

Democratic Expeditions

Innocence Lost: The Moral Costs of Defending Democracy

Anthoula Malkopoulou

Democracy is regarded as a morally superior form of government because it treats individuals as equals and affords them the greatest degree of liberty. As a result, when democracy is under threat, many people may swiftly rush to its defence without any hesitation. In doing so, they may feel that their actions are morally justified by default because of the higher purpose they are supposed to serve.

But political action often comes at a cost, and democratic self-defence is no exception. Actions taken in the name of defending democracy carry their own moral risks. As the threat to democratic institutions intensifies, and the struggle against it becomes more complex and difficult, these risks can become serious. An ethical compass is needed to ensure that actions in defence of democracy do not cause more harm than they seek to prevent.

Moral dilemmas of pro-democracy actors

Within established democracies, the rise of political forces that show contempt for democratic ideas, instituti-

ons and procedures forces pro-democracy actors to consider the use of questionable tactics. Some controversial actions to save democracy may be justified but morally wrong, nonetheless.

Pro-democracy actors can occupy state or political positions or belong to the broader civil society. They will face moral dilemmas around their tactics regardless of whether autocratic forces are in opposition or in power. When autocrats are in opposition, pro-democratic governments are the ones most tempted to overreact. When autocrats are in power, it is opposition parties and civil society that are more likely to engage in controversial acts of resistance.

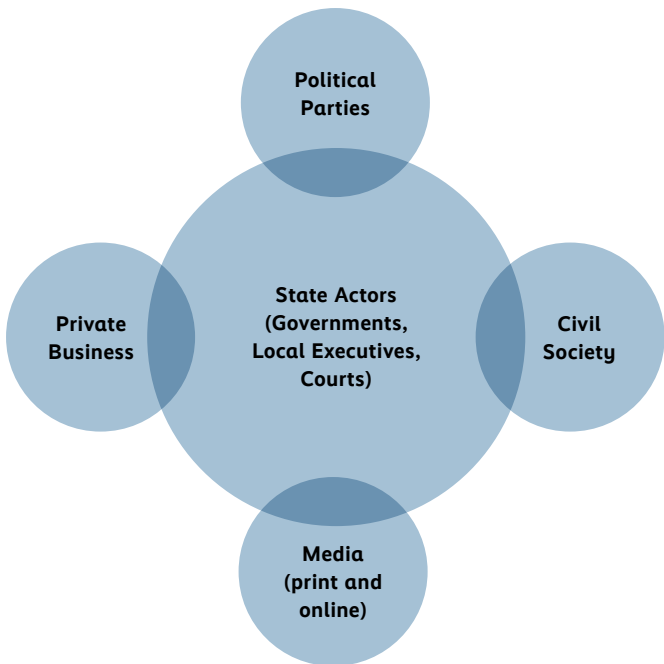
Examples of such actions include the following cases:

- Governments initiate procedures to ban an autocratic political party.
- Mayors deny such a party the permission to use a public space.
- Judges order restrictions on the political rights of some of the party's members.

- Political parties competing with autocrats are tempted to lie, misinform, or receive illegal campaign contributions to defeat them in elections (e.g. it was not uncommon for US scholars to advocate ‘political hardball’ ahead of the 2024 presidential election, see Walzer 2023).
- Civil society activists obstruct their public events, harass them online or physically attack individuals associated with the party (e.g. actual examples range from the systematic defacing of Hungarian government billboards, see Heltai 2015, to the assassination of two far-right Golden Dawn members by a left-wing guerrilla movement, see Reuters 2013).
- Media personnel refuse to interview party leaders, despite their wide electoral support.
- Private business actors refuse to rent premises for party events (e.g. the repeated refusal of German real estate owners to rent event spaces to the AfD, see Laumon 2023).

Actors who may face ethical dilemmas in defending democracy

Figure 1



Such responses to far-right parties can have significant moral costs. Assassinations are of course the most extreme and reprehensible example, but less extreme measures are also problematic.

For instance, the banning of a political party can contravene fundamental individual rights, such as freedom of assembly and association, freedom of expression, and the equal right to stand for election. Similarly, the blo-

cking of an elected party’s access to the media can undermine pluralism of opinion and free public deliberation, and it may compromise the political representation of certain groups and citizens.

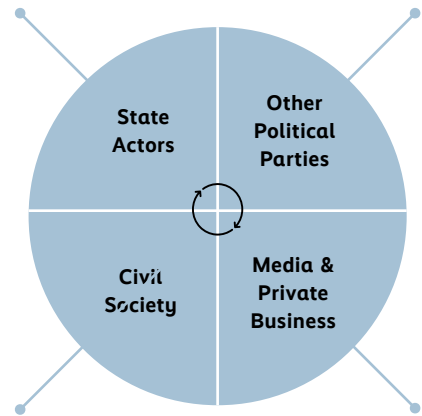
Politicians may face more complex moral challenges in this respect, as the consequences of their actions for themselves and others, coupled with their sense of moral duty to act, may lead to significant shifts in policy.

