

The unthinkable sword? Democracy and violence across borders

Abstract

This book project explores the idea of “the unthinkable,” as a means of enhancing our normative grasp of various pathologies in contemporary democratic politics. The book focuses on the relationship between democracy and violence, as this relationship unfolds across international borders. I try to illuminate this relationship through a unified normative account of the phenomenological, predictive, and prescriptive aspects of the unthinkable. I articulate a communal conception of the unthinkable, according to which unthinkable attitudes and actions entail the self-removal of the agents who adopt them from relevant communities. At the phenomenological level, I argue that this link between the unthinkable and self-removal from community powerfully captures the lived experience of unthinkable developments in democratic communities across the western world. At the predictive level, I try to show that the same link grounds a novel interpretation of democratic peace theory, re-orienting the theory towards the future.

Finally, and most importantly, the link between the unthinkable and self-removal from community has wide-ranging prescriptive implications, centered on the notion of forfeiture. By undertaking unthinkable actions or adopting unthinkable attitudes, elected leaders remove themselves from the democratic community, and thus forfeit their individual claim to democratic authority. Similarly, a polity that commits unthinkable actions collectively removes itself from the international community of democratic nations, and thus forfeits its moral claim to solidarity support from fellow democracies. The bulk of the book is devoted to how these and other forms of forfeiture bear on the morality of cross-border efforts to contain violent threats to democracy. I offer prescriptions concerning authoritarian foreign invaders, coup-plotting domestic military officers, and civilian politicians who clearly regard the resort to unconstitutional violence as a thinkable means of securing power.

Chapter outline

1. Intro; the phenomenological dimension of the unthinkable in contemporary democratic politics
2. The unthinkable, self-removal from community, and forfeiture: a general (prescriptive) framework
3. Unthinkable violence abroad, authority at home? On democratic authority’s international dimensions
4. *No escaping Ukraine? Just war and the morality of external conscription*
5. *A strike for democracy? Migration, the bigot’s veto, and the electoral use of force*
6. *Democratic coup proofing: preempting coups through foreign troop deployments into unjust war*
7. From prescription to prediction: the unthinkable and democratic peace theory

Delving into the book’s prescriptive discussion (chapter 2)

- The main prescriptive effort (chap. 4-6) - a unified answer to two large questions about “external violence”:
 1. How far can an elected government go in deploying violence vis-à-vis outsiders to save its *own society’s* democracy from (possible) violent collapse
 2. How far can an elected government go in deploying violence vis-à-vis outsiders to preserve save *their* society’s democracy from violent collapse.
- Important ancillary questions about the aftermath of these inflection points.
- The main prescriptive claim: (1) an elected government is *more* limited than is commonly assumed when it comes to deploying violence vis-à-vis outsiders to save its *own* country’s democracy; (2) an elected government is *less* limited than is commonly assumed when it comes to deploying violence vis-à-vis outsiders to save *their* democracy.

Shmulik Nili, Shmuel.nili@northwestern.edu

(Some) core ideas regarding the unthinkable:

- Definition of unthinkable conduct options/attitudes: something is “unthinkable” when it conflicts so deeply with certain core beliefs or assumptions that it is entirely precluded from *practical* reasoning, and/or ought to be entirely precluded from practical reasoning.
- The term “unthinkable” is morally laden. Something is *morally* unthinkable, on my usage, when it conflicts so deeply with core moral beliefs that it (1) *is* entirely excluded from practical reasoning, and/or (2) *morally ought* to be excluded from practical reasoning.
- Primacy of the latter, objective facet of the unthinkable over the subjective facet does not make the subjective redundant (analogy with integrity)
- To reiterate: a *communal* understanding of unthinkable action: to pursue such actions is to remove oneself from a community – e.g., a professional community (physician, engineer, lawyer), a democratic community (Trump, Bolsonaro), the community of all human beings (crimes against humanity).
- Unthinkable *violence*, in particular, entails self-removal from both a democratic community and the community of all human beings.
- A possible test for which forms of wrongdoing ought to count as “unthinkable” and which as merely (seriously) wrong: the unthinkable overshadows everything else about the perpetrator(s).
- Self-removal from community entails *forfeiture* of the moral claims associated with the agent’s previous position in the community (both individual and collective agents).
- Understanding of democratic “community”:
 - A stable majority of citizens see liberal-democratic institutions, traditions as central to the shared civic identity and as central to their personal identity.
 - This stable majority is invested as a matter of principle in the endurance of their liberal democracy – are not willing to give up democracy for prudential gains, nor indifferent as to democracy’s demise.
 - Individual members willing to undertake non-trivial personal sacrifices for the sake of their liberal democracy’s survival, conditioned on others’ willingness to do the same.

