAL’s actions disrupted ETA, the longer-term effects were detrimental to the government’s anti-terrorist policies because it could not achieve political consensus. In fact, Fernando Reineres and Oscar Jaime-Jimenez, conclude that, “Indeed, state-sponsored terrorism used to counter insurgent terrorism can be considered a major factor explaining why ETA has persisted beyond the democratic transition.”⁸⁴

Fernando Jimenez observes that among the strengths of Spain’s CT policy’s were the government’s and security forces’ resolve, adherence to the rule of law, granting of Basque autonomy, and ensuring that the CT security forces were dedicated, disciplined, and professional. He also lists some weaknesses: lack of a “centrally directed and coordinated intelligence organization”; weaknesses in intelligence resources, gaps in specialized training, and others.⁸⁵ While the fight against ETA continues, two key pillars of Spain’s CT policy has been its cooperation with France and its continued democratization. Both pillars bolstered Spain’s effectiveness and legitimacy and are detailed in the following sections.

COOPERATION: FRANCE AND SPAIN

Spain needed France's help to effectively protect Spanish society from terrorist attacks, but French cooperation did not come easily. Since 1927, French law protected asylum seekers. While this law favored human rights, it was vulnerable to exploitation by extremist groups who based their activities in France, but caused violence elsewhere. It was a law that was abused by the French government, which used the law for political effect, that is as a means to express opposition to a particular government or to make political statements. Refusal of extradition requests were based on and abused for the same reasons. The history of French politics has influenced the way the French view terrorism. The French Revolution was born from it, and through the years French leaders, citizens, and institutions have engaged in terrorism. There is an ambivalence in French counter-terrorist policies that reflects the French experience. President Giscard D'Estaing's statement in 1980 reflects this ambivalence: on the one hand he stated, "France must and will remain a land of the asylum," and on the other "France will not allow its soil to become a base for foreigners seeking to organize violent actions here."⁸⁶

The most serious case of France's lenient attitude toward such groups was its relationship with the ETA. France opposed the Franco regime, and consequently, allowed the ETA freedom of movement within France.⁸⁷ Two events in 1973 influenced French policy. First, the emergence of ETA's French counterpart, *Iparretarak*, and second, ETA's assassination of the Spanish prime minister. The French counterpart of ETA was *Iparretarak*, which formed in 1973. Its goal was also Basque independence. Violence erupted when *Iparretarak* conflicted with ETA, and ETA struck a deal with the French police in 1981. In return for French toleration, ETA promised not to commit violence on French soil. As a result, *Iparretarak* lost legitimacy in its struggle for Basque independence, and by 1988, *Iparretarak* was defunct.⁸⁸ In the latter case, the perpetrators fled to France and held a press conference claiming responsibility. France arrested the assassins in 1974, renounced ETA as an organization and banned separatist groups. However, it was not until Franco's death in 1975, that France made more deliberate efforts against ETA activity on its soil.⁸⁹

In 1976, France placed harsher restrictions on attaining work and residential status and work permits. France conducted searches without warrants, surveillance, and harassment of ETA members, and in 1977, France began a policy of preventive detention. In January of that year, France sent seven Spanish Basques to Spain. Still France refused extradition of any ETA members. By the end of the decade, however, France was experiencing its own Basque separatist problem with unofficial Spanish anti-Basque activities causing much violence in France. France learned that providing sanctuary to terrorists was dangerous.⁹⁰ Moreover, it was becoming politically difficult to justify sanctuary. In June 1978, French President Valéry Giscard d'Estaing admitted that the democratiza-

tion of Spain required France to reevaluate its policy concerning Spanish exiles. They no longer could be viewed as political refugees, and therefore, would not receive special privileges.⁹¹

However, France still clung to the view that terrorists were freedom fighters. In 1981, a French court ruled in favor of Tomas Linaza's extradition who was wanted in Spain for murdering six civil guards. However the political authorities overturned the court's decision when Gaston Defferre, the interior minister, ruled against extradition of any ETA members and compared their activities to the French resistance.⁹² Nevertheless, during the 1980s public opinion concerning France's toleration of extremism changed. The election of a Socialist President for the first time in the Fifth Republic in 1981 and again, in 1988, with a socialist majority in parliament from 1981-86, reflected a shift of allegiances that moved from the extreme to the center. However, the government of 1981 still took a firm position concerning extradition toward the ETA and Spain continued to insist that France change its asylum and extradition policies.⁹³

In 1982, the French government reviewed its extradition and asylum policies, and by 1984, there was a change, especially when France realized that it would be blamed if Spain's transitional democracy failed. Also, Spain had a policy of reconciliation, not retribution toward ETA members living in France. As a result, France and Spain signed an anti-terrorist cooperation agreement, with Gaston Defferre claiming that "A terrorist is not a political refugee."⁹⁴ This agreement, which began France's cooperation over extradition requests and asylum denials with respect to the Basque situation, had far-reaching consequences for other groups. France was no longer the guarantor of sanctuary.⁹⁵ The French began expelling Basque refugees in 1986, and in November they conducted a raid on a factory in Hendaye, France, which they believed to be a cover for ETA's headquarters. The French raid uncovered valuable organizational and operational intelligence on ETA and more arrests resulted.⁹⁶

