



HELSINGIN YLIOPISTO
HELSINGFORS UNIVERSITET
UNIVERSITY OF HELSINKI

Demokratiahäirintä kansalaisyhteiskunnan stressitestinä

Hanna Wass

yleisen valtio-opin professori

Valtiotieteellinen tiedekunta

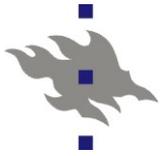
hanna.wass@helsinki.fi

Twitter: @hanna_wass

Kansalaistoiminta. NYT

7.11.2019





Key points

- What is **democratic harassment**? Why should we care?
- What is **the main criticism** of militant democracy?
- Alternatives to militancy: **procedural** and **social-democratic models**
- What shall we do with the **democratic dilemma**?
- Towards **democratically sustainable model** of self-defense





What's going on? So much going on...

Electoral fraud and fake democracies are a global problem

FINANCIAL TIMES

The Congolese are being asked to accept a fraudulent election result to 'consolidate democracy'

Vox

Russia hacked voting systems in 39 states before the 2016 presidential election

This goes way deeper than we first thought.

By Alex Ward | @AlexWardVox | alex.ward@vox.com | Jun 13, 2017, 2:00pm EDT

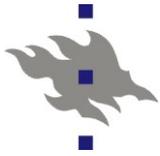
Political violence is a sign of eroding democracy

But it's not just about polarization.

By Julia Azari | Jun 15, 2017, 12:10pm EDT



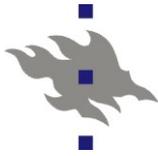
Facebook is 'the biggest threat' to US democracy, Cambridge Analytica whistleblower says



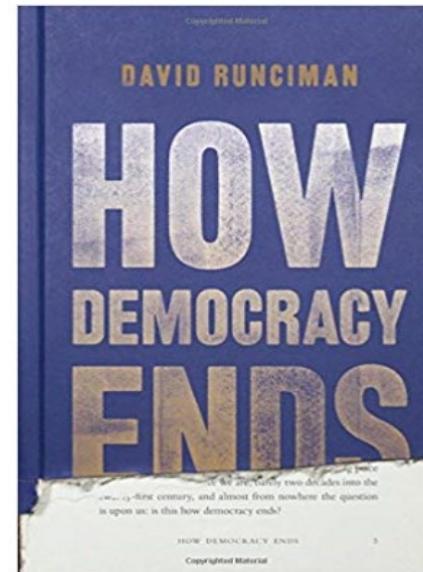
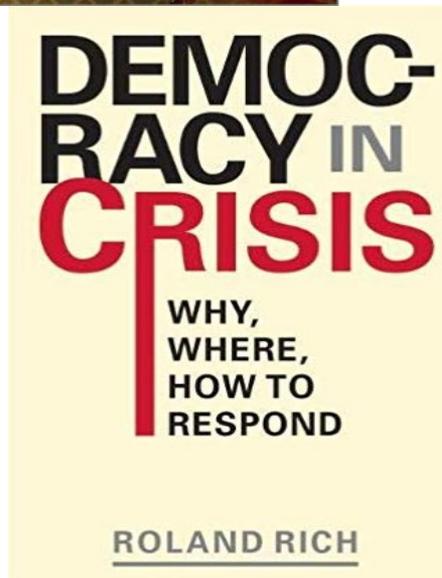
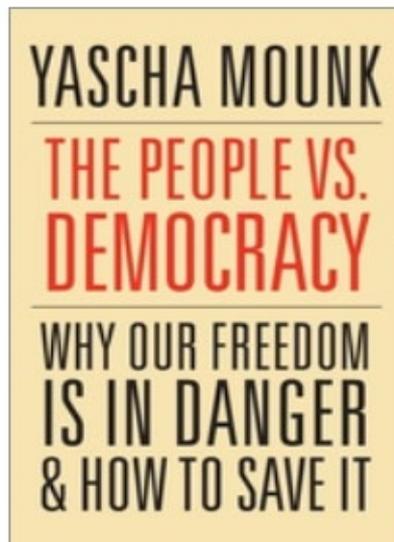
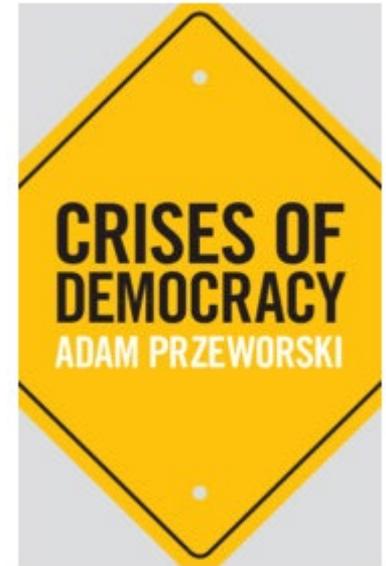
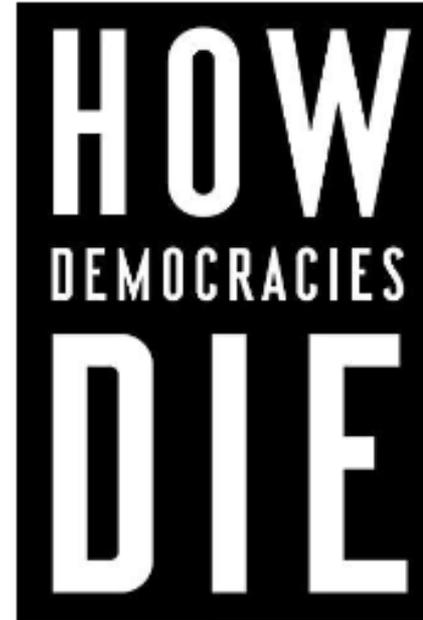
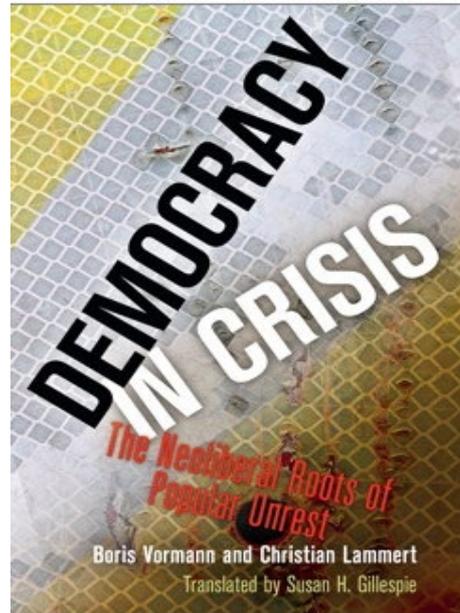
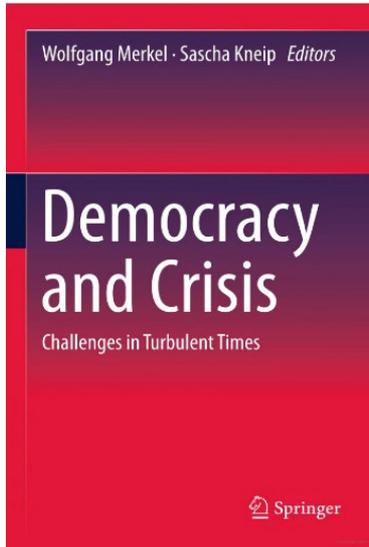
Weak and strong signals

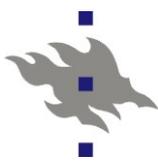
A screenshot of a video player interface. At the top, it says "TIMES VIDEO" and "LOG IN". The main title of the video is "Is There Something Wrong With Democracy?". Below that, it lists the authors: "By Max Fisher, Amanda Taub, Josh Keller, Mae Ryan, Larry Buchanan and Shane O'Neill". There are social media icons for Facebook, Twitter, and a share icon. The central text of the video is "III. How to Turn a Society Against Democracy" in a large, bold, serif font. At the bottom, there is a video progress bar showing 3:16 out of 4:53, along with icons for CC, HD, and a speaker icon.

