

#05

THE DISCURSIVE CONSTRUCTION OF THE BASQUE TERRORIST¹

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Summary || This article attempts to provide some keynotes in trying to understand the construction of the Spanish State and its Basque terrorist outlaw. The Nation State's institutional discourses such as the ZEN plan (1983), Ararteko's analysis (2009) or Ertzaintza's antiterrorist website (2011) become indispensable tools for the community's construction. These texts lead to an interpretation of discipline, sovereign power and governmental management through the subjec(tifica)tion technologies that build the outlaw as *Homo Sacer*.

Keywords || Nation State | Terrorism | Homo Sacer | Subjec(tifica)tion | Michel Foucault | Giorgio Agamben.

The police [...] the ignominy of such an authority, [...] -this ignominy lies in the fact that in this authority the separation of lawmaking and law-preserving violence is suspended. If the first is required to prove its worth in victory, the second is subject to the restriction that it may not set itself new ends. Police violence is emancipated from both conditions (Benjamin, 2007, 286)

0. Introduction. A wider framework

Opening the framework for an analysis on violence and cultural studies requires us, first of all, to show the violence of this very article. Hence, we begin this opening of the framework with Jacques Derrida's questioning of the essence-giving value of language and the idea of the singular or polysemic meaning. "germinación, diseminación. No hay primera insemnación. [...] La insemnación 'primera' es diseminación. Huella, injerto cuyo rastro se pierde" (Derrida, 2007: 453). The objective is to show the looseness of this trace, or at least, help in this purpose. In order to achieve this, we take the disseminating step towards different analyses of cultural studies and violence. Here, I put forward a few proposals that aren't dealt with in the article but which may bring new and transforming readings of the text, in order to build a framework that opens rather than closes on itself².

In the book *Keywords* written by Raymond Williams in 1976, "Violence" is the entry that interests us. It may be especially useful for us to recall that when referring to physical violence, the word violence is only used to talk about unauthorized violence: "the violence of a 'terrorist' but not, except by its opponents, of an army, where 'force' is preferred and most operations [...] are described as 'defense'" (Williams, 1983: 329). Reading postcolonial proposals, Gayatri C. Spivak's well-known *Critique of Postcolonial Reason*³ refers to epistemic violence as the main tool of the imperialist project. Foreign ideology and social sciences imposed as absolute Truths violently construct an episteme in which colonial subjects signify the self as almost oneself but always the other (Spivak, 2010: 207, 216). In the last step of the opening, it is necessary to understand the place that violence has in Basque Studies. In a critique Imanol Galfarsoro makes of democracy itself, he reminds us that corruption, violence, discrimination, torture or injustice are part of the very structure of democracy (Galfarsoro, 2008: 57). Finally, the opening of the framework will lead to Joxe Azurmendi's work in Basque studies, in particular the following:

Ez dut biolentzia kondenatu egiten. Hautu ez biolentzia da neurea, halere, berdin da zergatik, eta biolentziarik ez dut praktikatzeko. Zein Estatuk eta San Pedrok esijitu behar dit, eta demokrata bada are gutxiago, neure hautu hori beste guztientzat ere zilegizko bakarra kontsideratzea? (Azurmenid, 1999: 100-101)

NOTES

1 | This article is based on a paper read at a conference organized by the University at Albany in 2011 under the title *The Outlaw. Trespass, Disfigurement, Domestication*. The article has been written thanks to a predoctoral grant, given by the Basque government.

2 | The opening of this framework; the dissemination of this text can also take us to the next issue of this 452nd journal. The subject of the next issue is "Violence and Identity Representations in Latin America" and we can understand this text as a trace that leads us to this monographic and vice versa. I propose to understand this article as an original text as a graft.

3 | In this article we are using the Spanish translation that was published by Akal in 2010.

