

## THE BASIC PRINCIPLES OF DEMOCRACY AND THEIR IMPORTANCE IN DEALING WITH TERRORISM

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In this paper titled "THE BASIC PRINCIPLES OF DEMOCRACY AND THEIR IMPORTANCE IN DEALING WITH TERRORISM" I am going to dwell upon the following points: First, we shall try to answer the question, "*What is democracy, how can it be defined?*" After emphasizing the basic meaning of democracy as *sovereignty of the people and majority rule*, I shall touch upon the importance of democracy as a philosophy of life and a world view. In the meantime, I shall emphasize the importance of democracy as a way of life and put forth an opinion on the basic principles of democracy as a style of government and a political regime. The problems that democracies face in the present day, are numerous and have many dimensions. For instance, we can say that at the top of the list of problems which trouble nations, come terror and terrorism. Furthermore contemporary nations, especially developing ones, are faced with problems like over population, unemployment, an extensive shift of population from rural areas to the cities, and internal or external migration. Problems like production and famine also have a vital importance for the developing countries. It is beyond doubt that all these problems are very important and that a search for concrete remedies to resolve them is a must. But *in this paper I am going to stay only on the question of the method of approach to the problem of terror and terrorism in a democracy* and I will offer some personal opinions.

### I. THE DEFINITION OF DEMOCRACY AND ITS BASIC PRINCIPLES :

Alexis de Tocqueville in his famous book *Democracy in America* (La Démocratie aux Etats Unis) wrote :

"It is our way of using the words "democracy" and "democratic government" that brings about the greatest confusion unless these



words are clearly defined and their definition agreed upon, people will live in an inextricable confusion of ideas, much to the advantage of demagogues and despots."

Almost one hundred fifty years later we can ask the same question again.

*What is democracy and how can it be defined?*

We know that a classical definition of democracy has been given by Abraham Lincoln. According to this definition, "*democracy is the rule of the people, by the people, for the people.*"

Giovanni Sartori, well known Italian political scientist, made a clear distinction between *governed democracy* and *governing democracy*. We can define modern democracy with Sartori as "*the power of the active demos (people).*" Again we can say with Sartori that *modern democracy is an elective poliarchy* in other words, *the rule of the elected elites.*

Some scholars make distinction also between *empirical democracies* and *rational democracies.*

*Since Herodot and Aristoteles it has been a tradition to divide the types of government into three: monarchy, aristocracy and democracy.* But after the First World War, such a division became meaningless. Because, there were some that appeared to be a democracy but were actually a dictatorship and those who appeared to be a monarchy, but were actually a democracy. We no longer can see an aristocratic government in the modern world. For this reason, in his book entitled "*Modern Democracies*" James Bryce reclassified the types of government according to the current political reality in 1921. Bryce reported that only two of the western Republics were actually democracies and although under a monarchical regime, nine European countries and three Dominions were in reality democracies, because in these countries governments were responsible to the electorate. Following these criticisms *political scientists reclassified governmental systems as democracies and dictatorships.*

## II. WHAT ARE THE BASIC PRINCIPLES OF DEMOCRACY

In democracies sovereignty belongs to the people. We can distinguish here divine (godly) sovereignty and the secular sovereignty concepts from a historical perspective. The French legalist Jean



Bodin, in the *Les Six Livres de la République* defined sovereignty as "*an absolute, ultimate, untransferable and undivisible power, that is the supreme power enshrined in the State*". The secular sovereignty theory has been developed primarily by Grotius and Puffendorf as the theory of *Natural Law*. On the other hand French philosopher Jean Jack Rousseau dealt with in his "*Social Contract*" (*Contrat Social*) with the idea of national sovereignty and he underlined the importance of the concept of the *National Will*. In Rousseau's words, *General Will* belonging to the nation is the supreme power and is free from mistakes. These ideas were a kind of revolutionary torch against the absolute sovereignty theory of the King. Thus the *French Declaration of Human and Citizen Rights* (1789) defined sovereignty as rooted in the nation, in other words, *sovereignty belongs to the people*.

Secular sovereignty concept has been crowned with the 1789 French Revolution.