<https://www.nytimes.com/video/world/100000005333526/problem-with-democracy.html?module=inline>

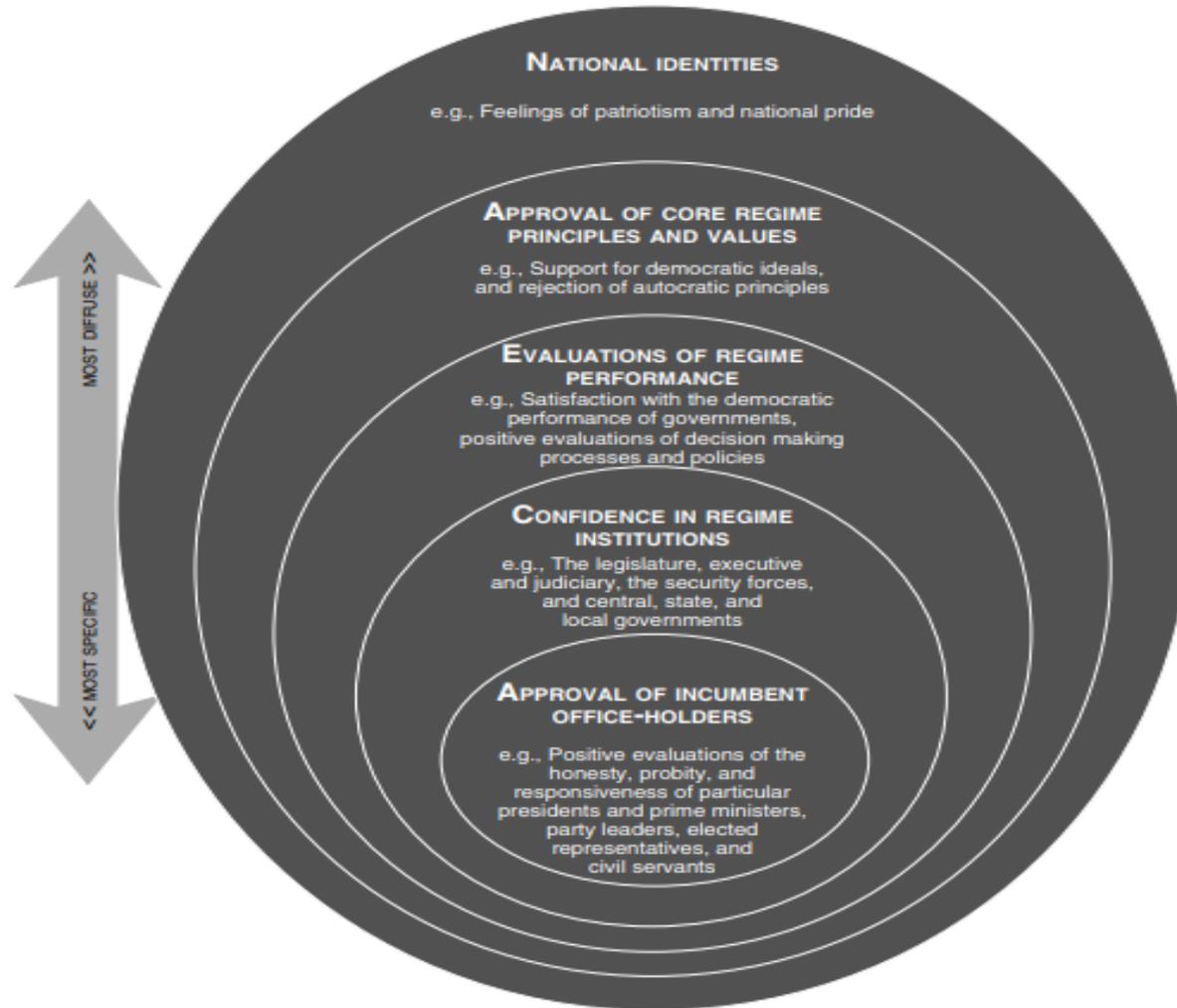


Democratic crisis is going on strong

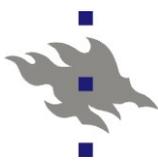




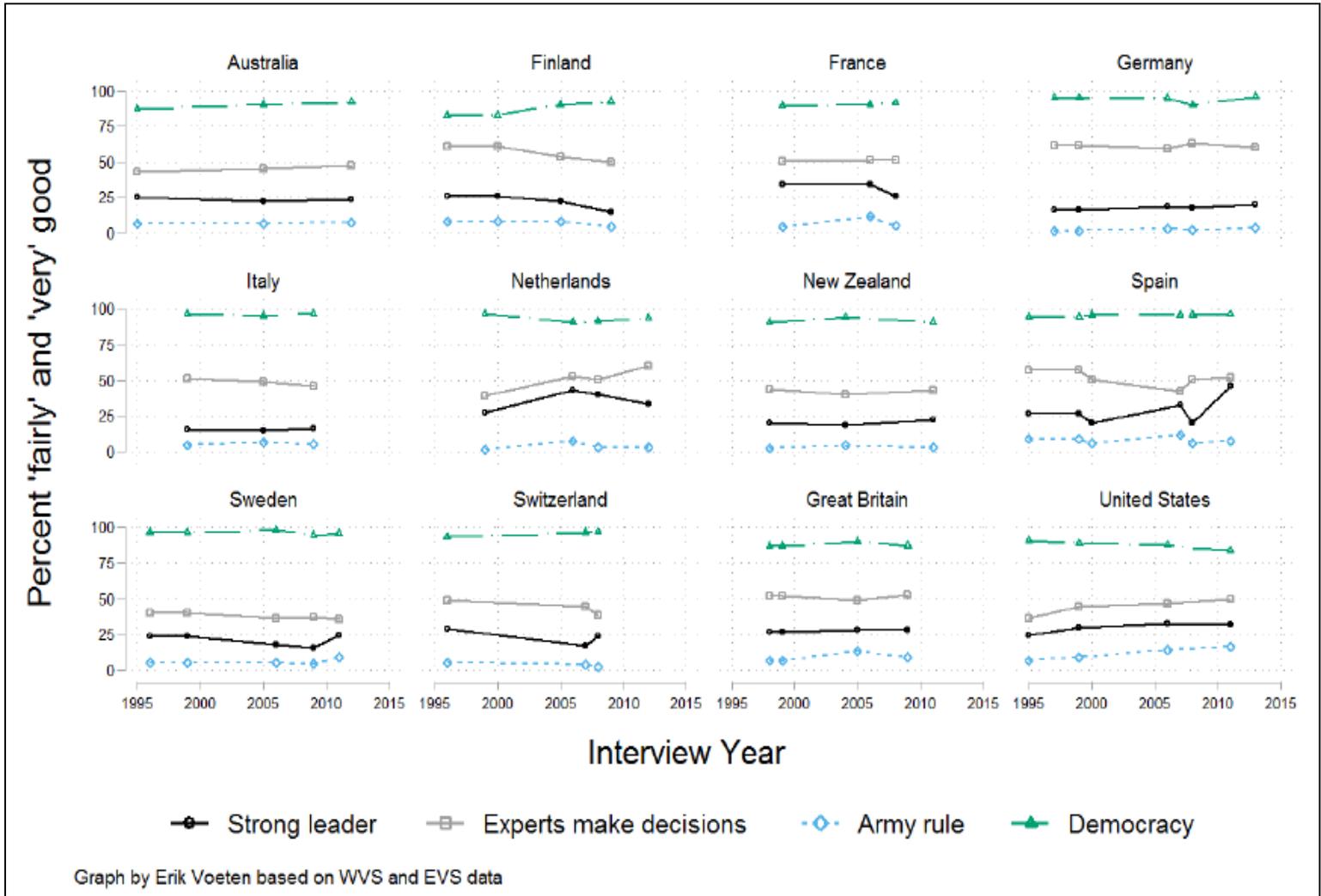
Diffuse and specific support for democracy



Source: Norris 2017, 23.



Democracy vs. other decision-making rules 1995–2015 (%)



Journal of Democracy Web Exchange Erik Voeten

Are people really turning away from democracy?



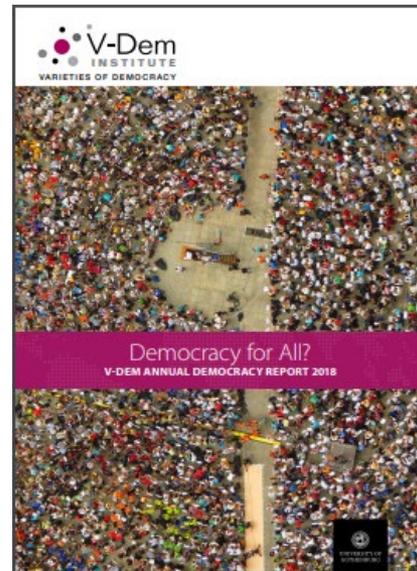
Liberal democracy vs. other systems

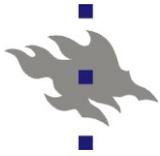
Table 1. Regime classification.

Closed Autocracy	Electoral Autocracy	Electoral Democracy	Liberal Democracy
No <i>de-facto</i> multiparty, or free and fair elections, or Dahl's institutional prerequisites not minimally fulfilled		<i>De-facto</i> multiparty, free and fair elections, and Dahl's institutional prerequisites minimally fulfilled	
No multiparty elections for the chief executive or the legislature	<i>De-jure</i> multiparty elections for the chief executive and the legislature	The rule of law, or liberal principles not satisfied	The rule of law, and liberal principles satisfied

Lüthmann, Anna, Marcus Tannenber, Staffan I. Lindberg. 2018. "Regimes of the World (RoW): Opening New Avenues for the Comparative Study of Political Regimes." *Politics and Governance* 6, no 1: 60-77

FIGURE 1.4: SHARE OF POPULATION BY REGIME TYPE IN 2017.





What is democratic harassment?



photo by Hanna Wass

DEMOCRATIC HARASSMENT

With several leading experts, this multidisciplinary course aims to define and explore different forms of democratic harassment.

Liberal democracy as a political system is characterized by various types of internal disagreements and conflicts as the one between its liberal (stressing individuals' rights, liberty and the rule of law) and democratic (stressing equality and popular sovereignty) pillars. Yet, there are other tensions as well, either exogenous or endogenous, that challenge the core principles of the democratic regime and its basis as the legitimate form of government. These may include attempts to jeopardize electoral integrity, such as hacking the official voter register and buying votes, or more general efforts to cultivate disruption and distrust, such as disseminating fake news, attacking politicians, organizing fabricated protests and launching disguised "democratic" innovations.

The threats related to this kind of democratic harassment stem from both immediate consequences and indirect reactions. The obvious risk is that governments turn on the stage of emergency with excessive strategies for self-defense. If this leads to securitization process in which the safety or feasibility of some intrinsic democratic instruments, such as referendums and demonstrations are redefined, and new institutions and regulations to "protect" democracy introduced, democratic backsliding may easily occur. In that case, deconsolidation is enhanced not only by challengers but the democratic systems themselves.