Subsequently, France recognized the need to cooperate with other states and regional organizations to better address terrorism. It agreed to ratify the European Convention on Suppression of Terrorism, and it broadened its cooperative efforts with other European countries. In May 1987, France hosted an EC/Summit Seven conference of interior and justice ministers, where its interior minister claimed "a willingness to take all the measures necessary" to better international cooperation against terrorism.⁹⁷ In fact, since 1987, France has been handing over ETA members to the Spanish authorities without extradition requests.⁹⁸

Democratic Transition and the Development of Political Culture

Spain had some facilitating conditions that helped it through its transition to democracy. First, its cultural, economic, and social institutions resembled those of Europe. Spain's economy was doing well, ranked 10th among capital-

ist countries, world-wide. Although its economy weakened during the transition, it did not adversely affect the people's support of the political regime. Civil society was in place, and Spain had established rule of law. The international environment played a role as well. Adolfo Suarez had submitted Spain's request for EEC membership in 1977, and he received full backing from the parliament. Although Spain did not become a member of the EEC until 1986, the membership incentives enhanced Spain's democratic transition and subsequent consolidation. The EEC lent credibility to democracy, and its members were very supportive of Spain's democratization.⁹⁹

Given this situation, Spain successfully transitioned. Juan Linz and Alfred Stepan give a great deal of credit to the leadership of Suarez as a critical factor in Spain's democratization. Suarez convinced the Cortes (legislature) to sanction new elections, which ultimately meant that its members would be voted out of office. Consequently, the Cortes passed the Law for Political Reform and the people, through a referendum, approved it on 15 December 1978. Suarez exploited this opportunity to make in-roads with opposition party members, and he began the process of creating an inclusive political regime. Political reform was the first step; economic reform would follow. According to Suarez, "As long as political unknowns [incognitas] hang over the country, there cannot be either economic reactivation or stability."¹⁰⁰

Robert Hislop described the impact of Suarez's inclusive steps during the transition: "When minority elites are invited into the political process and regularly interact with elites from the dominant group, common norms and values can be discovered, friendships forged, and hostile stereotypes dispelled Inclusion, voice, and routinized patterns of interaction give minority groups a sense of having a stake in the system."¹⁰¹ The political leadership was determined to undo Franco's harsh cultural hegemonic policies. To reflect this goal, it invited moderate Basque and Catalan representatives to serve on the initial committee that guided the transition immediately following Franco's death. Moreover, the 1978 constitution recognized Spain as a multi-cultural entity and authorized the devolution of power to regional governments. Suarez, however, excluded the Basque representatives from the constitutional negotiations, and the Basques nationalists called for "no" votes or abstentions during the ratification process. Suarez did not make the same mistake in 1979; he wanted consensus on the autonomy statute. He gained support from the head of the PNV through private meetings. By 1985, electoral imperatives caused a coalition between the PNV and the PSOE (Spanish Socialist Party). The PNV, as a result of this coalition, publicly and strongly supported the constitution and denounced terrorism. The Basque Left (EE) also publicly supported the state and renounced terrorism. Only the Herri Batasuna (HB) remained steadfast in its commitment to Basque independence and support of terrorism. Consequently, the PNV and EE elites were integrated into the political system, while HB and ETA were increasingly isolated.¹⁰²

Unfortunately, the Spanish government had not been able to completely eradicate the ETA's terrorism, but due to Spain's political legitimacy, the ETA did not threaten the regime. The attitudes of the Basques toward the ETA have changed over time. In 1979, 5 percent viewed the members of ETA as criminals and 17.1 percent viewed them as patriots; in 1989, 16 percent considered them criminals, and 5 percent saw them as patriots. Other surveys indicate that 8 percent fully supported the ETA in 1981, but in 1989 that figure dropped to 3 percent. Finally, in 1981, 23 percent totally rejected the ETA and 48 percent responded with "don't know, no answer" and in 1989, 45 percent totally rejected the ETA, while 16 percent responded with "don't know, no answer." Even among the party respondents, surveys reflect a diminished support for the ETA. Responses concerning ETA members as patriots from voters of the main nationalist party, PNV, reflect a drop of 40 percent in 1981 to 16 percent in 1989. A similar drop occurs among voters of the Herri Batasuna party.¹⁰³ A 1986 survey asked respondents to agree or disagree with the following statement: "That Violence is not Necessary to Achieve Political Goals . . ." Only the most radical Basque Party disagreed with 12 percent. Spain's political parties, including the PNV and EE, overwhelmingly either very much agreed or somewhat agreed. Even the response, "somewhat disagree" occurred in the single digit percentages, except for HB, which had a 28 percent response.¹⁰⁴ The ETA's violent activities did not have widespread support; it failed politically.

