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## **SECURITY: A FUNDAMENTAL VALUE FOR PEACE**

By Eduardo Posada

One of the central concepts -perhaps the central concept - of the government program of Alvaro Uribe is "security". This however is one of those concepts which arouses the greatest resistance among intellectuals in Colombia - surrounded by misunderstandings, and associated solely and mistakenly with repression, for the arbitrary power of the State.<sup>1</sup> This resistance is to say the least paradoxical and contradictory. Paradoxical, because it occurs in a country with the highest rates of murder and kidnap in the world, which are unarguably the sign of absolute lack of respect for human dignity -in other words, the absence of security. And it is contradictory, because at the same time as proposals for security find a hostile intellectual climate, the demands that human rights be guaranteed have proliferated.

The origin and the reasons for this resistance deserves a more detailed analysis than we have drawn before here. Perhaps, it seems urgent to think of the meaning of the concept, in order to start discussion with a clearer basis than that prevailing today. What do we understand about security? How do lawyers interpret their role in the construction of a just society? How is security related to other values? How has President Uribe defined security? Why is it central to his other proposals for government? And can we in Colombia continue to dream of peace without security?

Let us begin by placing the definition on its natural ground: the ground of law, and more precisely, in the theory of juridical values. According to Luis Recasens Siches, security is confused with the essence of law itself: law has arisen due to the "urgent impulse for security".<sup>2</sup> The natural needs of man to solve his problems of insecurity are reflected in his desire to know what he can cling to, in its relationships with others "to know how they will behave with him, and he should do and can do in relation to them; and we should not only know what we can cling to, what may happen, but also what will necessarily happen; that is, we need certainty in our social relations, because in addition to the security that the rule will be kept, we need to know that it is powerfully guaranteed."<sup>3</sup>

Recasens distinguishes between two types of juridical values -a relevant distinction which provides a better appreciation of the meaning of security: the founding values of a lower range which "function as a condition so that other values may materialize"- and founded values, which are ethically superior.<sup>4</sup> In this sense, security is a founding value, lower than others such as justice, "but it is an essential condition for justice, that there cannot be a situation of justice without a situation of security".

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<sup>1</sup> Something similar happens to the concept of "authority" which seems to be almost automatically with authoritarianism. See also my article "authority, authoritarianism, security and peace", where at the end I mention some of the points which are developed here; [www.dieaspaz.org](http://www.dieaspaz.org)

<sup>2</sup> Luis Recasens Siches *Tratado general de filosofía del derecho* (Mexico 1975, 1<sup>st</sup> ed 1959) p. 220

<sup>3</sup> *Idem* p. 221

<sup>4</sup> *Idem* p. 65

It is important to keep this distinction in mind, and Recasens doubts so time and time again. Security is not a supreme end, and much less the only juridical value. In law, other higher values are enshrined, but they can only be materialized with the existence of security. Recasens says this with eloquence: “without security there is no law good, bad or of any kind”. Law, certainly, “should be just”... if it is not, it will be unjustified, and it will represent a disaster. But if it does not represent an order of security, then there is no law”. In other words: “the absence of security denies the essence of the law”.<sup>5</sup>

Recasens distinguishes between means and ends, form and content. Security will be, along with certainty, a related value, “the formal sense of the function of the law”. The law will therefore be an “special means placed at the service of the materialization of several ends”. “When a group of people is interested in securing the most solid way of achieving given ends, then it gathers them up into juridical norms, that is, it imposes compliance inexorably by forceable execution”. The law is not a matter of content “but the form of imposing norms inexorably, which may adopt very different social content”.<sup>6</sup> However, when it comes to securing respect for the dignity of the person and his personal autonomy...., security which by itself is presented is a nearly a formal order, acquires fullness of meaning, and is full of the most valuable content.<sup>7</sup>

From another point of view, there are also on the same terrain as the law, Blandine Kriegel gives a central role to security, in particular personal security.<sup>8</sup> “Freedom”, according to Kriegel, “begins with the protection of life secured by the law”. Further, “the right to personal security occupies a special place in individual rights. It is the only right which is not negotiable. Kriegel here claims the doctrines of Hobbes: in the natural state, “the anarchic and collective law of force poses a constant menace to the physical security of each person. In a civil state, by contrast, the confiscation of soberane of all acts of law, his monopoly over the sword of justice, produces the result of individual security through the rule of law. The civil state confers reality on a right which is virtual in the state of nature”.<sup>9</sup> The corollary of the argument is not the despotic state, but on the contrary, the state of law, and that state which protects human freedoms under the rule of the law.<sup>10</sup>

I have paid all this attention to the texts of Recasens and Kriegel because it seems to me that both of them, from different points of view, help to appreciate the essential significance of security in the construction of the social order, and therefore to clarify some of the confusions which exist in many intellectual circles in Colombia on this notion.