1. Foucault and Agamben

In this article, I will follow the Outlaw, related to Agamben's homo sacer through the sovereignty-discipline-governmentality triangle. I will do this using the paradigmatic case of the subjectification of the Basque Terrorist figure inside the Spanish Nation State structure; in order to understand how different discourses interact nowadays to create geopolitical communities and the problems that derive from them. To understand Agamben's homo sacer, we consider the concentration camp, not as a kind of historic fact or an anomaly from the past, but as the hidden nomos of the current political space (Agamben, 1998: 3). In other words, every occidental society bases its structure in the concentration camp. This society establishes the limit of who the homo sacri (sacred people) are – outlaws whose rights are revoked and who can be killed by anyone but cannot be sacrificed. The resulting state of exception and not a social contract (as may be believed) will be the ground of the sovereign power. The sovereign produces this biopolitical body, called the homo sacer, who inhabits this state of exception as a politically qualified bare life (*nuda vita*). Understanding this as the main step for sovereignty gives us the first tools for our theoretical approach. Homo sacer is a political condition extended to such an extent that it is part of each of us (Agamben, 2006: 137-176). Consequently, every time we find this state of exception of the bare life we are virtually witnessing a concentration camp. The sovereign power and concentration camps turn out to be under the same narration from the very beginning. Foucault also reminds us that the connection between a society of sovereignty, a society of discipline and one of governmentality is not of substitution, but of a triangle construction: a triangle of sovereignty-discipline-governmentality that has the control of the people as its aim and security dispositives as a constant presence (Foucault, 1999: 194). With this article I will close the sovereignty-discipline-governmentality triangle, opening the way to the interpretation of the Nation State's subjectification of the Basque terrorist as an outlaw construction.

2. First side of the triangle: Discipline and the ZEN plan

In *Discipline and punish*,⁴ we see that discipline needs the specification of a heterogeneous place closed in itself (Foucault, 2009: 145). We can see this by looking at the title of the State security plan made public in 1983 by the Spanish government: the ZEN plan⁵ The acronym ZEN refers to Zona Especial Norte (Special Northern Area) and this refers only to "la realidad y peculiaridades del País Vasco y Navarra" (D.S.E, 1983: 106). This State security plan focuses on "la problemática que en todo el Estado plantea la seguridad ciudadana" (D.S.E, 1983: 106). We can start unraveling

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4 | In this article we are using the Spanish translation that was published by Siglo XXI in 2009.

5 | ZEN Plan was made public in 1983 by the Home office. Some chapters were declared anti-constitutional, but the ideas, as we will read later on, are as alive in today's politics as they were then.

the issue of the subj(ectifi)cation of the Basque outlaw. As we can see, this disciplinary security plan looks at the definition and construction of the Basque community, and unites the ideas of the imposition of a closed territory and the safety of citizens. As argued by Homi K. Bhabha, when a Nation State creates its own boundaries important of differentiations no longer take place outside the borders, but rather within. Consequently, to create the idea of the people-as-one, this necessary ‘threat’ or danger is inside the limits (Bhabha, 2008: 215). The ZEN plan shows how police discipline technologies build this inner State community by constructing difference from the people-as-one.

Following Foucault’s text, a closed territory allows subject discipline, which involves transforming confusing, useless and dangerous groups into orderly multiplicities. This requires, and is precisely what takes place, defining the individual as individual and the multiplicities as multiplicities in a table of lives (Foucault, 2009: 152-153). The ZEN plan achieves this creation of the table of lives through the construction and socialization of the figure of the Basque terrorist outlaw. It begins by establishing a terrorist characteristic in the very essence of Basque identity: “una política de incomprensión hacia esta zona y las peculiaridades del carácter vasco, activaron un grupo revolucionario” (D.S.E, 1983: 118). It then goes on to use these idiosyncrasies to make it possible to define and identify the body of the dangerous individual: “desconfie especialmente de las personas jóvenes, sobre todo si visten anorak oscuro, pantalón vaquero, zapatillas deportivas y bolsa de deportes” (D.S.E, 1983: 124). The group of risk becomes obvious, as Mitchell Dean would say “there are only ‘at risk’ groups or high- and low-risk groups. [...] Risk is a continuum rather than a clear break. Risk is, in this sense, never completely evaporated. [...] There are, it is true, sub-populations to be targeted, but the entire population remains the primary locus of risk” (Dean, 2007: 167). The ZEN plan thus defines the risk, reminding us that “se desconoce el porcentaje de población vasca que simpatiza con ETA y con los partidos abertzales” (D.S.E, 1983: 113). Anyone inside the Special Northern Area lives in this continuum of risk that is related to the terrorist outlaw. The entire population is a potential terrorist. In the end, this so-called “risk” doesn’t really exist as anything other than a reality ordering formula.

Although I won’t explore this in depth⁶, for reasons of space, it is important to note the flip side of this triangle construction. That is, in short, that the hegemonic essentialist Basque discourse is narrated with the same tools as the ZEN plan. Lifting Spivak’s proposals, we find on this flip side a strategy similar to the native informant representation. And so the Basque discourse constructs a subject that is *almost* itself but always the other. We start to see that native hegemonies and imperialist axiomatics are complicit, and we get a

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6 |This article is based on a book I’m writing with the provisional title “The Nation Above the Canon”. The conditions of length for the article don’t let us go deeper in this aspect, but I would say that these positions are two sides of the same coin.

fuller idea of the domestication of the subordinated Basque subject.

