

# Democracy in Danger? Political Violence, Peaceful Transition, and Threats to Democracy

Marcus Ellinas

*Many claim that political violence<sup>1</sup> (PV) threatens democracy. These claims often rest on the grounds that PV toxicifies political discourse, fosters polarization, and constrains a government's capacity to honor citizens' policy preferences. There is a distinction, however, between PV that diminishes a democracy's ability to do desirable things and PV that jeopardizes democracy itself. This paper argues that PV that threatens the peaceful transition of power does endanger democracy itself, while most other forms of PV do not. Accordingly, democratic governments are morally obligated to prioritize threats to peaceful transitions of power over threats that do not endanger democracy. Establishing a hierarchy of moral priorities does not give governments license to ignore certain threats, but rather, helps clarify which security measure a government is morally obligated to take if two are in conflict or how to proportionally allocate resources when those resources are limited. This paper proceeds in three parts. The first section offers a definition of democracy. The second section argues, based on this definition, that many types of PV do not threaten democracy itself, and consequently come second to peaceful transition threats on the list of a democratic government's moral priorities. The final section considers the implications for present-day American security policy.*

**T**errorism, it is often argued, threatens democracy.<sup>2</sup> Evaluating this claim requires taking a step back. We need to know what democracy *is* in order to decide whether and how PV threatens it. What makes a democracy a democracy? What exactly is the dispositive factor that separates a democracy from a non-democracy? Many regime characteristics feel intuitively democratic—elections, representation, debates, campaigns. Since there is not, of course, an objective definition of democracy, our intuitions seem like a fair starting point for defining what that democracy is: What exactly makes it different from the things that are not it?

Accordingly, Robert Dahl's classic theory outlines two reasonably intuitive, necessary conditions of democracy: high levels of 1) "participation" and 2) "contestation." That is, to qualify as democratic, a regime must have 1) near universal suffrage and 2) no burdensome restrictions on who can run for office.<sup>3</sup>

Intuitively, this is plausible. A regime where half the population is categorically denied suffrage at birth indeed seems decidedly undemocratic (e.g., a regime absent women's suffrage). We might justifiably place certain limitations on voting—in many democracies, suffrage is restricted by age—but all citizens presumptively retain suffrage and cannot be denied the right to vote on the basis of ascriptive identity or political affiliation. With respect to contestation,

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1 Throughout this paper, I will frequently use the term "political violence" to refer to behavior often described as "terrorism." I prefer the former term as it is less politically charged and avoids the semantic debate over what does or does not count as terrorism. Political violence includes terrorism, but also may include violent protest or other politically motivated violence. In most instances in this paper, the two terms are interchangeable. For a useful definition of political violence, see "Forms of Political Violence," European Consortium for Political Research, 2014.

2 See, for example, Daniel L. Byman, "Terrorism and the Threat to Democracy," Brookings Institution, November 25, 2019; Marc J. Hetherington and Elizabeth Suhay, "Authoritarianism, Threat, and Americans' Support for the War on Terror," *American Journal of Political Science* 55:3 (2011); Brian Jenkins, "Waging War Beyond the Battlefield: Remarks at the Celebration of 50 Years at RAND," RAND Corporation, 2019; and Parliamentary Assembly of the Council of Europe (PACE) — Political Affairs Committee, *Terrorism: a threat to democracies* (Strasbourg: PACE, 2004).

3 Robert Alan Dahl, *Pluralism: Participation and Opposition* (New Haven, CT: Yale University Press, 1971), Chapter 1, especially pp. 5-8. I should note that, for Dahl, these two conditions are necessary but insufficient. I borrow the conditions here because they are a useful starting point for building this section's definition of democracy. Additionally, "burdensome" is my term, not Dahl's; it is my way of describing the kind of restriction that might make a regime have low levels of contestation.