Electoral harassment we already know

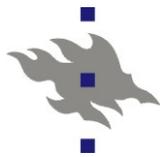
fnes

Finnish National Election Studies
Vaalitutkimuskonsortio
Valforskningskonsortiet

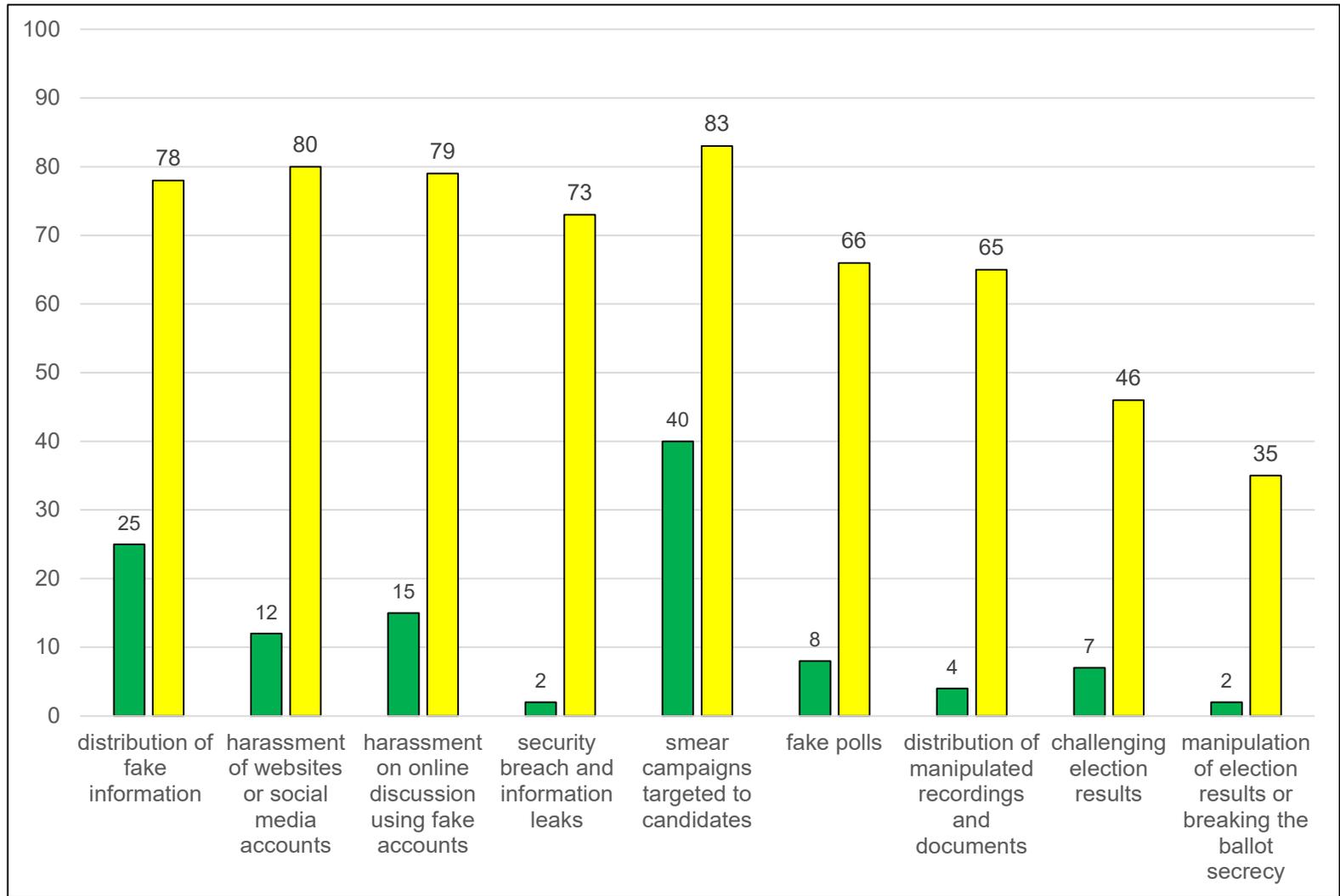


P8. Mitä seuraavista vaalihäirinnän muodoista havaitisit vuoden 2019 eduskuntavaaleissa tai pidät mahdollisena tulevissa Suomen vaaleissa?

	Vuoden 2019 vaaleissa		Tulevissa vaaleissa	
	Havaitsin	En havainnut	Pidän mahdollisena	En pidä mahdollisena
Virheellisen informaation levittäminen	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 1	<input type="checkbox"/> 2
Verkkosivujen ja/tai sosiaalisen median tilien häirintä	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 1	<input type="checkbox"/> 2
Vaikuttaminen poliittisiin näkemyksiin ja eripurannan synnyttäminen verkkokeskusteluihin esimerkiksi väärennetyillä sosiaalisen median tileillä	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 1	<input type="checkbox"/> 2
Tietomurrot ja erilaiset tietovuodot (esim. sähköpostiin)	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 1	<input type="checkbox"/> 2
Ehdokkaisiin kohdistetut mustamaalauskampanjat	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 1	<input type="checkbox"/> 2
Valekannatusmittausten julkaiseminen	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 1	<input type="checkbox"/> 2
Ääni- ja videomanipulaatiot, virheellisten asiakirjojen levittäminen	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 1	<input type="checkbox"/> 2
Äänestystuloksen luottavuuden kyseenalaistaminen	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 1	<input type="checkbox"/> 2
Vaalituloksen manipuloiminen tai vaalisalaisuuden laajamittainen murtaminen	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 1	<input type="checkbox"/> 2



The 2019 Finnish parliamentary elections



■ observed in 2019 ■ may occur in future elections



Potential direct and indirect consequences of electoral harassment



Wæver, Ole.

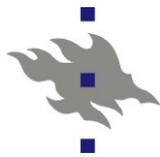
“Securitization and Desecuritization.”

In *On Security*. Edited by Ronnie

Lipschutz, 46–86. New York:

Columbia University Press, 1995.

- **legitimacy** of elections weakens
- **lower motivation** to vote, run in election and campaign
- **securitization** strategies to prevent harassment: formation of crisis consciousness and utilizing it in order to justify the various measures implemented to **protect democracy** (suspending referendums, restricting demonstrations)
- **paradox of protection**: no need for external harassment once democratic systems start eroding themselves from inside by redefining and restricting its core principles such as political rights and liberties
- How to protect democracy both from harassment *and* protection?



The French recipe



Mon 4 Mar 2019 19:17 GMT

 European dimension in organization of elections, which has been a domain of national sovereignty

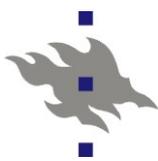
Defending our freedom

The European model is based on freedom: of people, diversity of opinions and creation. Our first freedom is democratic freedom: the freedom to choose our leaders as foreign powers seek to influence our votes at every election. I propose the creation of a European Agency for the Protection of Democracies to provide each EU member state with European experts to protect their election process against cyber-attacks and manipulation. In this same spirit of independence, we should also ban the funding of European political parties by foreign powers. We should have European rules banishing incitement to hatred and violence from the internet, since respect for the individual is the bedrock of our civilisation and our dignity.

Protecting our continent

Founded on internal reconciliation, the EU has forgotten the realities of the world. Yet no community can create a sense of belonging if it does not have protected territorial limits. The boundary is freedom in security. We therefore need to rethink the Schengen area: all those who want to be part of it should comply with obligations of responsibility (stringent border controls) and solidarity (a single asylum policy with common acceptance and refusal rules).

We will need a common border force and a European asylum office, strict control obligations and European solidarity to which each country will contribute under the authority of a European Council for Internal Security. On migration, I believe in a Europe that protects both its values and its borders.

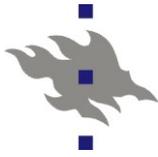


How to ensure that the treatment does not become more severe than the symptom?



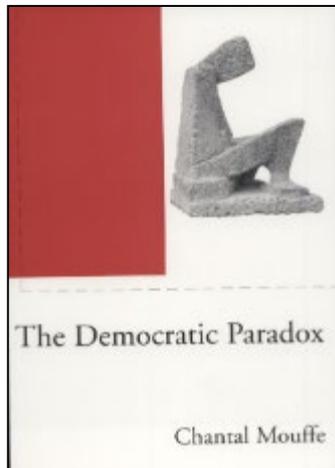
Kuva: Teemu Kiviniemi

- the need for **multidisciplinary scientific research**: understanding democratic harassment it's not just about technology and cyber security
- **the role of civil society**: democracy, protection & bureaucracy = unmatch
- **certification of democratic innovations**: The real McCoy vs. Rousseau
- **media responsibility**: users cannot be held accountable for recognizing fake news and the influence of algorithms

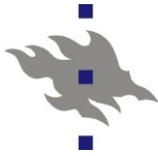


The democratic paradox

■ Chantal Mouffe (2005): *The Democratic Paradox*



- "[W]ith modern democracy, we are dealing with a new political form of society whose specificity comes from the **articulation between two different traditions**. On one side we have the liberal tradition constituted by **the rule of law, the defense of human rights and the respect of liberty**; on the other the democratic tradition whose main ideas are these of **equality, identity between governing and governed and popular sovereignty**." (p. 2–3)
- "This is why the liberal-democratic regime has constantly been the **locus of struggles** which have provided the driving force of historical political developments." (p. 5).



