Combating Political Extremism

A discussion of Alexander S. Kirschner's *A Theory of Militant Democracy: The Ethics of Combatting Political Extremism*

A Theory of Militant Democracy: The Ethics of Combatting Political Extremism. By Alexander S. Kirschner. New Haven: Yale University Press, 2014, 208p, $35.00.

The legitimacy claims of liberal democratic states are typically couched in the language of individual rights and the rule of law. But contemporary liberal democratic states increasingly appeal to a logic of security, law and order, and the need to combat "political extremism." This logic plays out in Ukraine, Egypt, and Turkey, and in Greece and Germany, but also in the U.S., France, and the UK. It is an increasingly important feature of politics in societies that may be experiencing a rough "transition to democracy," but also in societies that are conventionally regarded as "consolidated democracies." The normative and practical challenges presented by this situation are fundamental. Alexander S. Kirschner's A Theory of Militant Democracy: The Ethics of Combatting Political Extremism offers one interesting take on these issues, which cut to the core of political science as a discipline. We have thus invited a range of political scientists from a variety of subfield and methodological perspectives to comment on the book and on the broader topic the book engages—the ethics of combatting political extremism and indeed the very political construction of "political extremism." — Jeffrey C. Isaac

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Few questions are more relevant to democracy, particularly in the post-9/11 era, than how democracies can defend themselves against nondemocratic challengers without undermining their own democratic principles. And yet, this question is rarely addressed in either primarily empirical or (normative) theoretical political science. Alexander S. Kirshner is to be commended for not only daring to tackle this fundamental question but also doing so by employing the conceptual framework of "militant democracy," which so far has been used almost exclusively within the German context.

In short, Kirschner proposes a "self-limiting theory of militant democracy" that is based on three "interlocking principles": the participatory principle, the principle of limited intervention, and the principle of democratic responsibility (pp. 6–7). Simply stated, militant democracy is aimed at maximizing participation, should only intervene in exceptional circumstances, and should openly acknowledge the costs of intervention. Kirschner's arguments are predominantly of a normative theoretical nature, presented in an oft-complex academic style, while the empirical bases of the "real world examples" remain very thin. This is unfortunate, as it might limit his core readership to a fairly narrow group of normative political theorists, while excluding a much larger group of empirical political scientists and political practitioners for whom this topic is also highly relevant.

I am generally quite supportive of the basic principles of Kirschner's theory. The emphasis on the costs of militant democracy, both to antidemocrats and the democratic system, is too often ignored in academic and public debates, while his stress on temporary measures and their independent and regular evaluation is an important addition to the literature. I also agree that the dominant court-centric model of "judicial review" is naive and ignores the fundamental transformations in the political system preceding the "democratic coup" of antidemocrats. That said, the fact that this is the author's main interlocutor in his philosophical debates is another indicator of his US-centric approach, which hardly engages with non-U.S. (based) authors.

There are some important problems and shortcomings with Kirschner's "self-limiting theory of militant democracy." Not least is the philosophical basis, the theory of "self-limiting revolution" of Adam Michnik and the Polish anticommunist

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movement Solidarity (pp. 26–33). Kirschner argues that the "basic structure of the ethical challenge faced by militant democrats parallels the challenge faced by democratic rebels" (p. 6). This is a flawed equivalence, however, as democratic rebels have no access to democratic measures to fight antidemocrats under autocracy, whereas militant democrats do have such access under democracy. Concretely, militant democracies have an inclusionary alternative to the exclusionary option.

Fundamentally, I do not think that Kirschner achieves what he sets out to do, namely, provide a model of militant democracy that is tolerant to the intolerant—in opposition to Karl Loewenstein's original model of militant democracy that "maintained that the intolerant should be met with intolerance" (p. 2). In the end, his model of militant democracy still restricts the rights of one group of citizens to protect the rights of another group, as he also (reluctantly) admits. While this is probably inevitable in any democracy, Kirschner's self-limiting theory of militant democracy is too repressive because he overstates the importance of the first and third principles and applies the second one too generously.

