

VIOLENCE AS A TOOL OF ORDER AND CHANGE: THE WAR ON TERRORISM AND THE ANTI-GLOBALIZATION MOVEMENT



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New anti-terrorism measures implemented in North America may or may not head off further attacks. These new laws certainly provide great leverage, however, to gradually criminalize legitimate dissent, particularly the activities of the anti-globalization movement. Canada, following the lead of the United States, has taken advantage of current insecurity to make conditions easier for multinational corporations, and harder for citizens seeking to exercise their democratic rights in opposing them.

Les mesures antiterroristes introduites en Amérique du Nord réussiront peut-être, ou non, à prévenir de nouveaux attentats. Mais, chose certaine, ces nouvelles lois faciliteront la criminalisation de la contestation légitime, en particulier celle des mouvements contre la mondialisation. Le Canada, à l'exemple des États-Unis, a profité du sentiment actuel d'insécurité pour faciliter la vie des grandes multinationales et compliquer celle des citoyens qui voudraient exercer démocratiquement leur droit de faire opposition.

September 11, it is said, has changed everything. However true this may be—and I tend to think that it is not very true at all—one thing it certainly *should* have changed is the loose manner in which violence as an adjective has been appended to recent anti-globalization protests. Yet within a week after September 11 we could read the following in the *National Post*: “Like terrorists, the anti-globalization movement is disdainful of democratic institutions... Terrorism, if not so heinous as what we witnessed last week, has always been part of the protesters’ game plan.” This fails to register the fact that what precisely characterizes the anti-globalization movement, in contrast, with earlier ones on the European and North American left, is the explicit eschewal, even among its most militant elements, of both armed revolutionary struggle and terrorism (along the lines of the Red Brigades or Weathermen just a generation ago) as a means of effecting change in the advanced capitalist countries. In the current era, it is not among activists on the left, but rather almost exclusively among activists on the right, such as those who bomb abortion

clinics, government buildings and refugee shelters, from Christian fundamentalists, to American militiamen, to European neo-Nazis, that one finds violence adopted as a strategy and a lifestyle. And the same must be said about the religious fanatics in the Middle and Far East, whether Muslim or Jewish or Hindu, whose self-identification as the scourge of the secular and religious left is a central element in their political formation.

That the anti-globalization movement would not disappear after September 11 could be seen from the 50,000 people who assembled to declare “another world is possible” at the second World Social Forum in Porto Alegre early in 2002. Yet the immediate question after September 11 was whether new coercive domestic practices and legal measures adopted under the banner of the war against terrorism would be deployed to stifle this movement in its infancy. In the United States (aside from the 1,100 people immediately added because of September 11, and without any pretense of procedural justice, to the 2 million already in U.S. prisons), this was the one of the dangers posed by

the *USA PATRIOT Act* and other measures that enhanced considerably the power and resources of the coercive security apparatus. The adoption of such measures by other states in the wake of September 11 reflected in part considerable pressure from Washington, and the explicit justification for these measures often included the need for coordination among states to deal with international terrorism. This suggested that such legislation was being introduced for reasons having less to do with the national security of the state in question than with imperial security—that is, the security of a global capitalist system that has the American state at its centre.

In December 2001 the Council of the European Union passed a Framework Decision on Combating Terrorism, with a definition of terrorism so broad that it encompassed acts that “may be seriously damaging to a country or an international organization” with the aim of “(i) seriously intimidating a population, or (ii) unduly compelling a Government or international organization to perform or to abstain from performing any act, or (iii) destabilizing or destroying the fundamental political, constitutional or social structures of a country or international organization.” In light of the initial EU Commission proposal in September that vaguely referred to such acts in relation to “unlawful seizure or damage to state or government facilities, means of public transport, infrastructural facilities, places of public use, and property (both public and private),” and then immediately went on say, “this could include, for instance, acts of urban violence,” this definition was disturbingly troubling for civil rights groups, especially the European element of the anti-globalization movement. This concern was fuelled by draconian laws being passed in a number of member states at the national level. In November, the concern was taken to the Council of the 15 member states by a small minority of governments wanting “to restrict this definition as far as possible in order to ensure that legitimate action, such as in the context of trade union activities or anti-globalization movements, could in no circumstances come within the scope of the Framework Decision.”