Moreover, 10 years after Franco's death, people responded positively to the democratic regime. Seventy-six percent of the population expressed pride in the regime, and only 9 percent responded negatively. Additionally, public opinion felt strongly about the regime through the 1980s. Eighty-one percent agreed to the statement: "Democracy is the Best Political System for a Country Like Ours."¹⁰⁵ In a 1986 survey, 8 out of 10 Basques rejected violence and had positive sentiment for Spain's democratic system.¹⁰⁶

Howard Wiarda concludes that Spain has become more "Europeanized." He claims that attitudes reflecting less affiliation with the Catholic Church, strong support for democracy, more emphasis on merit than family or personal ties as a means of social mobility, consumerism and materialism, changing gender roles, and finally political moderation and apathy describe a shift toward a civic culture. He hastens to add that Spain has not fully Europeanized, but it has made great strides.¹⁰⁷

Analysis

An analysis of the Basque case highlights the challenge terrorism poses to transitioning democracies. The ETA increased its activities during the transition, with the goal of taking advantage of a vulnerable regime. It was a legitimate organization during the Franco years of repression. However, institutional steps taken during the transition bolstered the regime's legitimacy vis-à-vis the ETA.

As the previous section demonstrated, however, the transition was not a smooth process. Violence increased, and there was significant Basque nationalist sentiment. Suarez's inclusive regime-building strategy and the multi-party structure allowed for divergent views to be heard within the political system. Basque leaders, parties, and people began to have a stake in the democratic system. The autonomy statute sent a strong signal that cultural diversity was sanctioned by the state. Regional governments derived legitimacy not only from the regional, political community, but also from the state through the autonomy statute. Moreover, as Linz and Stepan argue, the transition sequence, namely having state-wide elections prior to regional elections, de-legitimized the ETA and fostered the Basques' acceptance of multiple identities – Basque and Spanish.¹⁰⁸ The regime, through institutions, was able to elicit loyalties at the state and regional levels, thus fostering a state and regional, political community.

It was not just the institutions that played a role, but the attitudes of the Spanish and Basque populations were instrumental as well. The Spanish population did not support repressive measures against the Basque, even during the tense transitional period. Regime restraint bolstered its legitimacy. As the transition continued through the consolidation phase, there was a noticeable decline of support by both Basques and Spaniards in general for the ETA and its violent tactics. These sentiments reflect more tolerance, trust, and consensus among the population. The parties reflected diverse views that were integrated into the political system. Additionally, there was a state-wide referendum on the constitution. The people, in my view, felt that politically they made a difference. There were still cleavages, but as Almond, Verba, and Diamond observed, civic cultures have some polarization.

Not only did the transitioning regime recognize and address real grievances among the Basques, it also recognized the importance of eliciting public consensus for its CT policies. Spain used the rule of law as a guide, and when necessary introduced anti-terror laws that enhanced the state's CT effectiveness. Spain demonstrated resolve vis-à-vis ETA's violence, while adhering to democratic principles, even when the ETA's violence peaked. When Spain wavered or appeared to waver from rule of law, i.e. the GAL, it paid a price in terms of its legitimacy, and unfortunately, may have bolstered the ETA's legitimacy. Moreover, Spain's array of forces and the deliberate non-use of military forces allowed for a myriad of options, within a legal paradigm as opposed to a war paradigm. Finally, Spain could only effectively address the transnational threat of ETA through cooperation with France.

What does this case reveal about terrorism? It is a dangerous phenomenon during a regime's transition period. However, Spain, through its democratizing efforts, was able to contain the effects of ETA's violent activities. In short, Spain won the fight over legitimacy because the population developed allegiance to the regime, not to the ETA. This case shows that terrorism must be viewed in a polit-

ical context. The ETA presented no threat to the regime, even while violent acts increased, because it never established legitimacy among the people. Should terrorism be considered in only a democratic context? In other words, was the ETA a freedom-fighting or a terrorist organization during the Franco regime? The ETA had more legitimacy during the Franco years when the regime offered no alternatives for political expression. Perhaps, over time, the ETA might have won the legitimacy fight over Franco. I am hesitant, however, to define terrorism in only a democratic context as Philip Heymann does. If we include a democratic context as part of the definition, then it is important to further define democracy in terms of a developed civic culture. Other interesting questions include: should terrorism be viewed as a crime or an act of war. Or perhaps there's a spectrum between crime and war?¹⁰⁹ Spain's use of specialized forces and the balance it struck between civil liberties and security, may be an example of a third paradigm short of war. When should terrorism be viewed as a crime, war, or something else? The answer, I believe, is found in the earlier mentioned principles of CT, namely that it must be viewed in context, defined, and countered in a case-by-case manner. For Spain, it was able to contain and marginalize the ETA. If, however, the ETA evoked sufficient support among the population to de-legitimize the Spanish regime, then Spain may have re-evaluated the threat and declared war.