Consider, for example, a governing party that is losing significant ground to a virulently anti-immigrant autocratic party, while at the same time facing a large influx of illegal immigrants at its borders. Under pressure from opinion polls, its leaders may decide to authorise illegal pushbacks of boats carrying hundreds of refugees. Or, as Poland’s pro-democracy government recently did in an attempt to outflank its autocratic rival PiS, they may decide to suspend the acceptance of asylum applications (Tilles 2024). These parties may believe that they are averting a greater evil by blocking the political appeal of their opponents, whose eventual electoral victory would lead to an overhaul of democratic freedoms for all citizens. They may believe that their actions are therefore justified. But such decisions are still morally problematic. For many theorists, such decisions leave a moral residue, and those who make them should feel guilty for having done so.

Examples of actions against autocratic parties likely to leave a moral residue

Figure 2

- Party bans
- Rights restrictions
- No use of public spaces
- Unorthodox coalitions
- Parrotting their policies
- Lying
- Minsiforming
- Making unrealistic campaign promises
- Receiving illegal campaign donations



- Obstructing their public events
- Harassing them online
- Physically attacking them (incl. assassinating)
- Refusing to interview
- Refusing to hire out premises

Or consider another familiar example. A party that has openly condemned democracy has just won an election but is unable to form a stable majority. The second and third parties are diametrically opposed in terms of their political values – one is a Christian conservative party, the other is a left-wing progressive party led by a prominent LGBTQ activist. A real-life example of such strange bedfellows was the 2020-22 anti-Orbán ‘United for Hungary’ coalition of left-wing, green, neo-liberal and nationalist parties (see Gosling 2021). Parties hostile to each other may decide to form a coalition to avoid new elections, each compromising on important symbolic and substantive policy lines. They may believe they have done the right thing, but they cannot escape the feeling that they have nevertheless done something morally reprehensible.

Responses based on political ethics

Scholars of political ethics refer to this type of dilemma as a ‘dirty hands’ problem and approach it in three different ways (Hall and Sabl 2022). Some deny that these situations present an ethical conundrum. A purely consequentialist view would suggest that the ends justify the means, so there is nothing to be ashamed of. Scholars in this tradition would claim that acting in self-defence washes away any guilt for acting in ways that would not be permissible under normal circumstances. For them, the problem of dirty hands does not exist (Eggert 2023).

Followers of a ‘realist’ tradition offer a more nuanced perspective. They would concede that the ethical dilemma in these cases is profound, but that the ‘immoral’ action is still not reprehensible because politicians operate in a universe governed by different moral codes and strategic impulses (Bellamy 2010). We simply cannot hold politicians accountable for, say, breaking their promises in the same way that we would blame our best friend for lying to us. Instead, we should be more forgiving of those who perform on the political stage.

Yet, others, whom we might call ‘mixed moralists’, argue that regardless of the justifiability of a dirty political act, there is always a moral residue that must be accounted for (de Wijze 2007). Things are not black or white. The moral costs of a reprehensible action must be taken into account, even if the action is justified. For example, the normative costs of banning a political party must be offset by acknowledging its wrongness and taking steps to rehabilitate those affected by the ban (see Kirshner 2014).

What is wrong with generic frameworks

The problem with all of these approaches, however, is that they try to find a solution that fits all the cases.

This is likely to lead to an oversimplification of the ethical problem in question, when in practice the cases under consideration may wildly differ in terms of their defining characteristics (Malkopoulou and Dhar 2024).

Take, for example, the moral cost of assassinating a ‘dangerous’ far-right leader (e.g. the actual attempt on Trump in July 2024). Is it really comparable to the moral cost of participating in the ‘United for Hungary’ coalition? They are hardly equivalent: the former is about committing an extremely serious crime, while the latter is about taking a strategic political risk. This disanalogy means that these two acts cannot be judged on the same terms. Joining an unorthodox party coalition may be justified, whereas murder – even if it is politically motivated – never is.

Therefore, moral dilemmas of democratic self-defence must be resolved in ways that are sensitive to context and to the conditions that apply in each case. This does not mean, however, that responses must be decided on a case-by-case basis without reference to a general moral framework. If they are, individuals may be subjected to ad hoc decisions that lack moral legitimacy. This is why ethical protocols need to be in place.