The participatory principle of militant democracy is based on the understanding that "all citizens, both democrats and antidemocrats, possess indefeasible rights to participate" (p. 6). Kirschner believes that the right to participate politically is intrinsically valuable. In fact, his theory is almost exclusively aimed at protecting the right to participation of all citizens. It thereby loses sight of the actual consequence of that participation: What intrinsic value do the mechanics of participation hold when one has no legal right, and therefore realistic opportunity, to realize one's preferred goals (because of the outlawing of extremist parties and policies) or when the institutional structure renders one's participation pointless, that is, devoid of meaningful political consequences?

The principle of limited intervention entails that "the true aim of militant democracy is not the defeat of antidemocrats, but the achievement of a more democratic regime" (p. 25). The latter is achieved when a "regime's practices and institutions are more consistent with individuals' equal claims to participation in a fair political system" (p. 5). Kirschner is reluctant to give concrete recommendations, but does note that the "size and political influence" (p. 18) of antidemocratic movements should be taken into account: "Large antidemocratic organizations may require a more extreme response than small, less influential organizations" (p. 18). At the same time, he supports the Equality and Human Rights Commission's intervention in the membership requirements of the British National Party, by any account a marginal political phenomenon in the United Kingdom. Similarly, he morally rejects so-called preventive intervention, but then says that antidemocrats "can preventively intervene *when this appears to be* the only way to preserve a legitimate regime" (p. 140; my emphasis).

More fundamentally, I think that Kirschner's application of the principle of limited intervention is problematic on at least two counts. First, it is based on the assumption that every anti-democratic group is potentially a new German Nazi Party, which will end democracy once it comes to power. He therewith completely ignores the many antidemocratic parties that transformed into democratic parties, most notably the many socialist parties of the early twentieth century. Second, while taking into account the strength of antidemocratic challengers, he ignores the strength of the challenged democracy. Almost all of his "real world examples" are relatively new or vulnerable democracies, from embattled Israel through postcommunist Poland to the post–Civil War United States. As he argues that democracies should respond with more restraint to the challenge of small rather than large antidemocratic groups, one could also contend that consolidated democracies should act more reserved than new or embattled democracies.

Provocatively stated, from the standpoint of the antidemocrat, Kirschner's self-limiting theory of militant democracy differs from Loewenstein's original model mainly in one way: It says "I feel your pain" after taking away their democratic rights. In the end though, the political consequences are the same: Militant democrats tell antidemocrats that they can play the democratic game, but only if they follow *their* rules and let *them* win. In that sense, the quote from John Locke that Kirschner cites as an example of "a perverse and dubious logic" (pp. 7–8) applies equally to his own self-limiting theory of militant democracy: "It is in effect no more than to bid them first be Slaves, and then to take care of their Liberty; and when their Chains are on, tell them, they may act like Freeman."

Given the relatively few real-world examples discussed in the book, I would like to use the opportunity of this symposium to push Kirschner to apply his self-limiting theory of militant democracy to two more cases, which, I believe, address important theoretical questions. In both cases, the specific empirical details are irrelevant, as I am more interested in the broader theoretical question.

The first paradigmatic case is the Algerian legislative election of 1991, the closest real-world example of a (imminent) "democratic coup," in which the Islamist Islamic Salvation Front (FIS) won 48% of the vote in the first round. Fearing it would win a majority of seats, the governing National Liberation Front (FLN) canceled the second round of the elections, and a consecutive military government banned FIS. As FIS was clearly antidemocratic, I assume that Kirschner will agree with this decision of preventive intervention. My main question is, however: Can a decision to cancel the vote of a (near) majority of the people, as well as the ban of the majority party, still be called "democratic"? Or is this a situation in which democracy is simply impossible and there are only choices between liberal and illiberal nondemocratic regimes?