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*Marcus Ellinas is a student at the University of Chicago, pursuing a BA in political science and quantitative research methods. His interests broadly include normative political theory, constitutional law, and quantitative social science, with a particular focus on determining the proper role of statistical evidence in answering moral and legal questions.*

when the pool of individuals who are allowed to become representatives differ wildly from the pool they are supposed to represent (e.g., a regime with racial restrictions on officeholding), this too seems undemocratic. Individuals in a democracy should at least have the option to elect representatives who share their background or identity. Again, we might justifiably constrain contestation (residency requirements for candidates), but these restrictions cannot be burdensome. As with suffrage, restrictions cannot exclude on the basis of ascriptive identity or political affiliation and cannot have the cumulative effect of rendering contestation effectively impossible even if an individual is not categorically excluded (e.g., excessive fees for establishing one's candidacy). As such, high levels of participation and contestation are reasonable, necessary conditions for democracy. Defining democracy by these two conditions helps distinguish between democracies and regimes we generally label as non-democracies: Non-democratic regimes might have one of the two factors, but they do not have both.<sup>4</sup>

However, participation and contestation alone are not sufficient to qualify a regime as democratic; these are necessary but insufficient conditions. To define democracy along these two dimensions alone is to suggest that regime types only differ during election season. Our set of conditions for defining democracy thus needs something more. A proper definition of democracy should capture what makes a democracy a democracy *between* elections as well. It should capture what makes democratic *rule* democratic, distinct from non-democratic rule. To merit definition as a separate regime type, we should expect democratic leaders to behave differently toward citizens than non-democratic leaders.

Adam Przeworski's definition of democracy accepts Dahl's two conditions, but adds a third: In order for a regime to qualify as democratic, it must systematically undergo *peaceful transitions of power*.<sup>5</sup> The process of peaceful transition must also be normalized in some way, such that officeholders and voters expect a peaceful transition to occur when the incumbent loses. I will call this expectation a "peaceful transition mechanism," and posit that peaceful transition mechanisms are a third necessary condition of democracy. This extra condition is the missing piece of our definition because it captures the difference between democratic and non-democratic *rule*. By creating institutional incentives for officeholders to honor citizens' interests, a peaceful transition mechanism generates a *responsiveness* that we expect from democratic rule but not from non-democratic rule.

The prospect of peaceful transitions generates incentives for officeholders to respond to voters (to consider/implement their policy preferences) between elections, because voters can punish incumbents—hold them accountable— at the ballot box. Conversely, without transitions (without the threat of removal), leaders lack institutionalized threats to their power and therefore lack incentives to represent citizens. Non-democratic officeholders may sometimes honor citizens' interests, but only as a means to maintain order. When citizens can only induce transition violently, officeholders need only do enough to make citizens not revolt, rather than do enough to earn their vote. Because citizens face higher costs in revolting than they do in voting differently, officeholders in regimes without a peaceful transition mechanism can afford to be far less responsive. This unresponsiveness to citizens' interests, or responsiveness merely as a means to placate the population and further one's self-enrichment, is a characteristic many would intuitively associate with non-democratic rule.

Peaceful transitions also facilitate the process by which voters *select* candidates whose stated policy preferences align with their own—that is, peaceful transitions help ensure that candidates who win elections actually take office. This selection effect might also encourage responsiveness, if candidates can only win election when already predisposed to implement voters' policy preferences. Absent the threat of removal, however, selected candidates can more easily renege on campaign promises, highlighting how the accountability element of peaceful transitions is especially central to transitions' effect on responsiveness.

It is therefore necessary to include peaceful transitions in a definition of democracy in order to ensure that our

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4 Many present-day authoritarian regimes (e.g., Russia and Belarus) offer near universal suffrage but go to great lengths to constrain contestation. Citizens can vote, but have few choices of candidate beyond the dominant party.

5 Adam Przeworski, "Minimalist conception of democracy: a defense," in Ian Shapiro and Casiano Hacker-Cordón, *Democracy's Value* (Cambridge: Cambridge University Press, 1999), pp. 23-25. Specifically, he defends that democracy is "a system in which rulers are selected by competitive elections ... in which citizens can get rid of governments without bloodshed" (p. 23). Throughout his analysis, he assumes Dahl's conditions hold (p. 25).

definition distinguishes democratic rule from non-democratic rule. Peaceful transition mechanisms generate institutional incentives for officeholders to be responsive to citizens' interests, a responsiveness that we expect from democratic rule but not from non-democratic rule.