I do not know the sources which inspired the concept of security proposed by President Uribe. But a reading of its interviews and speeches, and of his program, allows us to identify certain points in common with the content of the previous paragraphs. A reading of what Uribe said during the election campaign, and has repeated now in office, also allows to correct some mistakes as to the nature of his message.

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<sup>5</sup> Idem p. 224

<sup>6</sup> Idem p. 222-3

<sup>7</sup> Idem p. 619

<sup>8</sup> Blandine Kriegel The state and the rule of law (Princeton 1995)

<sup>9</sup> Idem pp. 37-40

<sup>10</sup> See comments in the prologue p. ix

We should not in advance that since the beginning of the campaign, Uribe defined his idea. He was not referring simply to “security”, but he made mention of a democratic concept, and of civic security”. While he also advanced an explanation which would be repeated again and again “...so that they will not kill the union leaders, and not kidnap the businessman”.<sup>11</sup> Such explanations and qualifications in themselves show recognition that he is handling a concept which is subject to serious resistance. The candidate sometimes appeared to be on the defensive: the proposal of “democratic security” was clarified in an interview “as not an elitist security policy”... its objective is to guarantee pluralism, making every effort to protect everyone”<sup>12</sup> And in statements made to a Mexican newspaper, he said that he did not intend “to institute a police state, or any version of the doctrine of national security to brand Marxists. What we seek is a policy for democratic security”.<sup>13</sup>

Uribe seems to understand security not as an end but as a means. This is suggested when he remarked to Oscar Collazos, that “the security which I propose is a founding value of democracy”. To which he added: “Colombia has formal freedoms, and material freedom denied de facto, due to lack of security. What I propose is that formal freedoms be real ones... that the freedom of the country be restored”.<sup>14</sup> His discourse suggests an idea of security as a value which conditions other values, central to them, being the right to life, the effect of protection of “all citizens without political or social distinction”.<sup>15</sup> But also, in order to guarantee freedom, a pluralist society must be constructed, and the state of law restored.

And security would itself be a means of achieving peace. As candidate, Uribe was also careful not to use the word “war”, nor did he close the doors to dialogue with the “men of violence”. “Authority cannot wage war, and does not give up dialogue” he said in the speech launching his campaign, while also pointing to the road of security through the state “the authority of the State protects its citizens, dissuades the violent, and always creates conditions for peace”.

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<sup>11</sup> “La Conversacion” with Fernando Cepeda La Revista, EL Espectador, 8 October 2000. Note the date, early for the campaign, of the statements. His message of security was repeated in speeches almost in the same words. See for example interview in El Tiempo.com 4 February 2002; Point 27 of the Democratic Manifesto; speech accepting the candidacy El Tiempo.com, 27 May 2002. As President, in his speech praising the armed forces, 15 August 2002, he said this in similar terms. “Democratic Security is for all Colombians. SO that the small farmers will not be driven off their holdings; so that businessmen will not be kidnapped; so that journalists are not threatened; so that the mission of the bishops, priests, nuns, pastors and teachers may be respected. So that union leaders may freely go about their activities; so that politicians may move around without fear; so that human rights defenders may do their work without threats,” In [www.presidencia.gov.co](http://www.presidencia.gov.co)

<sup>12</sup> Interview in “Desayunos de Votebien”, date unknown

<sup>13</sup> El Universal, Mexico, 27 February 2002. The idea was repeated to the Armed Forces in 15 August: “ Security is not the pursuit of real or imaginary ideological enemies or the support for a single party. Security is to protect all the citizens of a pluralist nation, open to creative and fraternal debate.” In [www.presidencia.gov.co](http://www.presidencia.gov.co)