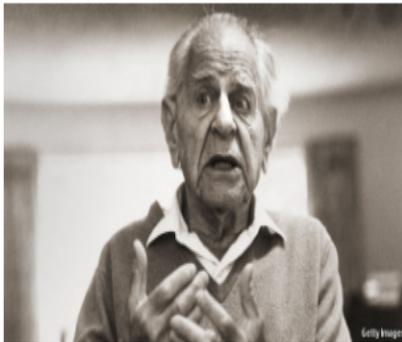
The paradox of democracy

Karl Popper on democracy

From the archives: the open society and its enemies revisited

The
Economist

Democracy in America
Jan 31st 2016

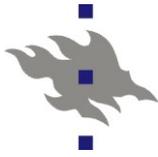


The first book in English by Professor Sir Karl Popper was accepted for publication in London while Hitler's bombs were falling, and was published in 1945 under the title "The Open

Society and its Enemies". The book was well received, but in this article Sir Karl questions whether his central theory of democracy (which he does not characterise as "the rule of the people") has been understood.

In "The Open Society and its Enemies" I suggested that an entirely new problem should be recognised as the fundamental problem of a rational political theory. The new problem, as distinct from the old "Who should rule?", can be formulated as follows: how is the state to be constituted so that bad rulers can be got rid of without bloodshed, without violence?

My theory easily avoids the paradoxes and difficulties of the old theory—for instance, such problems as "What has to be done if ever the people vote to establish a dictatorship?" Of course, this is not likely to happen if the vote is free. But it has happened. And what if it does happen? Most constitutions in fact require far more than a majority vote to amend or change constitutional provisions, and thus would demand perhaps a two-thirds or even a three-quarters ("qualified") majority for a vote against democracy. But this demand shows that they provide for such a change; and at the same time they do not conform to the principle that the ("unqualified") majority will is the ultimate source of power—that the people, through a majority vote, are entitled to rule.



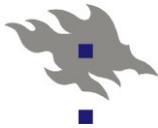
What is militant democracy?

- “Militant democracy as it stands is not a general theory and practice of the protection of the constitution, but it can be perceived as **a set of measures directed against radical emotionalism**, a technique that may be relevant in all situations where emotionalism takes over the political process.” (Sajò 2012, 562)
- “[L]egal **restriction of certain democratic freedoms** for the purpose of protecting democratic regimes from the threat of being subverted by legal means” (Invernizzi Accetti and Zuckermann 2017, 183)
- “Is there an affinity with or disapproval of such a [militant] principle in modern democracies’ constitutions and legal systems? And, if **a constitutional militancy principle** is not acknowledged in a country, are there at least legal and political provisions to defend the democratic structure against attacks?” (Thiel ed. 2009)

R

The ‘Militant Democracy’
Principle in Modern
Democracies

Edited by Markus Thiel



Militant democracy as response to the rise of authoritarian ideologies in the 1930s

JOURNAL ARTICLE

Militant Democracy and Fundamental Rights, I

Karl Loewenstein



The American Political Science Review
Vol. 31, No. 3 (Jun., 1937),
pp. 417-432 (16 pages)

Published by: [American Political Science Association](#)

[Next Item](#) >

DOI: 10.2307/1948164

<https://www.jstor.org/stable/1948164>

Democracy Becomes Militant. The most important step has been taken in a different direction. More and more, it has been realized that a political technique can be defeated only on its own plane and by its own devices, that mere acquiescence and optimistic belief in the ultimate victory of the spirit over force only encourages fascism without stabilizing democracy. Since fascism is a technique bolstered up *ex post facto* by ideas, it can be checked only by a similar technique. It took years to break through the democratic misconception that the principal obstacle to defense against fascism is democratic fundamentalism itself. Democracy stands for fundamental rights, for fair play for all opinions, for free speech, assembly, press. How could it address itself to curtailing these without destroying the very basis of its existence and justification? At last, however, legalistic self-complacency and suicidal lethargy gave way to a better grasp of realities. A closer study of fascist technique led to discovery of the vulnerable spots in the democratic system, and of how to protect them. An elaborate body of anti-fascist legislation was enacted in all democratic countries. The provisions were drafted precisely for checking the particular emotional tactics of fascism. Step by step, each device on which the success of fascism is grounded was met by a legislative provision which crippled it. Furthermore, fascism as a technique went the way of all purely technical contrivances. It became stereotyped. Thus precaution could be taken against repetition of formulas and patterns of action which were successful in other countries. Seen from the angle of its international application, fascist technique appears now rather conventional and standardized; variations of its schematic mechanism are comparatively rare in spite of its ingenuity in adjusting itself to the particular national situation.



Militant democracy as response to the rise of authoritarian ideologies in the 1930s

JOURNAL ARTICLE

Militant Democracy and Fundamental Rights, II

Karl Loewenstein



The American Political Science Review

Vol. 31, No. 4 (Aug., 1937), pp. 638-658 (21 pages)

Published by: [American Political Science Association](#)

The various legislative measures may be grouped along the following lines:

(1) To deal with open rebellion, insurrection, armed uprising, sedition, extended riots, conspiracy against the state—in short, with every overt act bordering on or falling in the category of high treason—the ordinary criminal codes of all countries are adequately equipped.

(2) The most comprehensive and effective measure against fascism consists in proscribing subversive movements altogether.

(3) All democratic states have enacted legislation against the formation of private para-military armies of political parties and against the wearing of political uniforms or parts thereof (badges, armllets) and the bearing of any other symbols (flags, banners, emblems, streamers, and pennants) which serve to denote the political opinion of the person in public.

(4) While uniforms are usually the manifest sign of an organization operating on military lines, it is even more important for democratic states to forestall the formation of military bands or private party militias.

(5) All democracies have taken legislative precaution against illicit manufacture, transport, wearing, possession, and use of firearms or of other offensive weapons of any kind, or they have strengthened already existing prohibitions (Czechoslovakia [1923], Belgium [1934], France [1936], Great Britain [1937]). In Switzerland, after provisions included in a federal statute had been rejected by the referendum of 1935, some of the cantons, e.g., Zürich, Fribourg, St. Gall, and Basle City, stepped into the gap.