1. Utilizing external violence to save domestic democracy

A migration starting point

- Distinguish between the morality of migrant admission and the morality of migrant *integration*
- Migration ethics having substantive policy implications extending far beyond migration itself
- “*Conditional openness*” regarding migration: any liberal democracy ought to allow *at least* those outsiders willing to immerse themselves in its political culture, language(s) and traditions to (eventually) acquire citizenship. So, any liberal democracy ought to regard all of the world’s individuals as potential citizens.
- Why does this matter? An analogy with sports: bending the rules for your team’s sake often ok, but intentionally injuring rivals not ok (supposed to be unthinkable); the constraint on intentional injury of rivals is clear partly because of the understanding that the player on the other side might well be a teammate tomorrow (e.g., club competitors fearing injury to national-team teammates).
- If conditional openness regarding migration is correct, then at least a moderate form of cosmopolitanism seems to follow: there ought to be *some* significant moral continuity between how a liberal democracy’s treatment of its own citizens and its treatment of outsiders.

To *reject* this moderate cosmopolitanism one has to reject the conditional openness view of migration ethics. The latter rejection, in turn, requires endorsing either (1) illicit superiority, or (2) Hobbesian equality. Both are problematic, for reasons ultimately having to do with the unthinkable and forfeiture.

(1) *Illicit superiority*

Shmulik Nili, Shmuel.nili@northwestern.edu

- Bases the political community on the rejection of the basic moral equality of all human beings. Illicitly dismisses some people (e.g. on account of their race, ethnicity, and/or religion) as unfit to be part of the community.
- But by adopting such illicit hierarchies, a political community forfeits its moral claim to survive (the moral value of a political community's survival is a function of its moral character).
- Contra (e.g.) Michael Walzer, the survival of a political community (of "people like us") is not self-justifying
- Central example: Hypothetical annexation of Germany following WW2 (contra Annie Stilz)

(2) Hobbesian equality

- There is indeed an egalitarian continuity between domestic and international affairs. But it is not the sort of moralistic continuity at which my migration argument aims.
- More specifically, even domestic democratic equality, on this view, is compatible with the threat and/or use of amoral violence
- Easy to treat this view as a reductio (consider Harris on Trump and dictatorship). But one can think of at least some historical cases where the distinction between this view and less morally empty relatives got quite blurry (Charles de Gaulle, 1958).
- Still, this view fails. Hobbesian democracy is a non-starter.
- "The unthinkable" and its link to forfeiture helps us see why. Consider Trump and Bolsonaro once more: it is enough for elected leaders to merely think about the resort to illicit violence for them to forfeit their claim to democratic authority (a further analogy with sports – the bribe-entertaining coach)
- Put otherwise, if illicit superiority means that the community is not worth saving, Hobbesian equality means that *there is no* community to save.

Upshot: firm constraints on an elected government's deployment of external violence to save its own democracy.

2. External democratic violence aimed at saving a foreign democracy

- There are multiple forms of coercion that a democratic government might deploy in an attempt to save a foreign democracy from violent collapse – culminating in sending troops abroad.
- But while I have some things to say about this particular measure, my main interest is in a more circumscribed form of external democratic coercion, related to border control.
- Suppose a given democracy A (e.g., Ukraine) is invaded by dictatorship B (e.g. Russia), triggering a massive flight from A. Can foreign Democracy C deploy its border control apparatus in an attempt to get A's citizens to stay and fight B's invasion?
- Although I devote a chapter to this particular question, I also wish to situate this question within a more general account of, partly on the expectation that such an account can illuminate broader forms of cross-border democratic coercion meant to advance/preserve democracy abroad.
- Return to collective forfeiture: if the lesson I derive from the example of Germany post WW2 contra Stilz is correct, then functionalist views of territorial rights might well be safe.
- Stilz uses this example to illustrate her worry that functionalism cannot ground our intuitive opposition to colonialism or involuntary annexation, in cases where the resulting regime safeguards individual rights.
- But the German case any *realistic* case of colonialism or involuntary annexation will either (I) feature self-evidently unjustified violence by the colonizing/annexing power, or (II) turn out, upon inspection, to be a collective forfeiture case.
- If functionalism is correct, then it is fairly easy to see why a foreign democracy can, under certain circumstances, seek to assume a domestic government's functions, in an attempt to prevent democracy's collapse (even if to varying degrees, and even if it must proceed with commonsensical, instrumental caution).
- "External conscription" example.

3. Another angle on survival, violence, and the unthinkable

- I put pressure earlier on the idea that a polity's collective survival is self-justifying.
- Another important argument in the book uses the notion of the unthinkable, and the attendant notion of self-removal from community, to push back on such "survivalism" from a different direction.