Larry Diamond claimed that liberal democracies must be able to protect their societies from political terror. France realized that it could no longer isolate itself from international terrorism; terror had come to its borders. Both Spain and France required each other's cooperation. The French elite's and people's view toward justice as it relates to terrorism changed and were reflected in the new asylum and extradition laws that Spain requested. In fact, France has always had to wrestle with its competing views of terrorism, but it had to converge with Spain's view in order to cooperate effectively. France felt pressured to work with a democratizing Spain. Shabad and Ramo claimed that the establishment of the Spanish constitution in 1978, the statutory recognition of the Basque autonomous region, and Spain's entry into the EC, contributed to France's stricter policies against the ETA.¹¹⁰ France certainly did not want responsibility for Spanish democratic failure because of its refusal to extradite ETA members, while offering them sanctuary. When Spain took a conciliatory policy concerning reconciliation towards ETA members, France could not justify its non-extradition and lenient asylum laws. Moreover, the government was responsive to the people's changed attitudes as reflected in the elections. Consequently, France made some institutional changes through its asylum and extradition laws, and it has continued to cooperate in different forums.

While Spain's political culture made much greater shifts toward the establishment of a civic culture, France, as a mature democracy, also experienced shifts in attitudes. However, French political culture is difficult to assess. It does not have consensus on many issues, as reflected by its several regime changes.

Consequently, its counter-terrorist policies seem ambivalent. Nevertheless, increased cooperation with Spain and other countries, especially with fellow EU members who now increasingly coordinate their efforts through such organizations as EUROPOL, may serve to further influence France's political culture and vice versa. As countries increasingly face transnational threats, domestic and foreign policies will necessarily blur. Cooperation among states will be an imperative for security, and values such as justice and civil liberties may collectively be examined as each country must strike the right balance between securing its populations while maintaining freedoms.

CONCLUSION

The importance of this case underscores the importance of analyzing terrorism in a strategic and political context. Spain was able to address the concerns of the Basques politically through its inclusive democratization efforts. Additionally, the regime built the foundations for a civic culture as described by Diamond, Almond, and Verba. As a result of its legitimacy, Spain was able to marginalize ETA and treat it more like a criminal organization than a wartime adversary. And with France's cooperation, Spain effectively protected its society. France, also, bolstered its liberal democracy by more effectively protecting its society through cooperation. It also changed its views on justice concerning terrorism. We do not yet know what effects EUROPOL will have on Europe, but the case of the Basques reveal some convergence of political cultures.

This case also sheds light on how policy makers and academics ought to define and/or categorize terrorism. Again, qualifying the term requires analysts to view it in a political and strategic context. At the heart of this context are the concepts of political community, political culture, and legitimacy. It is the fight for legitimacy that characterizes terrorism in this case. If we are to maintain our liberal democratic regimes and way of life, it is imperative that we understand how cooperation with other states influences the very soul of our democracy and society. Moreover, as we learn more about the transnational nature of terrorism, it is evident that only inter-state cooperation will successfully face this challenge. Peter Grier recently called Osama bin Laden's terrorist network a "virtual country – the Republic of Jihadistan." He also cited a CIA report that describes the latest trend in modern terrorism: "the trend towards more diverse, free-wheeling transnational terrorist networks [will lead] to the formation of an international terrorist coalition with diverse anti-Western objectives and access to Weapons of Mass Destruction."¹¹

As the United States examines its national security structures, including now a Homeland Defense Department, it is paramount to learn from our European allies and not lose sight of what the terrorist targets – our legitimacy. Liberal democracy is not just a normative concern, it is a security imperative in today's transnational security environment.