[< Previous Item](#) | [Next Item >](#)

DOI: 10.2307/1948103

<https://www.jstor.org/stable/1948103>



Militant democracy as response to the rise of authoritarian ideologies in the 1930s

JOURNAL ARTICLE

Militant Democracy and Fundamental Rights, II

Karl Loewenstein



The American Political Science Review

Vol. 31, No. 4 (Aug., 1937), pp. 638-658 (21 pages)

Published by: [American Political Science Association](#)

(6) A series of new statutes deal with the abuse of parliamentary institutions by political extremism. Taken together, these measures constitute the first and, as yet, rather timid effort for safeguarding the parliamentary technique from being utilized for purposes of subversive propaganda and extremist action.

(7) Other recently passed measures of democratic states aim at curbing excesses of political strife. The ordinary criminal codes or the common law of most countries (Sweden, Norway, Finland, the Netherlands, Great Britain, also Germany before 1933) contain provisions dealing with incitement to violence or hatred against other sections of the population.

(8) Political strife carried by the fascists to the extreme of organized hooliganism made the fundamental right of assembly more or less a sham.

(9) Perhaps the thorniest problem of democratic states still upholding fundamental rights is that of curbing the freedom of public opinion, speech, and press in order to check the unlawful use thereof by revolutionary and subversive propaganda, when attack presents itself in the guise of lawful political criticism of existing institutions.

(10) More patently subversive is fascism's habit of publicly exalting political criminals and offenders against the existing laws—a practice which serves the twofold purpose of building up the revolutionary symbolism of martyrs and heroes and of defying, with impunity, the existing order.

[< Previous Item](#) | [Next Item >](#)

DOI: 10.2307/1948103

<https://www.jstor.org/stable/1948103>



Militant democracy as response to the rise of authoritarian ideologies in the 1930s

JOURNAL ARTICLE

Militant Democracy and Fundamental Rights, II

Karl Loewenstein



The American Political Science Review
Vol. 31, No. 4 (Aug., 1937), pp. 638-658 (21 pages)

Published by: [American Political Science Association](#)

(11) Experience offers ample proof that even a well prepared armed rebellion of extremists from right or left is hopeless if the regular forces of the police and the army remain loyal to the legally constituted government. Therefore, one of the most important tasks of any self-respecting state is that of protecting its armed forces against infiltration by subversive propaganda.

(12) The best preventive statutes are ineffective if the public officials in general, who, by controlling the key-positions in the administration and by guiding the execution of the laws, are responsible for law enforcement, are not thoroughly loyal to the state from which they draw their livelihood.

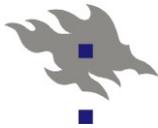
(13) Finally, a specially selected and trained political police for the discovery, repression, supervision, and control of anti-democratic and anti-constitutional activities and movements should be established in any democratic state at war against fascism.

(14) In recent years of tension between the different doctrines, wide experience has been accumulated to the effect that fascist propaganda is pouring into democratic states from foreign countries with the deliberate purpose of undermining existing constitutional systems.

[< Previous Item](#) | [Next Item >](#)

DOI: 10.2307/1948103

<https://www.jstor.org/stable/1948103>



Militant democracy as response to the rise of authoritarian ideologies in the 1930s

JOURNAL ARTICLE

Militant Democracy and Fundamental Rights, II

Karl Loewenstein



The American Political Science Review

Vol. 31, No. 4 (Aug., 1937), pp. 638-658 (21 pages)

Published by: [American Political Science Association](#)

[< Previous Item](#) | [Next Item >](#)

DOI: 10.2307/1948103

<https://www.jstor.org/stable/1948103>

Perhaps the time has come when it is no longer wise to close one's eyes to the fact that liberal democracy, suitable, in the last analysis, only for the political aristocrats among the nations, is beginning to lose the day to the awakened masses. Salvation of the absolute values of democracy is not to be expected from abdication in favor of emotionalism, utilized for wanton or selfish purposes by self-appointed leaders, but by deliberate transformation of obsolete forms and rigid concepts into the new instrumentalities of "disciplined," or even—let us not shy from the word—"authoritarian," democracy. Whether this goal is reached by transubstantiation of the traditional parliamentary techniques, as in Belgium, Czechoslovakia, and, last but not least, Great Britain, or by the straightforward devices of constitutional reform, as in the Irish Free State or in Estonia, is perhaps of secondary importance when compared with the immediate end, namely, that those who control the emotionalism of the masses should be made, by constitutional processes, ultimately and irrevocably responsible to the people.

In this sense, democracy has to be redefined. It should be—at least for the transitional stage until a better social adjustment to the conditions of the technological age has been accomplished—the application of disciplined authority, by liberal-minded men, for the ultimate ends of liberal government: human dignity and freedom.

In the meantime, since a majority of the people in all democracies under observation is still averse to the fascist mentality, the least that ought to be expected is that the governments in charge of the constitutional processes should be willing to meet and defeat the fascist technique on its own battle-ground. The first step toward the much-needed democratic International is awareness of the common danger, coupled with recognition of what has been done in the way of defense by other nations in similar predicaments. To neglect the experience of democracies deceased would be tantamount to surrender for democracies living.



Does a handful of old tricks work better than a sackful of new?



Mon 4 Mar 2019 19:17 GMT



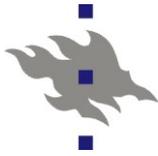
Defending our freedom

The European model is based on freedom: of people, diversity of opinions and creation. Our first freedom is democratic freedom: the freedom to choose our leaders as foreign powers seek to influence our votes at every election. I propose the creation of a European Agency for the Protection of Democracies to provide each EU member state with European experts to protect their election process against cyber-attacks and manipulation. In this same spirit of independence, we should also ban the funding of European political parties by foreign powers. We should have European rules banishing incitement to hatred and violence from the internet, since respect for the individual is the bedrock of our civilisation and our dignity.

Protecting our continent

Founded on internal reconciliation, the EU has forgotten the realities of the world. Yet no community can create a sense of belonging if it does not have protected territorial limits. The boundary is freedom in security. We therefore need to rethink the Schengen area: all those who want to be part of it should comply with obligations of responsibility (stringent border controls) and solidarity (a single asylum policy with common acceptance and refusal rules).

We will need a common border force and a European asylum office, strict control obligations and European solidarity to which each country will contribute under the authority of a European Council for Internal Security. On migration, I believe in a Europe that protects both its values and its borders.



Criticism of militant democracy I



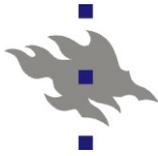
- “Even on its own terms, however, this theory doesn’t seem take into account that **all political agents in electoral regimes make use of emotional cue and strategies**. The category of ‘emotionalism’ doesn’t therefore seem capable of providing a principled basis for distinguishing between ‘friends’ and ‘enemies’ of democracy.”
- “[T]he decision as to what constitutes a threat for the survival of the democratic order is necessarily an exceptional (i.e. ultimately political) decision, which cannot be subsumed into any prior norm, and must therefore be **established arbitrarily by whoever has the power to enforce it.**”
- “This implies that militant democracy **fails on its own terms**, as a legal and democratic means of excluding enemies of democracy”
- “But at very last, **the medicine must not be more dangerous** than the infirmity. Militant democracy fails this test.”