The final Council decision reflected this concern to the extent that it added a preamble stating that the definition should not be “interpreted as intended to reduce or restrict fundamental freedoms such as the freedom of assembly or association or of expression, including the right of everyone to form and join trade

unions with others for the protection of his or her interests and the related right to demonstrate”; it also added a non-binding declaration that this should not be “construed so as to incriminate on terrorist grounds persons exercising their legitimate right to manifest their opinions, even if in the course of the exercise of such right they commit offenses.” But this has by no means entirely assuaged those who had already been concerned by earlier initiatives to create an EU-wide database on “suspected” protesters, to develop an action plan to place protesters under surveillance, and to bring together the various national paramilitary units to police protests. And as recently as February 2002 the Spanish Presidency of the Council presented the working party on terrorism with a draft for a Council decision that would “prosecute violent urban youthful radicalism...at summits or other events arranged by various Community and international organizations,” which it alleges is “increasingly used by terrorist organizations to achieve their criminal aims.”

In Canada, the introduction and passage of the *Anti-terrorism Act* (Bill C-36) go a long way toward undermining the advance that was made for civil liberties when the *War Measures Act* (passed during World War I) was replaced by the *Emergencies Act* in 1988. In explicit recognition of the fact (evidenced by the many hundreds of innocent people swept up by the Trudeau government when it invoked the *War Measures Act* during the FLQ Crisis in Quebec) that the former *Act* was far too ham-fisted and gave the state far too many unrestricted powers in instances of internal terrorism. If used after September 11, the *Emergencies Act* would have permitted the declaration of an international emergency in Canada to deal with “acts of intimidation or coercion or the real or imminent use of serious force or violence” and would have given the government powers that legal scholar Lorraine Weinrib evaluates as “extensive and as invasive of existing rights and liberties as the provisions made a permanent component of Canadian law” under the *Anti-terrorism Act*. But the *Emergencies Act* would have subjected the government to many more restrictions, especially from Parliament, insofar as it would have had to consider any motion to revoke the declaration where supported by 10 members of the Senate or 20 members of the House of Commons, and provided a much larger role for all-party committees to review the government’s actions under the

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declaration of emergency, with the power to revoke or amend executive orders and regulations. The failure to take this route may be attributed in large part to the Canadian state's entrapment in the American decision to respond to September 11 with an unrestricted long-term war against international terrorism; but by this very fact it also risks what legal scholars like Kent Roach have properly termed "the criminalization of politics" within Canada itself. Even with the "sunset clauses" that were added to require parliamentary approval for the renewal of some of its provisions, David Dyzenhaus has argued persuasively that the fact that what we have is not emergency legislation but a terrorism law—an emergency law masquerading as an ordinary statute—means that we have stepped outside the rule of law. The rule of law is relaxed, though not totally, and there is no clearly defined threat. We have the permanence of the temporary, an attempt to normalize the exception.

This is reminiscent of what Donald Swartz and I designate, in our book *The Assault on Trade Union Freedoms*, as "permanent exceptionalism"—the practice of removing, through a steady stream of back-to-work legislation applied to specific cases of legal strikes, the general right to strike which is recognized in the general legislation covering collective bargaining. In that case, the judicial deference to each case of "exceptional" legislation, despite its repeated condemnation by the ILO's Freedom of Association Committee, has normalized the practice of "permanent exceptionalism." In this case, the likelihood is that the courts will defer to permanent emergency legislation that vio-

lates the freedom and accountability provided for in Canada's *Charter of Rights and Freedoms*. Justice Minister Anne McLennan predicted that the Canadian Supreme Court would uphold the *Anti-terrorism Act* with the observation that the "balance between individual rights and collective security shifted after the attacks" of September 11. But if this turns out to be so, it will most likely be because, as Weinrib has argued, the government's justification for this expectation rests less on the grounds that the safeguards for civil liberties and accountability it has introduced will be found by the Court not to have breached the Charter, than on the grounds that the Court will defer to the government's interpretation of "the content of Canada's international obligations." It is not national security but imperial security that will trump the Canadian *Charter of Rights and Freedoms*.