Of course, responsiveness is not the sole difference between democratic and non-democratic rule.<sup>6</sup> But if we are searching for a plausible difference to ground a definition of democracy, responsiveness seems like a fair option. Social contract theory—foundational to democratic theory and our intuitions about democracy—demands responsiveness by positing that authority for democratic leaders derives exclusively from the “consent of the governed,” or the “will of the people.”<sup>7</sup> This expectation is outlined in prominent democratic documents, such as the Universal Declaration of Human Rights and the U.S. Declaration of Independence.<sup>8</sup> Citizens of democracies thus feel entitled to some degree of “power-sharing” with officeholders, such that the interplay between the officeholder and constituent ultimately produces policy actions; the officeholder *responds* to their constituent, hearing their views and constructing policy in turn. The point is, given the ubiquity of these ideas of “power sharing” or responsiveness in everyday discourse about democracy, basic democratic theory, and democratically grounded documents, it seems reasonable to ask that democracies be responsive to constituents. It seems reasonable to suggest that a regime, in order to *qualify* as democratic, must be responsive to some degree.<sup>9</sup>

By generating the necessary institutional incentives for responsiveness, peaceful transitions are thus a necessary condition for democracy. It is essential to emphasize, then, that to *lose* a peaceful transition mechanism is to lose democracy itself. Voting and contestation alone do not get the job done. They produce a democracy only in the presence of a peaceful transition mechanism that incentivizes leaders to respond to voters.<sup>10</sup>

Before moving forward to a discussion of political violence, a few clarifications are necessary. Given the elevated moral and political significance I am ascribing to peaceful transition, it is worth outlining more carefully what I mean by “peaceful transition” and “peaceful transition mechanism.” A peaceful transition (as I will use the term here) occurs when the incumbent loser of a competitive election relinquishes control of their office without external use of force to induce removal. If the incumbent loser must be forcibly removed, either by other governmental actors or members of the general population, the transition is not peaceful. Accordingly, non-peaceful transition also occurs when the use of force is necessary to protect essential intermediate elements of the transition process (e.g., if an incumbent is expected to lose an election and attempts to violently prevent vote-counting). Although the incumbent loser is not literally forced from office, force is nonetheless necessary to bring about their removal downstream.

By this definition, a peaceful transition can only occur in regimes that meet Dahl's two democratic conditions; the point is not just that power changes hands sans violence, but also that the peaceful change is produced by a competitive election. This distinction is necessary to exclude bloodless transfers of power with little relevance to

6 For example, democratic rulers may be more likely to govern transparently, providing voters with additional information on, for example, the polity's macroeconomic performance. Democratic rulers might also be more likely to engage in publicized political debates, as a means to reconcile differences in preferences between constituencies. I have chosen to isolate responsiveness because it tends either to function as the cause of other elements of democratic rule or the other elements function to facilitate responsiveness. Democratic officeholders are transparent because voters prefer it, they debate (at least in part) because voters prefer it, and debates help voters select officeholders who are most likely to be responsive.

7 See, for example, John Locke, (Peter Laslett ed.) *Two Treatises of Government* (Cambridge: Cambridge University Press, 2012) Chapters 6-8.

8 See United Nations General Assembly, The Universal Declaration on Human Rights, Article 21, and “Declaration of Independence: A Transcription,” Paragraph 2.

9 The reader might be skeptical of my focus on responsiveness if they believe that, as an empirical matter, democratic leaders are not responsive. If such an empirical claim were true, the heightened importance I am attaching to peaceful transition would be purely idealistic. Although there may be reasonable grounds for doubting responsiveness—for example, moneyed interests skewing electoral incentives—there is nonetheless a body of political science research that suggests that (on average) incumbents do alter their behavior in response to the threat of removal, in a manner consistent with voter well-being. See, for example, James Alt, Ethan Bueno de Mesquita, and Shanna Rose, “Disentangling Accountability and Competence in Elections: Evidence from U.S. Term Limits,” *Journal of Politics* 73:1 (2011); Charles Tien, “Representation, Voluntary Retirement, and Shirking in the Last Term,” *Public Choice* 106:1/2 (2001).