Endnotes

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1. Peter Chalk offers some examples of liberal democracies that have attempted policies that did not elicit consensus from their populations. The United Kingdom, in 1971 and 1975, tried to establish confinement without trial in Northern Ireland, which resulted in both domestic and international uproar; the UK had to revise its policy. Italy also had to revise its "crime by association" policy in the early 1980s due to public reaction to this infringement on rights. These examples are found in Peter Chalk, *Western European Terrorism and Counter-Terrorism: The Evolving Dynamic* (New York: St. Martin's, 1996), pp. 102-03.
2. Bruce Hoffman, "Is Europe Soft on Terrorism," *Foreign Policy* (Summer 1999), pp. 7 and 8.
3. The mission of EUROPOL is: "Europol is the European Union law enforcement organisation that handles criminal intelligence. Its aim is to improve the effectiveness and co operation between the competent authorities of the Member States in preventing and combating serious international organised crime. The mission of Europol is to make a significant contribution to the European Union's law enforcement action against organised crime, with an emphasis on targeting criminal organisations." See *European Law Enforcement Cooperation*, downloaded on 26 December 2002: <http://www.europol.eu.int>.
4. Increased terrorist-induced violence has caused the UK, Germany, France, Spain and Italy to adopt more restrictive measures in their anti-terrorist legislation. Their societies have acknowledged this legislation as a "necessary evil." States that have had less experience with terrorist incidents, such as Switzerland, Austria, Luxembourg, and the Netherlands, have refused anti-terror legislation. See Chalk, *Western European Terrorism*, pp. 99-102.
5. The discussion on globalism and globalization is found in James Rosenau, "The Complexities and Contradictions of Globalization," in Daniel J. Kaufman, Jay Parker, and Kimberly C. Field, eds., *Understanding International Relations* (New York: McGraw-Hill, 1999), pp. 756-58; the quote and the idea of the predominance of globalization are found on pp. 758-59.
6. "Seeking a National Strategy: A Concert for Preserving Security and Promoting Freedom," The US Commission on National Security/21st Century" (15 April 2000), p. 5.
7. Ian Lesser, "Countering the New Terrorism: Implications for Strategy," in Ian Lesser, Bruce Hoffman, John Arquilla, Michele Zanini, and David Ronfeldt, eds., *Countering the New Terrorism* (Santa Monica, CA: Rand, 1999), p. 99.
8. Bruce Hoffman, "Low-intensity Conflict: Terrorism and Guerilla Warfare in the Coming Decades," in Lance Howard, ed., *Terrorism: Roots, Impact, Responses* (New York: Praeger, 1992), p. 139.
9. "A National Security Strategy For A New Century," The White House, December 1999, p. 2.
10. Michael Brown, "Introduction," Michael E. Brown, ed., *The International Dimensions of Internal Conflict* (Cambridge, MA: The MIT Press, 1996), p. 3.
11. For a comprehensive discussion of a security framework that includes a security environment consisting of opportunities, threats, vulnerabilities, and challenges, see Richmond Lloyd, "Strategy and Force Planning Framework," *Strategy and Force Planning*, 3rd ed., Strategy and Force Planning Faculty (Newport, RI: Naval War College, 2000), pp. 1-17.
12. Robert Cooper, "Integration and Disintegration," *Journal of Democracy* 10, no. 1 (1999), pp. 3-4.
13. Quoted in Donald J. Hanle, *Terrorism: The Newest Face of Warfare* (Washington, DC: Pergamon-Brassey's, 1989), p. 104.

14. *Ibid.*, p. 105.
15. Quoted in Philip B. Heymann, *Terrorism and America: A Commonsense Strategy for a Democratic Society* (Cambridge, MA: The MIT Press, 1998), p. 3.
16. *Ibid.*, p. 6.
17. *Ibid.*, p. 9. For further discussion on the questions proposed, see *ibid.*, pp. 7-9.
18. Paul Wilkinson also views terrorism as a means to a political end: “. . . the systematic and pre-meditated use of violence to create a climate of fear for political purposes. Second, it is violence directed at a wider audience – a wider target – than the immediate victim of the violence. Third, as a consequence of this wider targeting, it inevitably involves random and symbolic targets that include civilians. Fourth, it involves extra-normal means in quite a literal sense, which is to say, a deliberate violation of the norms of society regarding conflicts and disputes and political behavior to create the impact of fear and the exploitation of that fear for the terrorists’ ends.” See Paul Wilkinson, “Freedom and Terrorism,” in Howard, ed., *Terrorism*, p. 156. For Peter Chalk, terrorism’s aim is to upset the societal status quo. Its destructive acts are designed to attain “. . . the long-term objective of gradually removing the structural supports which ultimately give society its strength.” See Chalk, *West European Terrorism*, p. 95. Cindy Combs describes terrorism as a “synthesis of war and theatre, a dramatization of the most proscribed kind of violence – that which is perpetrated on innocent victims – played before an audience in the hope of creating a mood of fear, for political purposes.” See Cindy Combs, *Terrorism in the 21st Century* (Upper Saddle River, NJ: Prentice Hall, 1997), p. 8. Bajhlit Singh sums up terrorism as a “threat or use of symbolic violent acts aimed at influencing political behavior.” See Baljit Singh, “An Overview,” in Yonah Alexander and Seymour Maxwell Finger, eds., *Terrorism: An Interdisciplinary Perspective* (New York: John Jay Press, 1977), p. 7.
19. For a comprehensive analysis of terrorism in context, see Martha Crenshaw, ed., *Terrorism in Context* (University Park, PA: Pennsylvania State University Press, 1995).
20. Don Chull Shin, “Democratization: The Third Wave,” *World Politics* 47 (October 1994), pp. 137 and 143-46.
21. Guillermo O’Donnell and Philippe C. Schmitter, *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies* (Baltimore, MD: Johns Hopkins University Press, 1986), p. 70.
22. Francis Fukuyama, “The Primacy of Culture,” *Journal of Democracy* 6, no. 1 (1995), p. 14.
23. Russell Bova, “Democracy and Liberty: The Cultural Connection,” *Journal of Democracy* 8, no. 1 (1997), pp. 112-13, 124.
24. Larry Diamond, “The Global State of Democracy,” *Current History* 99, no. 641 (December 2000), pp. 414-15.
25. Samuel P. Huntington, “After Twenty Years: The Future of the Third Wave,” *Journal of Democracy* 8, no. 4 (October 1997), pp. 11-12.
26. Max Weber, “Politics As A Vocation,” in H.H. Gerth and C. Wright Mills, eds., *From Max Weber: Essays in Sociology* (New York: Oxford University Press, 1946), p. 78. Note that the citations from Weber, Dahrendorf, Norton, Gurr and McClelland, Easton, and Hudson are found in Cindy R. Jebb, *Ethnicity, Legitimacy, and State Alignment in the International System: Bridging the Comparative and International Relations Fields* (Ann Arbor, MI: UMI Dissertation Services, 1997), pp. 72-76.
27. Ralf Dahrendorf, “On the Governability of Democracies,” in Roy C. Macridis and Bernard Brown, eds., *Comparative Politics: Notes and Readings* (Fort Worth, TX: Harcourt Brace College Publishers, 1996), p. 332.
28. *Ibid.*, p. 333.
29. *Ibid.*, p. 340.