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The second case is contemporary Greece, a more or less established democracy ravaged by economic crisis and challenged by a wide range of more or less extremist forces. In the June 2012, parliamentary elections two extremist political parties gained access to the Hellenic Parliament: the neo-Nazi Golden Dawn (XA) with 18 seats and the neo-Stalinist Communist Party of Greece (KKE) with 12 seats. While KKE has been represented in parliament since the reintroduction of democracy in 1974, XA entered parliament for the first time. Assuming that both parties are extremist in the same way—in other words, ignoring the intrinsic violence of the XA—should the Greek state respond more reticently toward KKE than to XA, because of its long history within Greek democracy? If not, how can we still argue that preventive intervention is "the only way" to preserve Greek democracy? If so, how do we know that XA will challenge Greek democracy in a more fundamental way than KKE?

These questions as well as the various points of critique I posed in this contribution are in no way meant as a disqualification of *A Theory of Militant Democracy* or Kirshner's theory, which constitutes an important academic contribution to a crucial political question in contemporary democracies. Rather, they should be seen as a direct consequence of the intellectual stimulation that the primarily theoretical book provides to a primarily empirical political scientist interested in similar issues.

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What happens when extremist parties challenge democracy? How should democrats respond to the challenge? And what if, in their efforts to defend democracy, democrats turn fanatic, thus causing the degradation of the very regime they are trying to uphold? Based on several real-world cases, Alexander Kirshner's book seeks to offer a framework for coping with democracy's internal threats built on three interlocked principles: the full participation of citizens in decision making so as to be able to advance their differing interests; the state's limited intervention in the democratic process, unless safe participation becomes impeded; and democratic responsibility in assessing the costs to be incurred when limiting participation. The book's central argument is that only such a "self-limiting" approach may serve as democracy's best defense against political extremism and other antidemocratic action.

Analytically, *A Theory of Militant Democracy* grapples with three distinct political situations. The first concerns transitory periods during which ethically motivated democrats within authoritarianism seek to introduce pluralism. In such cases, in order to prevent "idealism gone cannibalistic" (p. 31), the insurgent democrats must self-limit their revolution. The idea, initially formulated by Adam Michnik, an intellectual leader of Poland's Solidarity movement that tried in the 1980s to topple communism and establish pluralism, surfaces regularly throughout the work, thus serving as its most handy buoy.

A second situation in which extremism may arise is in already established, fully participatory polyarchies (in Robert Dahl's sense). To the extent that antidemocratic forces within them seek to abolish the existing system of choosing officials through universal, free, and fair elections (as happened in Germany's Weimar Republic), democracies are faced with something much more menacing than any ethical dilemma related to full participation: They, in fact, experience an authentic existentialist crisis.

A third and final situation dealt with in the book is about threats directed specifically against liberal institutions and liberalism as understood by John Rawls—that is, a moderate political system based on the rule of law and intent on achieving "overlapping consensus" in society. In such cases, as exemplified by McCarthyism in the United States, militant democrats seek to restrict the freedoms of extremists, and often pursue polarizing political tactics without, however, questioning the polyarchal character of the system.

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Kirshner's self-limiting model for combating political extremism is applicable to the ethical context of emerging pluralism, as well as to the normative conditionality of liberal democracy; it is, however, more problematic when trying to account for combating political extremism in polyarchies. This is probably due to the fact that the empirical cases used in the book do not sufficiently capture the great variance of circumstances under which democratic challengers may emerge. The author's sample includes small groups of antidemocrats emerging in *well-established* liberal democracies and posing no serious threat to it (such as the far-right British National Party); relatively strong antidemocratic parties posing a real threat to minority parties (such as Turkey's Refah Party); and, finally, large nondemocratic parties (such as America's Democratic Party during post—Civil War Reconstruction). According to the framework provided in the book, a "self-limiting" approach can deal perfectly well with the first and second type of cases; it is only when large parties challenge democracy that democrats become confronted with the "distinctive and potentially tragic dilemma" of banning action (p. 110). Then what?