3. Second side of the triangle: Discipline, sovereign power and the ZEN plan

In order to make the step from discipline to sovereignty, we must first look at the relation and differentiation between the homo sacri and the people integrated in the legal order. The ZEN plan shows as an urgent need “el movimiento paulatino de la consideración del terrorista como delincuente político a vulgar criminal” (D.S.E., 1983: 110). This dis-politicization and de-ideologization brings us to the core of biopolitics. Following Foucault’s work, Agamben defines biopolitics as the growing implication of the natural life of man in the mechanisms and the calculations of power (Agamben, 2006: 155). Francisco Vazquez argues that with antiterrorist politics, biopolitics is subordinated by sovereign power. “Terrorists” are denied from being judged by the law and are no longer juridical subjects: they become biological enemies that threaten the life of everyone in the Nation State (Vazquez, 2005: 89). That is how being turned into a “common criminal” makes of the Basque a potential enemy of everyone in the State. The continual possibility of being a threat to life disqualifies them from being citizens (Foucault, 2009: 106). Žižek describes biopolitics as politics of fear: “con la administración especializada, despolitizada y socialmente objetiva, [...] el único modo de introducir la pasión en este campo, de movilizar activamente a la gente, es haciendo uso del miedo” (Žižek, 2009: 56). The terrorist outlaw discourse poses a threat to every citizen in the Spanish State. No politics or ideology remain, only fear.

We return once again to the homo sacer explained in the beginning, but now with a fuller idea of the State community creation: The Basque terrorist outlaw becomes a sacred person that the hidden nomos of the modern nation needs. A life that anybody can kill but that cannot be sacrificed. Any Basque can be (and essentially is) the biopolitical body that threatens life. Based on this reason the state of exception is necessary and justified. The whole geopolitical system of the Spanish State is articulated through him. This is precisely the structure of a concentration camp. The euphemism “Special northern area” (Agamben, 2006: 31) corresponds to the state of exception inhabited by homo sacer and is hidden in the de-ideologized “ever-potential-Basque-terrorist” group of risk. Therefore, the terrorist subject is a necessary basis for the Spanish Nation State, as long as the common-criminal-terrorist threatens everybody’s lives (Agamben, 2006: 107). Basque society, potentially criminal in the very essence, is not in fact out of the law, but at the very centre of it (Foucault, 2009: 308).

This homo sacer position is so extended that it can be found in every citizen's biopolitical body: as with risk, it is a continuum that never disappears. To understand its creation *psy sciences* are crucial. Foucault and anglofoucaultians (Vazquez, 2005: 89) have worked widely on the issues of risk and on the importance of the *psy sciences* on them. Nikolas Rose argues that when psychological thought involves itself in the matter of risk it identifies problems in *potentia*, and so, the solutions will always be preventative and based in prophylactic strategies. The idea of "normality" is based on locating possible dangers, and depends on the variable decisions made about what a risky being is (Rose, 1998: 94-95). In the different psychological activities carried out by disciplining forces such as the Guardia Civil, we can read a wide classification of the *homini sacri*. To give an example, the inquiry made by the Centre of analysis and prospective of the Guardia Civil (2010) concluded that ETA and Kale Borroka (Basque street revolts) is just one in a long list. Amongst others we can find outlaw classifications such as "immigration and the relation that this has with citizen safety", "drugs and drug addict groups", "global dangers", "Islamic terrorism" and "domestic violence". We arrive at the crossroads between discipline, sovereignty and neoliberal governmentality.

4. The third side of the triangle: Discipline, sovereign power, governmentality, the ZEN plan and beyond

In his analysis of the relationship between liberalism and neoliberalism Foucault speaks about mutation. That is, if a key principle of liberalism is that one always governs too much, then neoliberalism is the optimization of this rather than a break away from it (Foucault, 1999a: 210). When a liberal government struggles with the risk of governing too much or not governing enough, its complete ambivalence becomes apparent. The creation of "Free subjects" and of freedom for autonomous individuals becomes a condition of subjection. The subject is given only one way to act freely, and this freedom is ruled by systems of domination until the subject proves that he can use this "freedom" in a responsible manner. Subjection and subjectification are one and the same (Dean, 2007: 164-165; Rose, 1998: 69). In neoliberalism this relation between subjection and subjectification of liberalism is optimized. This brings us to domination and subjectivity construction. In addition, neoliberal strategies bring their own government techniques to establish some kind of distance between political institutions and social agents, always under the shadow of governing too heavily.