30. Augustus Richard Norton, "The Security Legacy of the 1980s in the Third World," in Thomas G. Weiss and Meryl A. Kessler, eds., *Third World Security in the Post-Cold War Era* (Boulder, CO: Lynne Reinner, 1991), p. 20.
31. Timothy J. Lomperis, *From People's War to People's Rule: Insurgency, Intervention, and the Lessons of Vietnam* (Chapel Hill, NC: The University of North Carolina Press, 1996), p. 32.
32. Ted Robert Gurr and Muriel McClelland, "Political Performance: A Twelve Nation Study," in Harry Eckstein and Ted Robert Gurr, eds., *Comparative Politics Series 2*, no. 01-018 (Beverly Hills, CA: Sage, 1971), p. 30.
33. Pierre Manent observes that "Today's popular term 'identity' is a terribly impoverished substitute for the older term 'community.'" See Pierre Manent, "Democracy Without Nations?" *Journal of Democracy* 8, no. 2 (April 1997), p. 97.
34. David Easton, "The Analysis of Political Systems," in Roy C. Macridis and Bernard Brown, eds., *Comparative Politics: Notes and Readings* (Fort Worth, TX: Brooks/Cole Publishing Company, 1996), p. 32.
35. Michael C. Hudson, *Arab Politics: The Search For Legitimacy* (New Haven, CT: Yale University Press, 1977), pp. 389-90.
36. *Ibid.*, p. 4.
37. Philip Norton, *The British Polity*, 2nd. ed. (New York: Longman, 1991), pp. 32-35. Norton uses Robert A. Dahl's work from *Political Oppositions in Western Democracies* (New Haven, CT: Yale University Press, 1966), pp. 353-55, which studies opposition groups and sheds insights on various political cultures.
38. Gabriel A. Almond and Sidney Verba, *The Civic Culture: Political Attitudes and Democracy in Five Nations* (Princeton, NJ: Princeton University Press, 1963), pp. 492-93.
39. Almond and Verba make the point that the sense of trust is extended to the political elite in Almond and Verba, *Civic Culture*, p. 490. See Almond and Verba, *Civic Culture*, pp. 473-505 for their concluding thoughts on civic culture.
40. Grant Wardlaw, "The Democratic Framework," in David A. Charters, ed., *The Deadly Sin of Terrorism: Its Effect on Democracy and Civil Liberty in Six Countries* (Westport, CT: Greenwood Press, 1994), p. 6.
41. David A. Charters, "Conclusion," in Charters, *Deadly Sin*, p. 225.
42. *Ibid.*, p. 224.
43. Wardlaw, "Democratic Framework," pp. 5-6.
44. *Ibid.*, p. 8.
45. Chalk, *Western European Terrorism*, p. 102.
46. *Ibid.*, p. 105.
47. *Ibid.*, p. 108.
48. *Ibid.*, pp. 110-11.
49. Wardlaw, "Democratic Framework," p. 8.
50. Lesser, "Countering," p. 127.
51. *Ibid.*, p. 128.
52. Wardlaw, "Democratic Framework," p. 9.
53. *Ibid.*
54. Bruce Hoffman and Jennifer Morrison-Taw, "A Strategic Framework for Countering Terrorism," in Fernando Reinares, ed., *European Democracies Against Terrorism: Government Policies and Intergovernmental Cooperation* (Dartmouth, UK: Dartmouth Publishing, 2000), pp. 17-18.