To Kirshner's view, "[t]he normative challenges posed by antidemocratic movements depend on the size and political influence of those movements" (p.18). From this, two interrelated problems arise: When is an antidemocratic party "small" enough to be considered harmless for democracy? And who decides about the threshold after which action against antidemocrats becomes necessary? Consider the most notorious case:

On April 30, 1928, shortly before that year's national elections in Germany, Joseph Goebbels, the Nazi Gauleiter of Berlin, wrote in his paper *Der Angriff* (The Attack): "We enter the Reichstag in order to arm ourselves with the weapons of democracy from its own arsenal. We will become Reichstag deputies in order to paralyze the Weimar ideology with its own support. . . . We come as enemies." After counting the ballots, the Nazis were found to have won a paltry 2.6% of the national vote and only 12 (out of 491) seats in the Reichstag, one of them by Goebbels himself. The rest is well-known history.

To say, therefore, that small extremist parties should always deserve the right to full participation may prove potentially dangerous for democracy itself. In this respect, analysis could have benefited if the author had distinguished his cases according to three variables: the vigor of polyarchy under threat (strong versus feeble democracy); the muscle of the challenger (minor versus major party); and timing (propitious or less so). The implication is that even small antidemocratic parties should be banned if democracy is feeble or otherwise embattled. This brings me to the issue of proper agency for determining the threshold for taking preventive action.

Rather paradoxically, Kirshner belittles the significance of judicial review in defending democracy since, as he

writes, the theories of its proponents "give little insight into how to act for the best when the only plausible strategies involve . . . disenfranchisement" (p. 147). This, I think, is a rather strange view for a liberal democratic polity where nonpartisan institutions such as the courts are entrusted with deciding whether political participation is legal or not. There is a lesson to be learned from the following case, which, unfortunately, is not included in the book:

In October 1976, a small group of members of the Nazi Party of America threatened to march through the Skokie, a northern Chicago suburb inhabited by a large number of Jews and Holocaust survivors. The residents of Skokie sought a court order enjoining the march, which, of course, triggered a nationwide controversy about the freedom of speech and expression of undemocratic forces. Eventually, under heavy pressure from the American Civil Rights Union, the Illinois Supreme Court, the U.S. Court of Appeals, and the U.S. Supreme Court concluded that Skokie could not enjoin the Nazis from marching.

The issue whether to ban antidemocratic forces in order to save democracy, which seemed to have disappeared with the end of communism, is once again vexing. As in the case of Skokie, in many places today democrats entrust decisions about preventing action against extremist parties to nonpartisan judicial processes. Decisions may vary. In Belgium, the Ghent Court of Appeals outlawed the Vlams Blok Party for inciting discrimination, and, more recently, the Greek Constitutional Court decided to support the imprisonment of the top brass of neo-Nazi Golden Dawn.

With such a richness of empirical cases, Kirshner's book deserves great credit for proposing a cogent principled framework to be used by polyarchal democracies against extremist antidemocrats. Inadvertently to the author, it also points to what might seem as the optimal way to curb political extremism without violating his principles of political participation, limited state intervention, and democratic responsibility: Rather than banning antidemocratic parties in their entirety, it is better (and fully "principled") to apply militant restrictions on the political action of *specific* party subunits (such as individual leaders, party cadres, or particular party followers) when they violate constitutional law. For, let us face it, parties qua parts-of-a-whole (be that whole the polity or the electorate) cannot be banned without endangering democratic pluralism itself; it is perfectly feasible, however, to banish from legal politics intraparty actors when they themselves endanger democracy by violating its principles.