What’s Wrong with Militant Democracy?

Carlo Invernizzi Accetti¹ and Ian Zuckerman²

Political Studies
2017, Vol. 65(1S) 182–199
© The Author(s) 2016
Reprints and permissions:
sagepub.co.uk/journalsPermissions.nav
DOI: 10.1177/0032321715614849
journals.sagepub.com/home/psx





Criticism of militant democracy II



Three Models of Democratic Self-Defence: Militant Democracy and Its Alternatives

Anthoula Malkopoulou and Ludvig Norman

Political Studies
2018, Vol. 66(2) 442–458
© The Author(s) 2017
Reprints and permissions:
sagepub.co.uk/journalsPermissions.nav
DOI: 10.1177/0032321717723504
journals.sagepub.com/home/psx



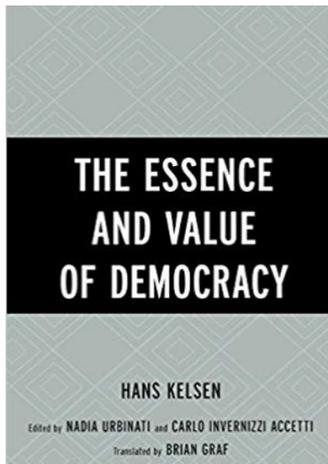
- “[I]t is impossible to grasp militant democracy in Loewenstein’s rendition without also acknowledging his deep-seated mistrust of the people’s ability to govern themselves. This is a recognisable pattern in older elitist theories, where political exclusion and the opposition to broad political participation is based on the notion that **the masses are too easily affected by demagoguery** and nurture passions that could be exploited for authoritarian ends (e.g. Burke, 1999). It also bears striking similarity to post-war theories of elite competition, such as Schumpeter’s published shortly after Loewenstein’s; in them, **democracy is a matter of competition between elites for votes from the people qua masses**, who have ‘a reduced power of discerning facts, a reduced preparedness to act upon them, a reduced sense of responsibility’ (Schumpeter, 2003: 260). From this elitist conception of democracy follows the conclusion that defending democracy requires cutting the communication lines between the **opportunistic political elites and the volatile citizenry.**”

Alternatives to militancy: liberal-procedural self-defence I



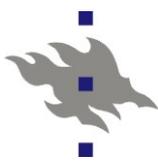
Those who are for democracy cannot allow themselves to be caught in the dangerous contradiction of using the means of dictatorship to defend democracy. One must remain faithful to one's flag even when the ship is sinking; and in the abyss one can only carry the hope that the ideal of freedom is indestructible, and the more deeply it sinks the more it will one day return to life with greater passion.

Hans Kelsen (1932)

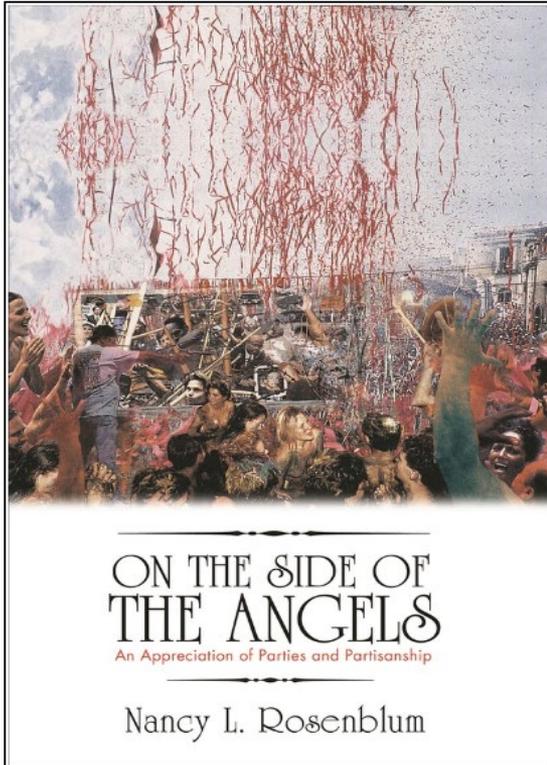


This point appears significant from the point of view of the contemporary debate on the relation between democracy and constitutionalism because it implies that Kelsen's theory of democracy is not vulnerable to the standard "liberal" (and "conservative") objection according to which popular sovereignty is a dangerous principle because it contains no inherent "limits" to the power that may be legitimately exercised by the "people" over themselves (and may therefore run the risk of converting into a form of "tyranny"³⁹).

Inasmuch as it is assumed to be possible only through a set of juridical procedures, Kelsen's theory of democracy proves to contain the resources for limiting the exercise of political power within itself, because the very same procedures that make the expression of the popular will possible in the first place also function as limits on what it can legitimately be. Thus, in a sense, Kelsen's conception of popular sovereignty can be said to be limited *by the logic of its own exercise*.



Alternatives to militancy: liberal-procedural self-defence II



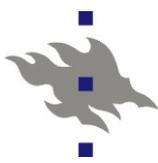
Another possible way of dealing with the same problem is to pursue the opposite political strategy from the one implicit in the idea of militant democracy—that is, to strive as much as possible to include the presumptive enemies of democracy within the legal framework of democratic norms, rather than excluding them. This idea is developed, for instance, by Nancy Rosenblum (2008) through a discussion of the various processes whereby “anti-democratic” parties can be drawn into the electoral game and, as a result of having to compete within it, may reformulate their objectives in ways that are consistent with democratic partisanship (pp. 453–455). As she puts it, this kind of “faith in politics” may offer even anti-systemic political actors incentives and a foothold in the democratic process that can result in a genuine strengthening of democracy where exclusion would weaken it.¹⁰

What’s Wrong with Militant Democracy?

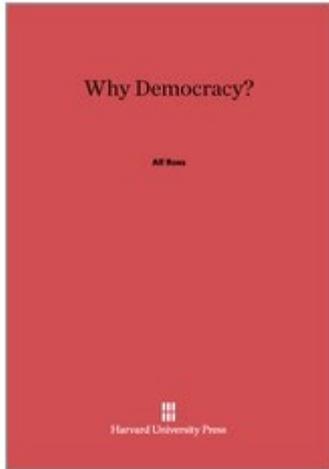
Carlo Invernizzi Accetti¹ and Ian Zuckerman²

Political Studies
2017, Vol. 65(1S) 182–199
© The Author(s) 2016
Reprints and permissions:
sagepub.co.uk/journalsPermissions.nav
DOI: 10.1177/0032321715614849
journals.sagepub.com/home/psx





Alternatives to militancy: social-democratic self-defence



■ Alf Ross: Why Democracy? (1952)