55. Philippe B. Heymann, *Terrorism and America: A Commonsense Strategy for a Democratic Society* (Cambridge, MA: MIT Press, 1998), p. 156.
56. I am using Juan J. Linz and Alfred Stepan's definition of a transition that occurs when the democratization process produces a legitimately recognized elected government. In Spain's case, the transition took place between 1975 and 1977. The consolidation phase occurs when the democratization process is marked by behavioral, attitudinal, and constitutional changes: behaviorally, there are no significant challenges to the regime; attitudinally there is consensus concerning the regime's legitimacy; and constitutionally, conflicts are resolved within the rule of law. Linz and Stepan believe that the consolidation phase ended after the 1982 elections. I extended the timeframe of the case to 1992 when Spain became a member in the EEC. The definitions are from Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore, MD: The Johns Hopkins University Press, 1996), pp. 3 and 6; the timeframes are found on pp. 99 and 108.
57. *Ibid.*, pp. 87-88.
58. Howard J. Wiarda, "Spain 2000: A Normal Country?" *Mediterranean Quarterly: A Journal of Global Issues* 11, no 3 (Summer 2000), p. 39.
59. *Ibid.*, pp. 31-32 and 33-35. The characterization of the regime is from Kenneth Maxwell and Steven Spiegel, *The New Spain: From Isolation to Influence* (New York: Council on Foreign Relations, 1994), p. 5.
60. Wiarda, "Spain 2000," pp. 53-54.
61. Robert P. Clark, *The Basque Insurgents: ETA, 1952-1980* (Madison, WI: University of Wisconsin Press, 1984), p. 18.
62. Goldie Shabad and Francisco Jose Llera Ramo, "Political Violence in a Democratic State: Basque Terrorism in Spain," in Crenshaw, ed., *Terrorism in Context*, p. 419. The quote is found in Shabad and Ramo, "Political Violence," p. 419 who cite Robert P. Clark, "Language and Politics in Spain's Basque Provinces," *Western European Politics* 4 (January 1981), p. 93.
63. Shabad and Ramo, "Political Violence," pp. 419-20 and 411.
64. *Ibid.*, pp. 443-45.
65. Chalk, *Western European Terrorism*, p. 55.
66. Linz and Stepan, *Democratic Transition*, p. 107.
67. The effectiveness of the regime to deal with the ETA in a restrained manner will be evident throughout the discussion of this case.
68. Shabad and Ramo, "Political Violence," pp. 445-46.
69. *Ibid.*, pp. 448-51.
70. Clark, *Basque Insurgents*, pp. 95-96.
71. Quoted in Shabad and Ramo, "Political Violence," p. 453.
72. *Ibid.*, p. 460.
73. *Ibid.*, p. 461.
74. *Ibid.*, p. 466.
75. *Ibid.*, p. 461. This is an interesting point, which shows what happens when primordialism becomes the driving force of an ethnic identity. Juan Linz observes shifting identities and discusses how members of an ethnic group self-identify. If an ethnic group wants to form a political community with some form of self-government, then the basis of an ethnic group moves from a primordial to a territorial definition of the political community. He concludes that "Only a full acceptance of a nonexclusivist conception of the nation, a commitment to a dual national identity like that of over one-third of the population of the Basque country, and a larger proportion of the Catalans, together with respect for the cultural identity of the two communities