10 I owe very much to Monika Nalepa for guiding my thoughts on definitions of democracy. Her undergraduate course in comparative politics and forthcoming book chapter outline multiple definitions of democracy (including those from Dahl and Przeworski) in a very lucid fashion, and this paper would not exist without those contributions. For her book chapter, see Monika Nalepa, “Regimes and Regime Change,” in Josh Tucker and Andrew Rudalevige eds., *A Political Science Experiment* (forthcoming).

responsiveness. For example, power may transfer peacefully from one party leader to another in a single-party authoritarian regime (e.g., from Kim Jong-il to Kim Jong-un), but this transfer does not alter officeholders' incentives toward constituents. The purpose of including peaceful transition in a definition of democracy is to distinguish democratic from non-democratic rule, and types of peaceful transfer divorced from officeholder incentives do not aid in this distinction.

Moreover, I have suggested above that any democratic regime must have a peaceful transition *mechanism* (not merely peaceful transitions themselves): It must be the expectation or norm that incumbent losers peacefully cede power. This expectation is likely outlined or implied in the regime's constitutive documents (e.g., as in Article I and II of the U.S. Constitution). A regime has a stronger peaceful transition mechanism when incumbents and members of the general population trust that the norm of peaceful transition would be enforced by other governmental actors against a rogue incumbent. It is the mechanism, the *expectation* of peaceful transition, that induces responsiveness—not the peaceful transition *per se*. The incumbent's future-looking expectation that a swing in votes alone can bring about their removal alters their responsiveness toward citizens in the present, distinguishing democratic from non-democratic rule. Hence, the *mechanism* is a necessary condition of democracy, not merely the existence of peaceful transitions. The next section discusses political violence that threatens this mechanism, thereby putting democracy itself at stake.

### **When Does Political Violence Threaten Democracy?**

Political violence, broadly speaking, is the use of violence to achieve political goals. PV includes terrorism, but also may include violent protest or other politically motivated violence.<sup>11</sup> As the previous section suggests, we should be careful when claiming that PV "threatens democracy." True threats to democracy must jeopardize one of democracy's necessary conditions. Various threats may challenge the ability for a democracy to do desirable things, but this is not the same as threatening democracy itself.

Indeed, many oft-cited terrorist threats to democracy are *not* threats to democracy itself.<sup>12</sup> Rather, they threaten a democratic regime's ability to function in a more ideally democratic way, a regime's capacity to fulfill obligations it holds as a democracy, or the lives of a subset of a democratic regime's citizens. These are, of course, important concerns, but a democracy can remain intact without them. It therefore follows that threats to a government's peaceful transition mechanism deserve priority over these other concerns, because democracy itself is at stake. By prioritize, I do not mean PV that does not threaten peaceful transition should *not* be addressed. Rather, establishing a hierarchy of moral priorities helps clarify which security measure a government is morally obligated to take if two are in conflict, or how a government should proportionally allocate resources when those resources are limited.

What does it look like when PV threatens a peaceful transition mechanism? Generally speaking, PV that threatens peaceful transition involves the use of force by the incumbent loser, their administration/political allies, or external actors in an attempt to keep the incumbent loser in office. This violence can take many forms, possibly targeting the opposing candidate or some aspect of the institutionalized process of transition. These attempts seek to delegitimize the mechanism itself; they undermine the expectation that incumbent losers must leave office, thereby eroding the very expectation that incentivizes responsive governance. This sort of PV threatens democracy itself, while many other forms of PV do not.<sup>13</sup>

I will now consider three specific ways in which PV is often said to threaten democracy. In each instance, I will show why a) the threat in question is not a threat to democracy itself and b) the actual concern at stake is less essential

11 See earlier footnote for the reasoning behind my use of the term "political violence."

12 I should stress that my purpose here is to consider only those instances in which *political violence* might threaten democracy. Other developments that do not qualify as PV could surely also threaten democracy (e.g., plans to abolish voting rights).