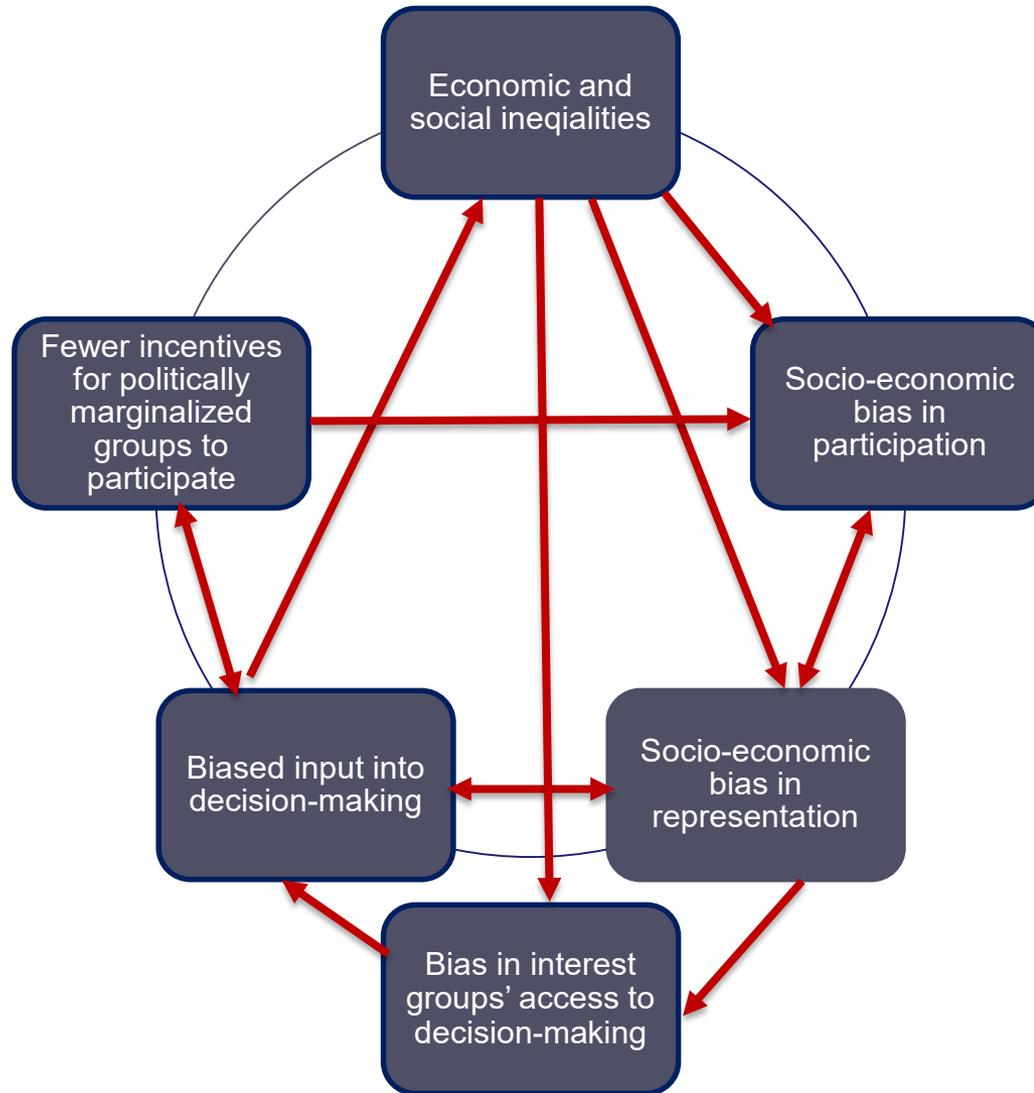
- citizens can be made “propaganda-proof” by democratic education
- decrease in social inequalities will alleviate political conflict
- science can be used to solve technical common concerns
- popular participation should be expanded rather than decreased

■ Hermann Heller (1933): Authoritarian Liberalism

- political stability needs to be grounded in political and economic equality
- political crises are symptoms of structural weakness of the socio-economic order



The elite cycle of political representation



Source: Mattila, Rapeli, Wass ja Söderlund 2017 (modified).



Back to democratic paradox



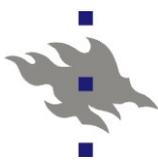
The social-democratic emphasis on political participation and its social preconditions stand in contrast to militant democracy, which reduces the liberal aspect of democracy into a set of exclusionary elitist principles. That is, while militant democracy aims at protecting liberal rights, its underlying assumptions reveal a deep-seated distrust of the people's ability to make decisions that would bolster and protect a democratic polity. On the other hand, the Kelsenian liberal position views trust in the people as a corollary of their formal, legal rights. In contrast to both, the social model of democratic self-defence places the people at the forefront of any effort to safeguard democratic institutions, making democratic self-defence part of an ongoing *process* of realising democracy.

Three Models of Democratic Self-Defence: Militant Democracy and Its Alternatives

Anthoula Malkopoulou and Ludvig Norman

Political Studies
2018, Vol. 66(2) 442–458
© The Author(s) 2017
Reprints and permissions:
sagepub.co.uk/journalsPermissions.nav
DOI: 10.1177/0032321717723504
journals.sagepub.com/home/psx





What shall we do with the democratic dilemma?

A THEORY OF
MILITANT
DEMOCRACY
THE ETHICS OF
COMBATTING
POLITICAL
EXTREMISM
ALEXANDER S.
KIRSHNER



A Theory of Militant Democracy: The Ethics of Combatting Political Extremism

Alexander S. Kirshner

ABSTRACT

How should pro-democratic forces safeguard representative government from anti-democratic forces? By granting rights of participation to groups that do not share democratic values, democracies may endanger the very rights they have granted; but denying these rights may also undermine democratic values. This book offers a set of principles for determining when one may reasonably refuse rights of participation, and it defends this theory through real-world examples, ranging from the far-right British Nationalist Party to Turkey's Islamist Welfare Party to America's Democratic Party during Reconstruction.

Keywords: representative government, anti-democratic forces, rights of participation, democratic values, far right

Self-Limiting Framework

- All citizens, both democrats and antidemocrats, possess indefeasible rights to participate.
- Exclusionary rules or policies, such as a party ban, should only be used to thwart antidemocrats from invidiously violating the rights of others.
- Democrats' efforts to defend self-government are shaped by a sense of the damage likely to result from inaction.

DUKE

<https://www.youtube.com/watch?v=Ds4dYszGvww>

■ Towards democratically sustainable model of self-defense



To be sure, neither of these possible ways of addressing the so-called “paradox” of democracy can offer any *absolute* guarantees that a democratic regime will not overthrow itself by democratic means. For if the enemies of democracy turn out to be an overwhelming majority, no coherent conception of democracy would seem to be able to prevent that. However, in the final analysis, it is perhaps precisely this phantasm of a totally “riskless democracy” that is the source of the problem. For that seems to involve the opposite paradox from the one we have been considering up to this point, namely, that a democratic regime may potentially have to be enforced *against* the people’s will.

What’s Wrong with Militant Democracy?

Carlo Invernizzi Accetti¹ and Ian Zuckerman²

Political Studies
2017, Vol. 65(15) 182–199
© The Author(s) 2016
Reprints and permissions:
sagepub.co.uk/journalsPermissions.nav
DOI: 10.1177/0032321715614849
journals.sagepub.com/home/psx