*The 1789 French Revolution established the main principles of democracy: freedom, equality and brotherhood. But a real freedom depends mainly on equality. On the other hand an absolute equality may strangle individual freedom and creative power. Thus a modern democracy is a combination of these basic elements.*

From one point of view *democracy means equality in participation to political life in order to win the power*. This is done through general elections. But elections become meaningless unless they are conducted by secret ballot and a free choice between many candidates and alternatives is provided *A real election depends on the free use of the mass media*. Public liberties, including the rights of free speech, freedom of press and peaceful gathering and freedom from political persecution must be guaranteed. Also in our time an individual can only have a limited effect on political power. Thus *free organization of political parties must be facilitated*. In democracies opposing parties have rights to check and criticize the government. In order to win the elections parties must have different alternatives, programmes and candidates. *Democracy also needs respect towards free elections and a result of such elections*. Without such freedoms, only equal participation to vote is a farce. Also *the Parliament and the members of Parliament must be free from all kinds of interventions and pressures*.

*Democratic regimes have Constitutions limiting the powers of the Government*. The Constitution's form, written or not, has no great



importance. The important thing is, that the executive power has to respect the Constitution. This is achieved either through the Parliament (e.g., England France) or through independent Courts (e.g. U.S.A.). In some countries a special court is created to monitor the acts and deeds of the Parliament. These are Constitutional Courts (e.g., Federal Republic of Germany, Italy, Austria and Turkey).

*A democratic regime requires equality before the law. Also in a democracy freedoms must be legally protected.* In other words, the rights of the individual must be protected against the arbitrary activities of Administration. This is done through administrative courts in France and Turkey. It is a prerequisite for the *rule of law*. It must be reminded here that the *main principle of democracy is to make the individual an end and the Government and the State a tool necessary to improve individual happiness and freedoms.*

Not everyone will agree on these definitions. Some people would like to underline the importance of *economic and social democracy*. They will want also to work on solid facts rather than ideas and abstractions.

Marxist democracy or People's democracies underline the democratic *idea of equality* and insist that a *real democracy must provide equality to all citizens*. On the other hand, another fact is that all the principles of democracy are not in effect in classical democracies. Poverty is not overcome nor are criminal laws fully enforced for all. Another threat to western democracies comes from *demagogues*. But with these defects and merits we can say that *democracy is the least faulty regime mankind has been able to find throughout centuries*. It is obvious that democracy is hard to achieve. In reality, *the faults of democracies do not come from the system itself but from the weak politicians and the meager political education level of the people*. The fact that democratic regimes, although under attack most of the time are still alive after centuries is a phenomenon to be investigated.

### III. HOW A DEMOCRACY CAN AND MUST DEAL WITH TERRORISM

Now we shall look into the subject of how a democracy can and must combat terrorism.

First of all, let us respond briefly to the question, "*How can terror be defined and what is terrorism* " In short, terror is an act of vio-



lence directed against human beings, against their physical and spiritual well being. For *terrorism*, we can say that, *it is the policy of continuous and systematic use of violence, especially for political purposes*. The phenomenon of terror and terrorism in fact has been in existence all through history. History tells us that despots, tyrants and dictators have all resorted to terrorism in order to stay in power. On the other hand, it is a known fact that contemporary dictators also resort to terror when they see it useful. In addition to this, terror is used as a weapon against a political regime, a State, a government, or a dynasty. The sources of terrorism and the results of it are varied. We are not going to look into them in detail here, I would like to point out that despite the fact that they look like separate phenomena, internal terrorism and international terrorism are often organically related.

*The causes of terror and terrorism may be socio-economic or political*. Those resorting to terror may put forth the *degenerate economic structure in their countries* as a pretext. They may complain about oppressive regimes. They may mention the unjust distribution of the national income or may complain about the lack of equal opportunities. They may draw our attention to the oppression of the members or followers of a particular *race, religion, sect, philosophy or political belief*. All these are the *pretexts or reasons* introduced to "justify" terror and terrorism.

The phenomenon of terror and terrorism may be classified in a specific typology from this standpoint. The phenomenon of *separatist terror* and terrorism perpetrated by the IRA (The Irish Republican Army) or the *Basque organisation ETA* may be recalled here. As a matter of fact, separatist movements and terrorist acts by separatists in many countries may be seen in a region extending from the African countries to the Philippines. We are not going to dwell on this phenomenon; instead we will point out other types of terrorism.

Terrorist acts by the *radical left* constitute another form of terror. We can mention here the movements of the Bäder Meinhof Group, in Germany and the Red Brigades in Italy. In addition to these terrorist acts perpetrated by the radical left with revolutionary aims, those on the *radical right* also resort to terrorist acts. Terror by the radical right can stem from *religious or racial contention, motivation*. In addition to these types of terror, *Armenian terror*, directed especially at the Turkish State, should be mentioned here. What are the real aims and the chances of success of Armenian terror, which began with plots directed at Turkish diplomats in several countries?