As for the danger that the new anti-terrorism legislation will up the ante considerably in the criminalization of anti-globalization protests, the amendment that was introduced before it was passed to indicate "that protest activity whether unlawful or lawful would not be considered a terrorist act unless it was intended to cause death, serious bodily harm, endangerment to life, or serious risk to the health and safety of the public" may turn out to be of real importance. But the very fact of the amendment's introduction ought to be taken as recognition by the Canadian state that much of what has heretofore been designated as violent about anti-globalization protests reflects nothing more than attempts by police to find a minor law protesters have broken. As we saw in the case of the protests at the APEC summit in Vancouver in 1997, the police are sometimes encouraged to do this by politicians, or at least their political aides, whose incentive to suppress protest is especially strong when the protest is likely to embarrass the hosts in front of their guests at international meetings (even when some of the guests are notorious for acts of violence against their own citizens). Thus, Jaggi Singh, one of Canada's foremost anti-globalization activists, was arrested at the APEC summit in Vancouver for assaulting a police officer by virtue of having spoken too loudly through a megaphone; and he was arrested again at the 2001 Quebec City Summit of the Americas (and detained for 17 days) both for violating bail conditions by attending the protest and for allegedly possessing an offensive weapon in the form of the infamous teddy bear catapult

(that he had in fact nothing to do with). The provision for “preventative detention” in the anti-terrorist legislation, not necessarily on the authority of this legislation but on some other legal pretext, will further encourage police to prevent activists from engaging in demonstrations. This was initially seen at the IMF/World Bank meeting in Ottawa in November 2001, where the police suppression of the protest was very intimidating.

There is no question that the anti-globalization street protests are intended to be raucous and, if possible, disruptive of international elite meetings. It is that character that makes them different from set-piece demonstrations that unions often undertake along a march route pre-agreed with the authorities. Most of the demonstrators come with nothing more illegal, let alone violent, in mind than marching without a permit, occupying public spaces adjacent to the meeting places of the assembled elites, and engaging in the remarkably creative street theatre for which these demonstrations have become justly famous. The “diversity of tactics” approach adopted at these demonstrations, elaborately planned in Quebec City to allow people to choose to stay away from a confrontation with the police at the security fence, also explicitly makes allowances for those who come to the demonstration with such a confrontation in mind. But the nature of the confrontation engaged in even by the Black Bloc is minimally violent in comparison with anything remotely resembling terrorism, and actually resembles much more the pushing and shoving that goes on at a militant picket line during a strike where the police have a large presence, combined with the odd breakage of a window, overturning of a newspaper box or setting fire to a garbage bin. The violence I witnessed at Quebec City was limited to a handful of people throwing rocks at an empty Shell station and concerted attempts by a crowd to scale the security fence. This led to confrontations with the police, including the throwing of various objects by demonstrators, but most often throwing back a few of the great many canisters of tear gas that the police lobbed from behind the fence and that soon engulfed much of the upper city.

Most of those who get tear-gassed, assaulted by the police and even arrested at such demonstrations are people who intend nothing but peaceful protest but, in the face of what seems

an overbearing and unjustified police blockage and interference, often join in the pushing and shoving or resist arrest when they refuse to clear an area as instructed. Some of them then go off and join a better-prepared and more militant group for the next demonstration. Yet there can be no doubt that the confrontations with the police at such demonstrations were, even before September 11, leading a good many people involved in the protests to question the “diversity of tactics” approach. Those who want to engage in a classic strategy of civil disobedience feel that they are effectively prevented from doing so by those who come with the intention of physically challenging police lines. For once the police truncheons and tear gas descend, they inevitably descend indiscriminately and push everyone off the streets. The image of generalized violence among those who watch the protests on television or read the sensationalized accounts in the papers has also led many people in the anti-globalization movement to question the “diversity of tactics” approach and to demand a serious discussion of which tactics are in fact most productive in building popular support for the movement against globalization.