<sup>14</sup> Interview with Oscar Collazos in his book “I Poder para QUIÉN (Bogota 2001) , Uribe repeated the idea of security as a founding value as President, in his speech praising the ARMED FORCES ON 15 August 2002: “I will share with you daily the difficult task of restoring law and order, which is the founding value of freedoms.” In [www.presidencia.gov.co](http://www.presidencia.gov.co)

<sup>15</sup> Speech launching his candidacy, 21 March 2002

His offer to the armed groups was centered on the idea of “democratic security”. “I am not a friend of negotiating the social agenda at gun point, because this is a negation of democracy; but I offer the men of violence democratic security so that they may engage in politics without their guns, and without being killed, so that we may broaden ideological pluralism”. “The construction of a concept of democratic security” he repeated in an interview, “may be converted into the great offer we can make to the guerrillas” although he recognized that “it may take a long time to produce results”.<sup>16</sup> He repeated this message on the night of his electoral triumph “the violent groups must know that we, as democrats, are ratifying an offer: let us construct democratic security so that they may be attracted by the idea of abandoning their guns, of engaging in politics without arms, and without being killed”.<sup>17</sup>

If “democratic security” is described as “the great offer” it would seem to some to be a useless and even ingenious and meaningless proposal, since the dominant opinion still seems to be the “maximalist” concept of peace, in which the content of other possible negotiations would have to be identified again with the model of society, since it would be considered in practical terms that this would be the only dialogue acceptable to the guerrillas, and that peace is being confused with the total reconstruction of Colombia as a nation.<sup>18</sup>

This consideration would be to underestimate the enormous significance of “security” as a founding value in all just, free and democratic social orders. It would also be taking a superficial view of the achievement of security, as if this was a datum in any society. And it would be ignoring the new international thinking of a concept of security in intellectual, academic and political circles, concerned precisely by the proliferation of “civil wars”, round the world, and the attendant humanitarian catastrophes. Michael Ignatieff, director of the Carr Center for Human Rights in Harvard, has said that “governments which offer security without democracy to their citizens are preferable to the absolute lack of government”.<sup>19</sup> (It should be clarified that, as has been shown, this is not the meaning of Uribe’s discourse, since he has always linked his proposal for security with the purposes of democracy, through the strengthening of authority under the state of law).

These reflections, I insist, do not wish to suggest that the idea of “democratic security” in Uribe’s message are a reflection of a theoretical articulation based on the authors discussed

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<sup>16</sup> Interview “Desayunos de Votebien”, date unknown “One of the reasons for offering all the time it needs to reach disarmament and demobilization is to allow time for two things: the building of democratic security, and to establish its credibility. That is the great offer. In democracy we cannot negotiate social matters with armed groups without creating the political conditions for them to lay down their guns and engage in politics without being killed.” Uribe, Idem

<sup>17</sup> Proclamation of Alvaro Uribe as candidate, El Tiempo 27 May 2002

<sup>18</sup> See the discussion on the predominant notion of peace in Eduardo Posada, Malcolm Deas and Charles Powell, *La pax y sus principios* (Bogotá, Libros de Cambio 2002)

<sup>19</sup> See Michael Ignatieff *Human Rights as politics and idolatry* (Oxford and Princeton 2001) and the comments on the book in my article “Strengthening the State for Peace” in [www.ideaspaz.org](http://www.ideaspaz.org). I believe that the notion of peace is central to the report of the International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (December 2001), also commented in these pages “The Responsibility to Protect, [www.ideaspaz.org](http://www.ideaspaz.org)

here. But I find that his proposals have common points which need to be discussed as a whole. Uribe's proposals -its political discourse- political in the best sense of the word. And it has highly significant political results: a majority of Colombians -the majority which elected him as president- today give him priority for the problem of insecurity.<sup>20</sup> However, it must be recognized that the concept of "security" awakes mistrust in wide sectors of society. Therefore, there needs to be greater and more dispassionate and less prejudiced examination, to clarify so much mistaken thinking -and even a disdain- about a value so basic to human lives and the organization of society, democracy and freedom.

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<sup>20</sup> Insecurity, the greatest concern of Colombians and the greatest challenge for Uribe" EL Tiempo 6 August 2002