13 As a caveat, it is obvious that some threats to peaceful transition are not morally significant. Mere words can "threaten" a peaceful transition mechanism (and therefore, democracy) by "delegitimizing" the expectation (e.g., an incumbent saying they might not leave office if they lose), and my argument is not that this type of threat deserves moral priority over significant threats of other kinds. A threat to democracy itself can be less important than a threat to something else of value, if the threat to democracy is low in magnitude or unlikely to materialize. My point is, all else equal, threats to democracy itself (such as threats to peaceful transition) come first.

than democracy, and therefore comes second to peaceful transition on the list of a democratic government's moral priorities.

### 1. Coercive Threats

Terrorism and PV are coercive tools; they impose (or threaten to impose) costs on a regime in order to alter the regime's behavior. For example, Hezbollah's 1983 bombing of the Marine barracks in Beirut sought to coerce the United States into removing its troops from Lebanon; this coercion was ultimately successful as President Reagan ordered withdrawal the following year.<sup>14</sup> When directed against democratic regimes, coercive threats may seem to challenge democracy itself. Coercive threats can compel democratically elected officeholders to make choices their citizens would not support, absent the terrorist threat. As such, coercive threats might seem to jeopardize democracy itself by diminishing officeholders' ability to carry out the will of the people.<sup>15</sup>

Indeed, coercive threats are an important concern and should be addressed if possible. Nonetheless, they do not threaten democracy itself, and thus come second to peaceful transition threats. I said before that democratic governments are necessarily responsive, in that officeholders consult with constituents to produce policy choices. If coercive threats were to impinge upon this responsiveness, they would indeed put democracy itself at risk. However, when facing coercive threats, democratic officeholders still consult with constituents, still respond to the will of the people; they simply have an external constraint against carrying it out. Assume, for example, that a) the American people generally supported the idea of occupying Lebanon and b) President Reagan knew this. President Reagan's choice to withdraw (despite general support for the occupation) would not be a failure of democracy. If he simply *ignored* constituents in choosing an alternative policy, this would indeed be unresponsive, and thus undemocratic. The key here is that the officeholder would most likely choose the preferred policy if he could do so.<sup>16</sup> A parent is still responsive to the needs of his child even if, despite his best efforts, he cannot meet those needs; an officeholder is still responsive to the interests of her constituent even if she cannot, despite her best efforts, honor those interests due to some external constraint.

One could still object, however, that a) a regime should not qualify as democratic if it cannot carry out the will of the people, and therefore b) coercive threats *do* jeopardize democracy. This objector might suggest that democracies exist for the instrumental purpose of implementing the will of the people, and a regime that cannot do so is not properly a democracy, even if it retains responsive interaction between officeholder and constituent. However, I think this objector is mistaken to claim that simply when a regime cannot execute its desired policies, it ceases to be democratic. Such a standard is unfair to otherwise democratic regimes with a low position in the international hierarchy of states. Any state without international bargaining power or lacking in economic resources would have its status as a democracy put in question. These political and economic limitations are, to some extent, outside of a regime's control, and it is unfair to deprive a regime of democracy status due to arbitrary factors entirely exogenous to the regime itself.

As such, coercive threats are not true threats to democracy. However, they still endanger a valuable interest: a democratic government's ability to carry out the will of its people. Why is this interest less valuable than democracy itself? In other words, why does the fact that coercive threats fail to jeopardize democracy mean they should fall lower on the list of priorities than threats that *do* endanger democracy? Why should coercive threats come second to peaceful transition threats?

Again, the primary concern with coercive threats is that they challenge the ability for officeholders to carry out

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14 Robert A. Pape, *Dying to Win: The Strategic Logic of Suicide Terrorism* (New York: Random House Trade Paperbacks, 2005), pp. 27-31, 64-70.

15 This argument has featured prominently in international deliberation on security policy, including the proceedings of the Parliamentary Assembly of the Council of Europe (PACE). See, for example, PACE Political Affairs Committee, *Terrorism: a threat to democracies*.