Let me state right away that no matter what the 'pretexts.. are, terrorism in the long run is a weapon which will backfire. In our day and age, public opinion does not look favorably to terrorism in general and reacts against it. On the other hand, a new terror often crops up in response to a particular terroristic act and the terrorist's desired results cannot be achieved.

Finally, I must speak about State terrorism. *State terrorism*, has become a word heard often lately. *State terror is conscious and systematic acts of intimidation by the group in power against those groups which it considers its "enemy"*. As an example of this, we can mention the terror Stalin, Hitler and Mussolini perpetrated against their opponents.

After thouching these points, we have come to question which is the most important part of this paper. *How a democracy can and must fight terrorism? In the fight against terrorism, which method should be employed and what kind of a path should be followed by the democracies?*

In our opinion, one of the best ways of fighting terrorism is to go to the roots of the social and economic causes which fuel terrorism; and to eradicate, to the extent possible, these causes. To attain this aim, a balanced development between the regions through social and economic reforms, and the rectification of open injustices in the distribution of national income in the developing countries should be achieved.

Another effective method in fighting terrorism is the *struggle against terrorism on the intellectual level*. This could be made possible mainly by the right and rational use of the media, basically the radio and TV. Furthermore, the absence of exaggerated speeches and visual material in the press and on TV which could incite young people to violence and terrorism would also be helpful.

Another effective way is *teaching the younger generation that democracy is a system of values which places human beings in the center*. The cultivation of respect and tolerance for opposing views is a fundamental point which should be kept in mind starting from the schooling period in the family and all through the political socialization process.

On the ways of *combatting terrorism in the legal field*, the following can be mentioned :



As is the case with the contemporary democracies, first of all, the institutions of the *due process of law and the right of Habeas Corpus* should be applied to the accused as the fundamental assurances of personal security. On the other hand, as in the Fifth Amendment to the U.S. Constitution, outlawing self-incrimination may be useful. Furthermore, the exclusion from the laws the clauses limiting people's right of defense would be appropriate. Another problem on the legal platform is to distinguish between crimes of thought and ordinary crimes. In other words the distinction between the political crimes and ordinary crimes which create confusion in the practice.

Recognition by a State, like Turkey, which is a member of the Council of Europe, of the citizen's *right of application as an individual to the European Human Rights Commission* which is an inseparable part of this Council- and the acceptance of the Human Rights Court's compulsory jurisdiction will not only increase the prestige of Turkey as a State but also will be instrumental in proving the lack of basis for the often exaggerated torture allegations directed at this State.

We should never overlook also the fact that *control of the military by the civilian authority is fundamental to a democracy. Especially in developing countries, the civilian administrations must be able to find ways and methods of a rational administration which will not pave the way for direct intervention by the armed forces in the running of the State and politics.*

One of the points which a contemporary democracy should pay attention to in fighting the terrorism is *the establishment of a trained, educated and effective police organization*. Police should be trained in a democratic spirit and the idea that the value of human beings as well as state security should be kept in the forefront. In the meantime, the interrogation in police stations by humane approaches without resorting to methods the legality of which is disputable (torture methods) with the aim of obtaining confessions, is an important point in the fight against terrorism. Another point related to the police is this: the punishment of those members of the police force who behave illegally and *torture* suspects in the fight against terrorism.

In addition to resorting to all these methods in fighting terrorism, a contemporary democracy should never overlook the fact that the calamity of terror-which is as dangerous as atomic war-is *peculiar to the twentieth century*. We must never forget that the terro-



rism has deep-rooted and complex causes and individual nations should cooperate with all societies that respect democratic values and human rights in the fight against terrorism. *Joining the international Conventions in this field, and a joint international search for effective and collective fight against terrorism are also very important points in this respect.*

As a conclusion we can say that contemporary democracy is in a very sensitive and delicate position vis à vis terror and terrorism. *It is one of the fundamental duties of contemporary democracies to create devices which may not and will not trample individual rights and freedoms, while pursuing the aim of defending the State and society.* It is beyond doubt that this duty is *very very difficult* and requires long-term serious studies. Nevertheless, we are sure that the wisdom and the perseverance of the mankind who have been successful in overcoming many problems will also be successful in this difficult issue at the end.