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Antidemocratic factions have long striven to limit participation in, or alter the character of, democratic regimes. Alexander Kirshner's new book provides "a theory of the steps democracies should take to protect themselves" that aims to limit normative costs (p. 15). The book's key contribution is to shift our focus from post hoc legal responses toward an engagement with antidemocrats as rights bearers and future democratic partners. Militancy should confront only those antidemocratic actions that threaten others' participation rights, and then in the least intrusive way. Intervention in antidemocratic forms of participation should take place "as often as necessary, as infrequently as possible" (p. 7), tracked by a Weberian sense of responsibility and an eye to future reconciliation. Overall, Kirshner's people-centered approach, his assumptions, and, ultimately, his action-guiding principles are interesting and form an important contribution to a practical debate. Yet the logic that joins assumptions to principles leaves the paradox with which he begins unresolved.

Recent attention to militant democracy suggests that it constitutes a new wave of nonideal political theory (Mackelm 2012; Muller 2012; Rosenblum 2008; Rummens and Abts 2010; Thiel 2009). Addressing aspects of the dirty-hands problem, contemporary theorists of the nonideal harness analytic normative thinking in the practical service of real-world problems. Such work breaks down artificial barriers between politics and ethics, showing how a sort of "ethics of experience" can guide those confronting tough cases. As Bernard Williams taught, "almost all worthwhile human life lies between the extremes that morality puts before us" (1985, 216). *A Theory of Militant Democracy* works in this vein, developing a normative frame through active engagement with empirical cases.

This normative frame consists of three principles. The "Participatory Principle" claims that antidemocrats, like everyone, have an intrinsic interest in participation (pp. 33 ff.). Kirshner describes the right grounded in this interest as "indefeasible" (p. 6). The "Limited Intervention Principle" means that militant democrats should only seek to "secure conditions that allow all citizens to participate safely" (p. 47). It follows that to justify exclusionary practices, antidemocrats must have aimed at "invidiously violating others' rights" (pp. 6–7). Finally, the "Principle of Democratic Responsibility" means acknowledging the harm of militancy, providing redress, and treating "anti-democrats as future partners in democracy" (pp. 56–59). Temper your aims and means, militants. Be respectful and responsible.

Examining a range of cases—from the British National Party (BNP) to Turkey's Refah to southern Democrats during Reconstruction—Kirshner offers a range of intervention options. Where possible, we can rely on background rules to discourage antidemocratic tendencies, as when the BNP was required to address its exclusionary membership rules (p. 62). But once antidemocrats can make antidemocratic legislation, courts cannot help us (p. 120). This means that preventive action is justifiable whenever antidemocrats have the "capacity and intent to block democratic challenges in the present and shut down normal avenues of democratic opposition in the future," in addition to a stated intention of doing so (pp. 130, 132).

The right to participate, Kirshner argues, is grounded in active and passive interests: "[P]articipants are unlikely to defend the concerns of nonparticipants adequately. . . . [E]very individual is likely to be the most faithful interpreter of what she requires to lead a valuable life" (p. 37). But even those who choose not to participate have a passive interest in being allowed to do so because it is a marker of dignity, a form of equal recognition, without which individuals would suffer the harms associated with relative inferiority (p. 38). Despite these clearly instrumental uses for the right to participate, Kirshner claims that "self-rule is not simply a means to an end, but an end in itself" (p. 35). This inconsistency has salient consequences.

If the interests that the right serves are, basically, the autonomous pursuit of aims coupled with the dignity of political recognition, then participation must be *meaningful*. It will not do to have a facade, where decisions that contradict vested interests are overturned from above. Yet Kirshner proposes precisely this: Antidemocratic parties, like the British National Party, may be gently disadvantaged by background rules and then left to it, so long as they do not gain power. But should they gather substantial support, "societies must act before antidemocrats have conquered the commanding heights of a society's political institutions" (p. 165). So, far from indefeasible, the antidemocrat's right to participate is contingent on not playing to win. This works against the interests Kirshner claims the right is designed to protect. An advocate of a position that may be voiced but not won does not garner equal respect. And if "every individual is . . . the most faithful interpreter of what she requires to lead a valuable life," then ruling those interests out of court seems to defeat the active interest in participation, too (p. 37). It may be that we democrats know best and deserve the bias that Kirshner blesses (pp. 69 ff., 81), but participation rights should then rest on other grounds, and should be recognized as precisely *defeasible*. As with all rights that conflict, we can struggle to adjudicate with reference to a balance of underlying values.