16 As stated above, I am assuming that, as a general empirical matter, politicians tend to be responsive to voter preferences. Of course, this is not always the case. Whether or not President Reagan actually would have done x or y at any given time is not really the point; my goal is just to illustrate that responsive officeholders are not behaving anti-democratically if they are coerced into choosing policy measures that their constituents would otherwise not prefer.

their constituents' will. However, in order to understand what this will *is* in the first place, officeholders must first interact and consult with their constituents. They must be responsive. If the regime's peaceful transition mechanism collapses, leaders have few institutional incentives to be responsive (as argued in section 1); they have few incentives to even comprehend the will that coerced leaders are struggling to carry out. As such, while coercive threats make honoring constituents' will difficult, the absence of peaceful transitions generates conditions in which said will is likely to be ignored entirely.<sup>17</sup> Democratic officeholders have an obligation to preserve the conditions in which *some* will-honoring is likely to occur, before they seek to maximize will-honoring. Protecting peaceful transitions (and in turn, protecting democracy) accomplishes the former; addressing coercion accomplishes the latter. Accordingly, addressing threats that threaten a democracy's peaceful transition of power must come first.

## 2. Procedural Threats

Another type of threat may challenge democracies by infecting debates with unproductive discourse, legitimizing extremist political views, and fostering polarization. For example, the 2019 white supremacist mass shootings in two Christchurch mosques polarized discourse among New Zealand media and politicians, inducing some to reiterate anti-Muslim tropes while others denounced white nationalism and blamed their political opposition for the attacks.<sup>18</sup> I call threats of these sort procedural threats, threats that undermine practices some might view as characteristic elements of the democratic process, such as compromise, persuasion, and debate. By corrupting these key deliberative practices, *procedural threats* might be viewed as threats to democracy itself.<sup>19</sup> Democracies (as distinct from non-democracies) tend to maintain various fora aimed specifically at fostering discourse on social and political questions: electoral debates, town halls, free press, debate societies. Democratic decision-making is necessarily collective, and we might think that collective decisions are not truly democratic when made without meaningful cooperation between the collective's members.

As with coercive threats, these procedural threats certainly jeopardize significant interests. We might prefer to live in a regime with level-headed debates, discredited extremes, and the absence of polarization. But these are not necessary conditions of democracy. A regime absent these deliberative qualities is still a democracy, assuming it meets the conditions specified in section 1; therefore, New Zealand did not cease to be a democracy after the Christchurch attacks. Democratic regimes will have varying degrees of deliberation, and those with less deliberation should not lose democracy status because their present politicians cannot get along or because their democratically selected policy choices are more extreme. Uncooperative decision-making may be undesirable, but is a problem inherent to majority rule; the majority need not cooperate to govern.<sup>20</sup> Uncooperative democracies are just flawed democracies, not non-democracies.

As such, procedural threats do not threaten democracy itself; they imperil the *ideal functioning* of democracy. It follows that democratic governments should prioritize peaceful transition threats over procedural threats. Officeholders have an obligation to secure the existence of democracy before securing its ideal function.

My argument here could also be used to counter the claim that terrorism threatens democracy by increasing citizens' support for "authoritarian" or anti-democratic national security policy, such as enhanced surveillance.<sup>21</sup> These policies might be perceived as contravening a boundary between government and individual liberty that many view as foundational to democracy. "Authoritarian" security policy, while perhaps undesirable, more closely threatens the ideal functioning of democracy, not democracy itself. Although many viewed the 2001 Patriot Act and subsequent NSA intelligence-gathering as anti-democratic (largely due to their effect on civil liberties such as privacy), I would doubt that those same critics thought democracy writ large was in danger. It is true that terrorism

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17 Or, as discussed in Section 1, the will would be honored only as means to maintain order.

18 See, for example, Gay Alcorn, "Andrew Bolt and my other media colleagues seem incapable of self-reflection after Christchurch," *Guardian*, March 19, 2019.

19 For an example of this argument, see Byman or Jenkins, pp. 2-3.

20 To put this point a different way, we might think that supermajority requirements (e.g., the filibuster) are desirable in that they counter this potential tyranny of the majority, but we would not say that democracy evaporates sans supermajority constraints.

21 For an example of those who claim terrorism threatens democracy in this way, see Hetherington and Suhay.

can induce democracies to temporarily adopt domestic security policy somewhat reminiscent of authoritarian rule, but those policies are still a) endorsed by a majority of elected representatives and b) do not alter any structural elements that I have identified as foundational to democracy (e.g., free contestation).