Consequently, the responsibility of articulating the "Truths" about the biopolitical threats of terror categories falls upon those accepted

as experts. Moving into the XXI century, the “ever-potential-Basque-terrorist” is translated into figures and statistics: “the expert embodying neutrality, authority and skill in a wise figure, operating according to an ethical code ‘beyond good and evil’ has become so significant in our society” (Rose, Miller, 2008: 68). This discourse of truth causes the active citizen further subjection, as it operates under the illusion of autonomous discourse (separated from the State). This is fundamental for the “freedom” of the individual (Rose, 1991: 256) and is called “State governmentalization”. That is, the expansion of control apparatuses, i.e., when rationales and technologies to develop political law are transformed using *psy sciences* by creating and explaining the truth (Rose, 1991: 5). In other words, the conduct of conduct. Žižek explains, “soy libre de elegir siempre que elija correctamente, de modo que lo único que puedo hacer es realizar es el gesto vacío de pretender realizar libremente aquello que me viene impuesto” (Žižek, 2007: 75).

Governmental control strategies move away from political and ideological struggles and take on the form of irrefutable axioms. Using statistics allows this information to be “objective”. They create a discourse where reality is a stable, movable, comparable, combinable and understandable object. The discourse also creates freedoms that are based on calculable risks (Rose, Miller, 2008: 65-59). For example, a report written by Ararteko⁷ 2009 clearly shows the move away from the ZEN plan towards the use of these strategies for the dangerous profile creations. The text tries repeatedly to demonstrate its objectivity and the Truth of its discourse: “los datos son los que son y, dentro de los márgenes de error de los estudios sociológicos, incuestionables” (Ararteko, 2009: 371). Furthermore, they attempt to define over and over again the group of risk and the biopolitical threat that it poses: “la victimación terrorista producida y que se está produciendo en la CAPV [...] la victimación causada por ETA, fundamentalmente respecto de lesiones a la vida, la integridad física y la libertad” (Ararteko, 2009: 40). Finally, we can once again read the construction of the terrorist individual, as a constant potential risk:

El resumen de los perfiles sociodemográficos de las respuestas de los escolares, agrupados en tres grandes bloques, cabría concretarse en estos términos: las posturas están más claras y definidas cuando se trata de posicionarse ante los apoyos o justificaciones hacia ETA. [...] el Factor I: las acciones de ETA y las de la kale borroka son buenas para Euskadi, el terrorismo se justifica en ocasiones, y los derechos humanos de los presos de ETA deben ser respetados. Están más de acuerdo ante estos supuestos los chicos, quienes estudian en centros públicos, quienes cursan sus estudios en el modelo D y los que viven en Gipuzkoa, sin que la edad y el curso en el que se encuentran sea, por el contrario, diferenciador. Los que menos de acuerdo están con esta posición son los que siguen el modelo A, las chicas y quienes residen en Bizkaia. (Ararteko, 2009, 379)

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7 | Ararteko, “Herriaren defendaitzailea/Defensoría del pueblo” define themselves as following: “Es la Defensoría del Pueblo u Ombudsman del País Vasco. [...] El Ararteko es el alto comisionado del Parlamento Vasco para la defensa de los derechos de las personas en relación con las actuaciones y políticas públicas de las administraciones públicas de la Comunidad Autónoma del País Vasco. [...] El Ararteko es una institución independiente e imparcial” (Ararteko, 2011: web).

Governmentality is, therefore, an optimization of the construction of the closed territory, the creation of tables of life, the establishing of the continuum of risk, the de-ideologization of the political struggle, the imposition of the biopolitical risk that threatens every citizen and the homo sacer that can be killed but not sacrificed. All these things are once again embodied in the “ever-potential-Basque-terrorist”.

We can combine this with another basis of neoliberal societies, that is, with the creation of the so-called “active” and “free” subject that follows certain moral and ethical conditions (Vazquez, 2003: 97). The morals, the good behavior and the acceptable individuals that result from those statistics provide the behavioral framework for the autonomous free subject. The website published by the Ertzaintza (2011: web) against terrorist violence, once again follows the ZEN plan’s path in the creation of “ever-potential-Basque-terrorist” subject, but with an important twist: the responsibility and freedom to identify the terrorist subject in XXI century is given to the citizen. The citizen of the special northern area defined as a biopolitical threat to everyone is precisely the one who has to identify and denounce the very characteristics that define himself. The citizen has to responsibly recognize the suspicious targets and call the police. The feeling of risk and paranoia burdens the citizen. Guilty until proven innocent.

Forever under suspicion, the group of risk is always guilty; always about to be a terrorist, always repeating the homo sacer outlaws logics for the construction of the Spanish Nation State community.

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