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***Exceptional measures in the international context: their impact on human rights and fundamental freedoms***

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For this presentation I will pose and answer seven questions.

**1) Where do human rights and fundamental freedoms come from?**

These have not always been with us! Nor are they granted to us by the state.

They have all been won in struggle – revolutionary struggle, usually violent struggle.

The first generation – civil and political rights – freedom of expression, personal liberty and security, right to enjoy property without arbitrary expropriation – were key outcomes of the English, French and American revolutions

The second generation – social and economic rights – were a direct result of the Russian revolution, which was answered in the West by creation of the International Labour Organisation in 1919

Very important here in the Basque Country – the key right of the third generation – the right of peoples to self-determination – won in the de-colonisation struggles of the 20<sup>th</sup> century

**2) Has there ever been non-violent revolutionary struggle?**

The first use of the word “terror” in the sense in which it was now used was the Reign of Terror of the French Revolution in 1793-4, although the English revolution culminated in the execution of the King in 1649.

The American Revolution was in fact waged by the Americans using guerrilla tactics and was not exactly peaceful.

The Russian revolution would not have survived without the Red Terror of 1918 to 1922 – see Trotsky’s “Their Morals and Ours”, now republished with an excellent introduction by Slavoj iek (who has done the same with Robespierre)

Ireland would not have won independence without Michael Collins’ extermination one by one of the entire British secret service in Dublin – see Neil Jordan’s film with Liam Neeson and Julia Roberts, an excellent film despite that.

**3) What are exceptional measures?**

Carl Schmitt – the fascist jurist – and Giorgio Agamben, his close disciple, have written that “the sovereign is he who decides the state of exception” - *Ausnahmezustand*; that the meaning of the constitution is disclosed when it is cast aside; and that politics cannot exist without an enemy.

They theorise the crisis and state of emergency as not exceptional moments in political life opposed to some stable normality, but themselves the predominant form of the life of modern nations

Also, on their account the language of human rights and fundamental freedoms is used cynically to demonise the enemy, to make the enemy an outlaw to whom no rules apply. Of course, what they really mean is Nazi Germany and its allies – including Franco Spain.

#### **4) Who or what is the enemy whose existence justifies the state of exception, exceptional measures?**

For Mussolini’s Italy, Hitler’s Germany, Franco’s Spain, and Salazar’s Portugal, the main enemy was clearly identified – Communism, that is Soviet Bolshevism

This is the basis on which Hitler secured the support of industrial capital in Germany; and his first measures were to smash trade unions and civil society

In all cases too the project entailed the suppression of difference – the Jews, the Roma – and the Basques

Now the enemy is Al-Qaeda, with Osama Bin Laden (dead and alive); and, despite the fact that there is no “Muslim community” except as constructed by national legislation, under which every Muslim is now a suspect, just as every Irish woman and man was in the UK in the 1970s and 1980s.

#### **5) Do we have a qualitatively new world since World War II?**

No – to the extent that defeat for Hitler did not lead to the end of Franco and Salazar, and capitalism demonstrated that it was stronger than ever, led by the USA

Yes, to the extent that the colonial empires were destroyed by a series of bloody wars of national liberation. The National Liberation Movements received international recognition as the “legitimate representatives” of oppressed peoples. Now every single one of them would qualify as “terrorist”.

The USSR played a thoroughly contradictory role, but  
 secured the legal right of peoples to self-determination, against determined  
 opposition from the imperial powers  
 gave crucial material assistance in all continents  
 encouraged limited national autonomy within the USSR

Nevertheless, the USSR despite winning against Germany was itself fatally flawed, not least in the suppression of its own nations – the Crimean Tatars, the Chechens, the Buryats...

### **6) What did 1968 mean?**

There was a wave of revolt in 1968 – the Vietnam War, the Prague spring, May-June in France, the summer events (Chicago, Kent State) in the USA, the civil rights movement in Northern Ireland

Global capital was very scared

Defeat for the various movements (except in Vietnam) was followed by extraordinary repression, by retreat underground, and by armed struggle, especially in the USA, but in many countries.

The Weathermen, the Black Panthers, the Red Army Fraction, the IRA, ETA – their armed struggles all date from the immediate aftermath of 1968

And the assault on human rights and fundamental freedoms followed – for example the Prevention of Terrorism Acts from 1974 in the UK. The notorious Terrorism Act 2000 predated 9/11.

### **7) Did the world change on 11 September 2001?**

No – except that there was a new pretext for suppression of human rights and fundamental freedoms.

In fact, global capitalism is now undergoing one of its periodic crises – each time it looks like the end of the world

In her “Shock Doctrine” Naomi Klein shows conclusively how the state uses crisis and catastrophe to introduce new repression. But she misses or ignores the working of capitalism as a system ruthlessly pursuing value, through destruction if necessary

This crisis is a necessary product of capitalism.

Furthermore, global warming, and environmental degradation, are also directly and necessarily caused by capitalism

And that is why the Basques are such a threat – they demand not only self-determination, but socialism.