### 3. Life Threats

Finally, one might argue that terrorism threatens democracy itself by endangering the lives of a democratic regime's people. Democracy cannot exist without people to run it.

Life threats may indeed jeopardize democracy itself if the life threat is so violent that its realization would remove the regime from existence or generate such instability that the basic electoral processes of democracy could not be sustained. But outside of this special case, life threats risk lives, not democracies. Civilian casualties from terrorism are tragic, and life threats should be addressed whenever possible. However, purely in terms of priorities, peaceful transition threats come before life threats.

This claim may seem dubious on face. Surely, the first responsibility of a government is to ensure its citizens are alive? Being alive is a prerequisite to enjoying the fruits of democracy. Something that threatens life itself should surely be addressed before something that threatens a way of living, such as life in a democratic regime. How could life threats not come before threats to democracy?

The argument here is that the need to prevent moderate loss of life is outweighed by the need to secure the background institution—democracy—necessary to reliably secure rights for the vast majority of a polity. Again, I do not mean that democratic leaders should not try to save their citizens' lives if possible. My goal is to establish moral *priorities* when a government is faced with various, sometimes conflicting obligations. If forced to choose, governments should save democracy before saving a moderate number of lives.

I must outline, then, why democracy is necessary to reliably secure basic rights. The argument might proceed as follows:

1. Individuals will inevitably disagree on their respective entitlements, the distribution of duties, and the proper enforcement structure of these entitlements and duties.
2. Without authoritative institutions as third-party arbiters (e.g., an independent judiciary), individuals will be unable to settle these disputes. These institutions are necessary to establish a universal body of rules that render rights "determinate and publicly knowable."<sup>22</sup>
3. Only democratic regimes have the persistent incentive to *maintain* these institutions necessary to enforce basic rights (because of the transition mechanism and threat of removal described in section 1).
4. Only democratic regimes will be perceived as *legitimate* rights-enforcers because individuals have some degree of input into the regime. This perceived legitimacy is necessary to foster compliance with the universal body of rules that outlines rights.

If these propositions are valid, I think it is reasonable to conclude that democracy is necessary to reliably secure basic rights. Consequently, if democracy is necessary to secure rights for most of a polity, then threats to democracy are more dire than threats to the lives of a small subset of the population.<sup>23</sup>

The reader may still be skeptical of the claim that the interest at stake in threats to democracy (secure rights for

22 These first two points (and the quoted language) derive from Anna Stilz's natural duty theory. See Anna Stilz, "Is There an Unqualified Right to Leave?" in Sarah Fine and Lea Ypi eds., *Migration in Political Theory: The Ethics of Movement and Membership* (Oxford: Oxford University Press, 2019), pp. 71-72. For a lengthier figuration of her theory, see Anna Stilz, *Liberal Loyalty: Freedom, Obligation, and the State* (Princeton, NJ: Princeton University Press, 2011).

23 Of course, not all democracies will properly enforce rights. Robust rights-enforcement is not a necessary condition of democracy, hence it was not included in Section 1's definition of democracy. The argument is that democracies have a much higher propensity to secure rights than non-democracies, and democratic officeholders have an obligation to preserve the conditions in which rights are more likely to be respected even at the cost of moderate loss of life.

most of a population) is more valuable than the interest at stake in life threats (lives of a subset of the population). Perhaps a more concrete scenario would help. Consider the following:

Autocracy X invades democracy Y. Democracy Y has a choice between a) fighting a war to preserve democracy that it knows it will win, but losing 3,000 lives, or b) surrendering immediately to the invasion and subsequent dissolution of the democracy.

Which would we choose? I think many would choose the former. There is clearly *some* price in life that many are willing to pay to preserve democracy, if paying that price is absolutely necessary. We invest substantial value in the fact that democracies, in general, more reliably secure rights than non-democracies. The fact that we are willing to sacrifice life (beneath a certain threshold) to save democracy demonstrates that the interest at stake in life threats is less than the interest at stake in threats to democracy. As such, when democratic governments are faced with both threats to democracy and life threats, threats to democracy itself (e.g., threats to peaceful transition) come first.<sup>24</sup>

### **Implications for U.S. Security Policy**<sup>25</sup>

A PV threat may fall into any and all of these categories. Most are life threats; many are coercive. It is clear, however, that many PV threats do not imperil democracy itself, and thus come second to peaceful transition threats. Combating threats to peaceful transition should be a security priority of democratic governments. What are the implications for present-day U.S. security policy?