- and common citizenship for all those living in the territory, is compatible with the freedom of democracy." See Juan Linz, "From Primordialism to Nationalism," in Edward A. Tiryakian and Ronald Rogowski, eds., *New Nationalisms of the Developed West: Toward Explanation* (Boston, MA: Allen and Unwin, 1985), p. 205; and the quote is found on pp. 249-50. And Donald Horowitz observes that the economically advanced Basque region tempers secessionist goals. He comments that "Noting that Basque industry has always thought in terms of the broader Spanish economy, Stanley Payne has opined that Basque separatism is 'shrill and fanatical' partly 'because of its minority position' in the Basque country." See Donald Horowitz, *Ethnic Groups in Conflict* (Berkeley, CA: University of California Press), p. 252.
76. Linz and Stepan, *Democratic Transition*, p. 99.
 77. *Ibid.*, pp. 101-02.
 78. Cynthia L. Irvin, *Militant Nationalism: Between Movement and Party in Ireland and the Basque Country* (Minneapolis, MN: University of Minnesota Press, 1999), pp. 149 and 194-95.
 79. *Ibid.*, pp. 195-96.
 80. *Ibid.*, pp. 197-98.
 81. Fernando Jimenez, "Spain: The Terrorist Challenge and the Government's Response," in Alex P. Schmid and Ronald D. Crelinsten, eds., *Western Responses to Terrorism* (London: Frank Cass, 1993), p. 117
 82. Irvin, *Militant Nationalism*, pp. 198-99.
 83. Jimenez, "Spain," pp. 125-26.
 84. For the discussion and quote on GAL, see Fernando Reinares and Oscar Jaime-Jimenez, Countering Terrorism in a New Democracy: the Case of Spain," in Fernando Reineres, ed., *European Democracies Against Terrorism: Governmental policies and intergovernmental cooperation* (Dartmouth, UK: Dartmouth Publishing, 2000), pp. 136-37. Also, see "Basque Fatherland and Liberty (ETA)," *Terrorism: Questions and Answers, Council on Foreign Relations*; downloaded 26 December 2002 at <http://www.terrorismanswers.com>, and Cascon SPB: Spain-Basque 1968; downloaded 26 December 2002 at <http://web.mit.edu/cascon/cases>; and Shabad and Ramo, "Political Violence," p. 447.
 85. Fernando Jimenez, "Spain: The Terrorist Challenge and the Government's Response," in Schmid and Crelinsten, eds., *Western Responses to Terrorism*, p. 125.
 86. Quoted in Michael M. Harrison, "France and International Terrorism: Problem and Response," in Charters, ed., *Deadly Sin*, pp. 103 and 113. Bruce Hoffman notes that the term "terrorism was first popularized during the French Revolution . . . at that time terrorism had a decidedly positive connotation," in Bruce Hoffman, *Inside Terrorism* (New York: Columbia University Press, 1998), p. 15. Martha Crenshaw describes the French involvement in Algeria and specifically recounts the formation of the *Organisation de l'Armée Secrète* (OAS), comprised of former French paratroopers and military leadership in March Crenshaw, "Terrorism in the Algerian War," in Martha Crenshaw, ed., *Terrorism in Context* (University Park, PA: University of Pennsylvania Press, 2001), pp. 474 and 500. Malcolm Anderson refers to several instances of French non-cooperation concerning terrorist issues in "Counterterrorism as an Objective of European Police Cooperation," in Fernando Reinares, ed., *European Democracies Against Terrorism: Governmental policies and intergovernmental cooperation* (Burlington, VT: Ashgate, 2000), pp. 233-34.
 87. *Ibid.*, p. 123.
 88. Michel Wieviorka, "French Politics and Strategy on Terrorism," Barry Rubin, ed., pp. 63-64. The discussion on the two events are from Harrison, p. 123. Michael Harrison claims that *Ipparetarak* was active as late as 1992 in Harrison, "France," p. 104.
 89. The discussion of the assassination is from Harrison, "France," p. 123. The banishment of separatist groups is from Shabad and Ramo, "Political Violence," p. 444.
 90. Harrison, "France," pp. 123-24; and Shabad and Ramo, "Political Violence," p. 444.

91. Clark, *The Basque Insurgents*, p. 217.
92. Harrison, "France," p. 124.
93. Wieviorka, "French Politics," pp. 72-73.
94. Harrison, "France," pp. 124-25. The quotation is found in *ibid.*, p. 125.
95. *Ibid.*, p. 125.
96. Irvin, *Militant Nationalism*, p. 198.
97. *Ibid.*, pp. 124-25.
98. Jiminez, "Spain," p. 118.
99. *Ibid.*, pp. 112-13.
100. Quoted in Linz and Stepan, *Democratic Transition*, p. 95. See pp. 91-96 for a fuller discussion on Suarez.
101. Robert Hislop, "Ethnic Conflict and the 'Generosity Moment'," *Journal of Democracy* 9, no. 1 (1998), pp. 141-42.
102. *Ibid.*, pp. 143-45.
103. *Ibid.*, pp. 105-06.
104. Francisco J. Llera, "Conflicto en Euskadi Revisited," in *Politics, Society, and Democracy: The Case of Spain* (Boulder, CO: Westview, 1993), p. 191.
105. Linz and Stepan, *Democratic Transition*, pp. 108-09.
106. Llera, "Conflicto," p. 191.
107. Howard J. Wiarda, *Iberia and Latin America: New Democracies, New Policies, and New Models* (Lanham, MD: Rowman and Littlefield, 1996), pp. 57-60.
108. Linz and Stepan, *Democratic Transition*, pp. 105-06.
109. For further exploration of a third paradigm, see Ami Pedahzur and Magnus Ranstorp, "A Tertiary Model for Countering Terrorism in Liberal Democracies: The Case of Israel," *Terrorism and Political Violence* 13, no. 2 (Summer 2001), pp. 1-26.
110. Shabad and Ramo, "Political Violence," pp. 443-44.
111. Peter Grier, "A Terrorist Version of NATO?" *Christian Science Monitor* (16 February 2001), pp. 1-2, downloaded on 16 Feb 2001: <http://ebird.dtic.mil/Feb2001/e20010216terrorist.htm>.