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Democratic regimes limit rights every day: Rights conflict and are routinely limited for efficiency (as with eminent-domain powers), community safety (quarantine or isolation orders), or even for retribution (retributive incarceration, revocation of prisoners' suffrage). Rights well limited depend on attention given to balancing the interests they serve, and only those rights we deem indefeasible or nonderogable remain above the fray. Kirshner himself makes reference to underlying values of nondomination, dignity, and well-being, yet continues to insist that participation rights are intrinsically valuable and indefeasible (p. 35).

Ultimately, a right to participate and the institutions that facilitate its exercise are *instrumental*, serving, for instance, a fundamental interest in minimizing domination. Kirshner's own assumptions, principles, and advice fit more easily with this logical foundation, while evading the paradoxes in which his argument is mired.

Democratic theorists are, naturally, deeply interested in politics and participation. But the vast majority of others are contented to vote periodically. They want protection from state- and citizen-sponsored economic or physical domination, and participation facilitates this. Our interest in participation is primarily, but not exclusively, an interest in maintaining the capacity to secure ourselves. This is an instrumental, not an intrinsic, interest. Whose (defeasible) right is limited will then ultimately depend on the balance of those interests. The conflict becomes a paradox if the right to participation is understood as indefeasible. Despite this substantive disagreement, by shifting our attention to right holders, and grounding the debate in real cases, Kirshner has made a fine and commendable contribution to democratic theory, which may set the terms of debate going forward.

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The label "militant democracy" was invented by German émigré Karl Loewenstein in the 1930s to designate the constitutional and legal restrictions on the rights of political extremists that were being put into place by democracies in Europe and Latin America to "fight back" against the rising threat of fascism and Nazism. To be sure, such restrictions on free expression and participation raised the age-old dilemma of how much freedom democratic states should allow the enemies of freedom without, on the one hand, running the risk of self-destruction and, on the other, subverting their very own normative foundations. In this book, Alexander Kirshner tackles this same dilemma and proposes an original normative framework that serves to evaluate the various legal strategies adopted by democracies to respond to domestic, nonviolent, antidemocratic challenges.

Kirshner's framework is based on three fundamental principles. The first, the participatory principle, states that all individuals, including antidemocrats, have an equal right to political participation in democratic decision making. This principle sets Kirshner's views apart from those of Loewenstein, who did not consider the participation rights of fascists as deserving of protection. From the participation principle follows the second principle, that of limited intervention, according to which the participation rights of antidemocrats can only be legitimately restricted for the purpose of preventing them from violating the rights of others. This excludes other justifications, such as that of achieving an "ideal" democracy rid of extremist dissent, or that of silencing critiques of values such as secularism or nationalism that may be considered central to state identity in some cases. Third, the principle of democratic responsibility alerts democratic incumbents to the costs of "militant" responses, which implies that such actions should be undertaken only as a last resort and that institutional safeguards should protect against potential abuse.

The framework makes three important and innovative contributions. First, it "opens up" the old formulation of the democratic dilemma. Framing the problem of militant democracy as "What freedom for the enemies of freedom?" was adequate in Loewenstein's interwar years, when totalitarian parties and movements explicitly advocated a different type of political legitimacy from the liberal-democratic one. At the onset of mass democracy in Europe, the problem was mainly to justify the abandonment of the Kelsenian position of constitutional "neutrality," which treated all political positions equally, and to introduce targeted restrictions to prevent totalitarian movements from gaining political influence. Nowadays, new challenges to mass democracy have appeared, and their antidemocratic nature is more contested. The old totalitarian movements have mostly—though not always—turned into fringe groups, and new existential challenges to democracy have emerged from (among others) "identitarian" movements, such as ethnic nationalism and religious fundamentalism, which can claim fundamental rights to minority protection and religious freedom. Kirshner's framework furnishes an articulate response to the difficult issue of designing "militant" policies and institutions that can accommodate the multifaceted nature of the new challenges to democracy.