As the reader has likely anticipated, the January 6th insurrection is the primary concern. Although President Trump himself would eventually leave office peacefully on Inauguration Day, his supporters threatened the peaceful transition mechanism by violently disrupting the certification process necessary to secure the transition of power. This violence not only rendered a singular transition unpeaceful, but also threatened to undermine the transition mechanism: the expectation that incumbent losers will leave office without the need for the use of force to bring about their removal (in this case, the use of force in response to the insurrectionists' force). The Capitol insurrection qualifies as PV that threatens peaceful transition.

This threat has not subsided. Survey data from Robert Pape and the Chicago Project on Security and Threats (CPOST) indicated in April 2021 that approximately 10 million Americans would be willing to use violence to overturn a "stolen" 2020 presidential election. Of these 10 million, 360,000—approximately the size of the National Guard—are likely to be male veteran gun owners, and therefore trained users of weapons. Individuals with these politics have already demonstrated capability to breach the Capitol with 800 people; an armed force in the thousands is an alarming prospect.<sup>26</sup>

Such an insurrectionist "movement" could threaten the present administration. This is a peaceful transition threat, a threat to democracy itself, insofar as the movement's goal is to reverse legitimate election results and reinstate the incumbent loser. Or, this movement may threaten future transitions of power, whether at the presidential level or in down-ballot elections, if not properly addressed.

Because it is a peaceful transition threat, current American officeholders have a moral obligation to address the insurrectionist movement before other types of PV threats that do not jeopardize democracy (for all of the reasons discussed in section 2). The list of PV threats currently facing the United States that come second to the insurrectionist movement is lengthy, but a few examples are evident.

First, the insurrection should be prioritized over preventing radical Islamic terrorism. Islamic terrorist threats, whether from domestic lone-wolf actors or transnational organizations, are coercive, procedural, and life threats, but

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24 Also, from a utilitarian standpoint, one could perhaps argue that the loss of democracy (and subsequent non-democratic rule) would result in more deaths over time than deaths from terrorist attacks in democratic regimes. So, even if life is the sole concern, it might be better in the long-term to prioritize threats to democracy than more immediate threats to life.

25 The term "security policy" can more or less be read as "counterterrorism policy." I prefer the former term for the same reasons I preferred the term "political violence;" it is less politically charged and avoids semantic debates over what does or does not count as terrorism.

26 Robert A. Pape, "Understanding American Domestic Terrorism: Mobilization Potential and Risk Factors of a New Threat Trajectory," Chicago Project on Security and Threats, April 6, 2021, slides 42-56.

they do not jeopardize American democracy itself. These threats do endanger significant concerns and should not be ignored. Nonetheless, American officeholders at present have a moral obligation to prioritize the insurrection over radical Islamic terrorism. This could entail allocating proportionally greater monetary resources toward combating the insurrection, or placing a greater premium on gathering intelligence related to the insurrection.

Second, the insurrection should be prioritized over PV associated with recent protest activity, such as violence during anti-police brutality demonstrations or protests of COVID safety measures. This violence jeopardizes lives, not democracy. As above, it is an important concern, and should be addressed when possible, but is second to the insurrection.<sup>27</sup>

### **Conclusion**

I have argued that PV that jeopardizes peaceful transition jeopardizes democracy itself. Democratic governments, given constrained resources, are morally obligated to prioritize threats to peaceful transition over threats that do not endanger democracy. Although PV often threatens other valuable interests, such as deliberative discourse and policymaking freedom, these interests come second to democracy itself. The normative argument implies that addressing the Capitol insurrection should be a primary concern of current U.S. security policy.

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<sup>27</sup> I am deliberately not discussing violence from domestic right-wing extremist groups. This political violence is often racially motivated; the question of how officeholders should weigh threats to democracy against threats to racial equality (especially in a regime with a history of racial oppression, where reparative obligations may be relevant) is a more nuanced issue that I cannot properly address here.