There is much more to the anti-globalization movement than large street demonstrations, of course. These protests, as Naomi Klein has put it, “are not demonstrations of one movement, but rather convergences of many smaller ones, each with its sights trained on a specific multinational corporation (like Nike), a particular industry (like agribusiness) or a new trade initiative (like the Free Trade Area of the Americas), or in defence of indigenous self-determination (like the Zapatistas).” To this could be added specific groups in each country, like the Ontario Coalition Against Poverty in Canada, whose radical egalitarian goals and tactics of direct action have become symbols of admiration for the anti-globalization movement and its protest demonstrations. Each of these groups conducts its own specific campaigns, research, advocacy and related direct actions. Klein also characterizes the anti-globalization movement in terms of a “hub and spokes” mode of organization:

Rather than a single movement, what is emerging is thousands of movements intricately linked to one another, much as “hotlinks” connect their websites on the Internet. This analogy is more than coincidental and is in fact the key to understanding the changing nature of politi-

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cal organizing. Although many have observed that the changing nature of the recent mass protests would have been impossible without the Internet, what has been overlooked is how the communications technology that facilitates these campaigns is shaping the movement in its own image. Thanks to the Net, mobilizations are able to unfold with sparse bureaucracy and minimal hierarchy; forced consensus and laboured manifestos are fading into the background replaced instead by a culture of constant, loosely structured and sometimes compulsive information swapping.

This decentred movement, which often makes it seem as if the agents of globalization, be they states, corporations or international organizations, are being “swarmed” from a thousand directions, has produced results. This was seen in the exposure to public view and the defeat (with the final help of the French government’s veto) of the Multilateral Agreement on Investment. The widespread but interactive nature of this movement of movements has established a distinct and transnational political subculture of activists. This in turn has given critical researchers and writers against globalization a sense that they not only are heard, but also have a broad political base, leading them to redouble their efforts.

To be sure, anti-globalization activists are themselves admiring of and inspired by certain struggles in the Third World where violence is a strategic element, from the Zapatista uprising in Mexico to the “Cremate Monsanto” campaign in India. But while there are no doubt some activists in Europe and North America who would not reject out of hand the notion of incorporating such a strategic element of violence into their activities, it nevertheless remains the case that this movement can only be seen, in any historical and comparative perspective, as very far indeed from anything that might fairly be designated as terrorism, let alone armed struggle. Even among the anarchist elements in the movement, the stress is on inventing, through their street protest preparations, a form of direct democracy based on small consensus-finding meetings rather than voting; they especially point to the way these operate effectively at the mass demonstrations when small affinity groups are linked to one another through consensus-finding “spokes” councils. This is seen to presage the participatory democracy at a local level that often constitutes the foundation of an alterna-

tive to the freedom of capital movements and export competitiveness that is the essence of globalization. They look to more inward-oriented economic development strategies capable of preserving decentralization and autonomy and the political and cultural diversity that is the hallmark of this movement of movements.

The problem with the anti-globalization movement is not really its alleged orientation to violence, but rather its difficulty figuring out how to go beyond protest. Direct action protests are hardly new, and have often been effective, as proved by the marches by the unemployed and the occupations of factories and streets in the 1930s and 1940s. Looking back, what is considered more legitimate today—the Royal Canadian Mounted Police firing on the unemployed marchers in Regina, or the vociferous protest that led to putting unemployment insurance legislation on the agenda? And does anyone give much credit today to the charges of lawlessness that thundered over Windsor when autoworkers commandeered more than 1,000 cars on the streets of that city in the famous 1945 blockade that led to union security legislation? The effectiveness of the mass anti-globalization demonstrations today is patently clear from the way meetings of the global elites have been put on the defensive, and now proclaim their abiding concern with addressing world poverty every time they get together. But there can be no effective change unless and until new well-organized political forces emerge in each country, with the capacity not just to protest vociferously but to effect (although the anarchists may not like this way of putting it) a democratic reconstitution of state power, turn it against today’s state-constituted global American empire, and initiate cooperative international strategies among states that will allow for inward-oriented development.

As the new generation on the Left in countries like Canada seeks to ground its protest against the global structures of oppression and exploitation, it will increasingly engage itself in addressing, including through direct action, the immediate troubles facing people in our own society. If it is going to be repressed by the state as violent, indeed as terrorist, we are in for some very ugly times.

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