Second, unlike many treatments of the problem, Kirshner's proposed framework is not implicitly derived from the historical experience of any one specific country, such as, for example, the United States or Germany. To illustrate how his approach could serve as a guide for a variety of polities and antidemocratic challenges, Kirshner uses historical vignettes ranging from a fringe party adopting racist internal statutes to a much larger party posing a direct and immediate existential challenge to a democratic regime. Drawing on such comparative knowledge, the book is more likely than other contributions to succeed in stimulating wide-ranging discussion on a central theme of the contemporary debate on democracy.

Kirshner's third key contribution, and probably the most original trait of his approach, is the explicit connection between the ethics of defending democracy and the ethics of establishing democracy. This normative and philosophical connection can be found already in Locke (pp. 7–8), but Kirshner draws most heavily on the work of the Polish dissident Adam Michnik. Michnik argues that a democratic revolution is a "self-limiting" revolution, which avoids utopian goals and aims at establishing a regime that reflects society's pluralism and allows citizens—including, crucially, those who supported the authoritarian regime—to settle their disagreements peacefully.

The explicit connection between the ethics of the "democratic defender" and the "democratic rebel" serves as the logical infrastructure for most of Kirshner's framework, but it is probably most important for his solution to one of the hardest problems of militant democracy: whether to take preventive action against an imminent threat to the existence of a democratic regime. This is the case of a party on the brink of obtaining governmental power that would have the ability and the intent, once in power, not only to harm the rights of citizens but also, even more seriously, to prevent the future possibility of citizens to democratically redress such harm. The debate on the democratic legitimacy of preventive intervention against enemies of democracy is old and far from being settled, despite renewed attention in the wake of 9/11. Even well-known

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formulae for legitimate infringements of free speech, such as Learned Hand's "the gravity of the evil discounted by its improbability," offer limited guidance, since gravity and improbability can take radically different meanings in different historical and political contexts.

Under the three principles at the root of Kirshner's normative framework, no preventive ban against an antidemocratic party can be justified, because even though the harm to rights of democratic participation can be considered imminent, such harm has not yet taken place. However, by ethically equating actions taken to defend democracy with actions taken to establish democracy, Kirshner argues in favor of preventive action, even though it would not be democratically legitimate—exactly as action taken to establish a democratic regime can be justified by the desirability of democracy, even though, by definition, the institutions and procedures of democratic representation that could legitimize such revolutionary steps do not yet exist. The fundamentally illegitimate nature of preventive defensive action alerts democratic incumbents to its substantial moral costs. This constrains preventive responses: Not only should democrats be alert to the possibility of self-deception and mistakes, but they should also publicly explain their actions and submit, ex post, to an independent review of their actions, which can lead to sanctions in the case of negligence or abuse. Furthermore, after intervening, democrats are under a duty to bring the excluded back into the democratic process, again submitting to external, impartial scrutiny. The prospect of such a process should, in Kirshner's view, deter democratic incumbents from abusing their power and masking partisan intervention under the guise of defensive intervention.

In sum, this is an important work. Although the style of the book is at times long-winded, it covers all of the key issues in the debate on militant democracy and does so in a way that is original and topical at the same time. To be sure, the book is unlikely to put an end to the debate, not least because the practice of many democratic states in responding to antidemocratic challenges is likely to fall short of the exacting standards of Kirshner's framework. In fact, the historical legacy of democratic origins often operates as a justification for antiextremist restrictions (including preventive ones) in the public discourse of new democracies, with significant variation across contexts and not necessarily as a thin disguise for partisan abuse. *A Theory of Militant Democracy* proposes a tightly argued, up-to-date, and universal set of ethical democratic standards for assessing the practice of democratic states that is likely to stir discussion for some time to come.

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