The Anti-Lennon View (ALV):

1. A life featuring nothing – and especially *no one* – for whom one would consider dying is far from ideal.
2. Those who regard their own physical survival as always more important than any form of loyalty to anyone else, and who accordingly regard it as thinkable to betray anyone in any way in order to survive, lead a fundamentally brutish, rather than a fully human life.
3. (From 2): A necessary condition for leading a fully human, non-brutish life is that one regards at least some forms of betrayal of others as *unthinkable*. This is true even – and especially - when refusing to engage in such betrayal means accepting an avoidable risk of death.

A modest assumption: any life is woefully lacking if it is entirely devoid of *any* relationship that would make one even consider significant self-sacrifice. Few would deny that a person condemned to never have any relationship with any other human being has less of a reason to live.

In fact, there is something fundamentally *animalistic* about someone who is so singularly fixated on ensuring their own physical survival, that they regard any betrayal, of anything and (especially) of anyone, as thinkable if it would help them survive even one more day.

So: the perpetrators of unthinkable violence shed their humanity due to the crimes they commit. But there is a tragic sense ironic sense in which at least some of the *victims* of such crimes also shed their own humanity, if they regard any betrayal of anyone else as thinkable in the cause of brute survival.

The ALV thus suggests that we all have what might be termed *anti-brutishness* moral reasons to regard some forms of conduct as unthinkable.

These anti-brutishness reasons are aspirational:

- In an evaluative sense: these reasons point to standards of character that we do well to realize as much as we can, without necessarily generating grounds for moral opprobrium if we fail.
- In a predictive sense: anti-brutishness reasons are aspirational insofar as very few of us (if any) can be truly confident that we will act on these reasons if we are *actually* forced to choose between our survival and that of others.

The fragility of community: it is an important (if defeasible) moral goal of public policy to *preempt* such tests, precisely because of the lack of confidence that we - and others – will pass them. Compare:

International Liberation. Aggressia launches an entirely unprovoked invasion of its peaceful neighbor, Victimia. Recognizing that resistance will not be easy, the overwhelming majority of Victimians decide to give up the fight before it starts, and Victimia surrenders. However, Superpower then intervenes, liberating Victimia at a considerable cost of blood and treasure.

Domestic Defense. Aggressia launches an entirely unprovoked invasion of its peaceful neighbor, Victimia. Recognizing that resistance will not be easy, the overwhelming majority of Victimians nonetheless join together to repel the invasion, at the cost of the same blood and treasure as in *International Liberation*.

There is a powerful intuition that the latter scenario is morally preferable to the former. My proposed explanation: the fragility of community. Even though, in both cases, the Victimians end up free of violent foreign rule, the path to that collective freedom is markedly different in each case. In *Domestic Defense*, the vast majority of Victimians prove that each of them is willing to risk himself for the community's sake. Collectively, they face a tragic test, and pass it. In *International Liberation*, by contrast, the vast majority of Victimians conspicuously fail. Why is this failure important?

- Forward-looking. When a community's members prove themselves unwilling to incur major risks for its survival in the face of a crucial shared test, they undermine the mutual trust that is needed to withstand future such tests.
- backward-looking. A community's historical self-understanding may well be damaged, and arguably *ought* to be damaged, if virtually all of the community's prefer collective surrender to a manifestly unjust invader over risks to individual survival.

More detailed outline of chapters 4, 5 and 6

A. External conscription: responding to a foreign invasion (chapter 4)

1. Foreign democracies can enforce individuals' emergency duties to participate in a just defensive war just as a domestic democracy can: no fundamental moral difference between internal and external conscription
2. The *fragility of democracy* explains why this external enforcement should be a top priority, notwithstanding so many other duties that foreign democracies can try to enforce.
3. Possible forfeiture of the individual moral right to return to one's country if (absent special justification) one fled abroad in the face of an invasion rather than participate in the just defensive effort. This forfeiture of the moral right holds even if the legal right to return remains intact.

B. "Strike for democracy": preempting a democracy-destroying electoral candidate (chapter 5)

4. Firm limit on the degree to which an elected government can harm outsiders to save its own country's democracy from an internally generated electoral threat.
5. The imposition of such harm might trigger collective forfeiture of moral claims to solidarity support from fellow democracies (collective self-removal from the community of democratic nations).

C. Democratic coup-proofing and foreign military deployments (chapter 6)

6. There are anti-brutishness moral reasons against preempting a coup at home by sending soldiers to participate in a manifestly unjust war abroad, even when their participation makes little or no consequentialist difference.
7. Such a foreign deployment could be sufficiently brutish/inhumane, that an elected leader might permissibly refuse as a matter of principle to order it, even at the cost of the country's democracy.
8. Independently of (7), such a foreign deployment, even if tragically permissible, could trigger collective forfeiture of future claims to solidarity from fellow democracies – akin to (5).