A context-sensitive moral algorithm

These ethical protocols must take into consideration a number of conditions (see Malkopoulou and Dhar 2024), namely:

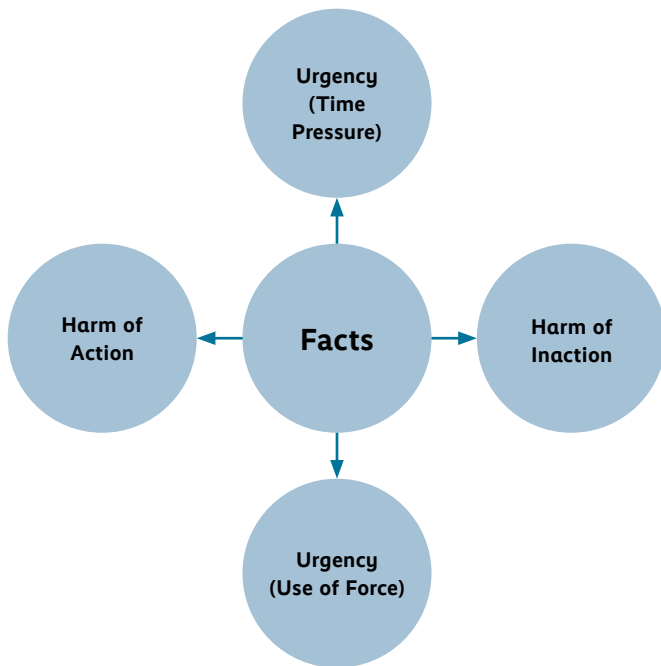
1. How urgent is the threat to democracy? Does it involve a time pressure (Sabl 2018) or the use of physical force (e.g. a fascist military commander bombing the presidential palace)?
2. What harm will be caused if the pro-democracy actor does NOT take any action? How intense and severe is the threat?
3. What harm will be caused if the pro-democracy actor DOES take a certain action? What is the collateral harm or the extent of the moral residue?
4. What factual information is available to assess the situation and how accessible is it (see Lazar 2022)?

These conditions can form an action-guiding moral algorithm. The higher the scores on the first two conditions (urgency and threat of harm), the more acceptable an act of democratic self-defence may be.

For example, acts of civil disobedience are justifiable when a government faction suspends the constitution and invites the army to storm the parliament, as in the case of the 3 December 2024 *auto-*

Parameters for a moral algorithm of democratic self-defence

Figure 3



golpe in South Korea, where opposition parties supported by large numbers of citizens openly defied martial law.

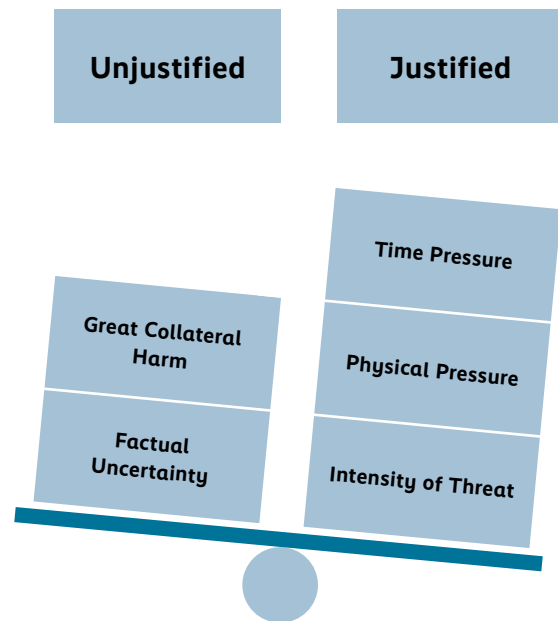
In other words, the greater the temporal or physical pressure against democracy, and the greater the harm or intensity of threat, the more justifiable it will be to engage in acts that leave a moral residue. Conversely, the lower the temporal or physical pressure against democracy, and the lower the damage it causes, the less justifiable it will be to engage in acts that leave a moral residue.

Moreover, engaging in controversial acts of resistance will be even more justifiable the lower the harm caused by the act of resistance itself (i.e. the collateral harm) and the more supported it is by factual evidence. For example, a head of state denying the right to form a government to a party that has won an election through widespread and well-documented electoral fraud would be permissible because, in this context, denying a constitutional right is an act of resistance based on factual evidence that does not directly cause major loss of life or gross violation of human rights. Conversely, the higher the collateral harm and the less it is supported by factual evidence, the less justifiable these acts of resistance to autocratic threats will be.

For example, in the case of the government authorising illegal pushbacks, a moral calculus based on the above protocol might be as follows:

Criteria for assessing if a controversial act of resistance is justified

Figure 4



1. The government is under time pressure, assuming that support for the autocratic party is rising rapidly and that elections are imminent. Yet, there is no pressure in the sense of physical violence.
2. The price of inaction may be high. It may allow the autocratic party to form a government that undermines individual freedoms and democratic institutions.
3. But the price of action is also high. It involves extensive damage to the livelihoods of victims who are sent back to places where their lives may be in danger.
4. The available evidence speaks against it. Not only would the country be liable for a breach against international refugee law, but research on 'parroting' far-right parties shows that this move tends to backfire.

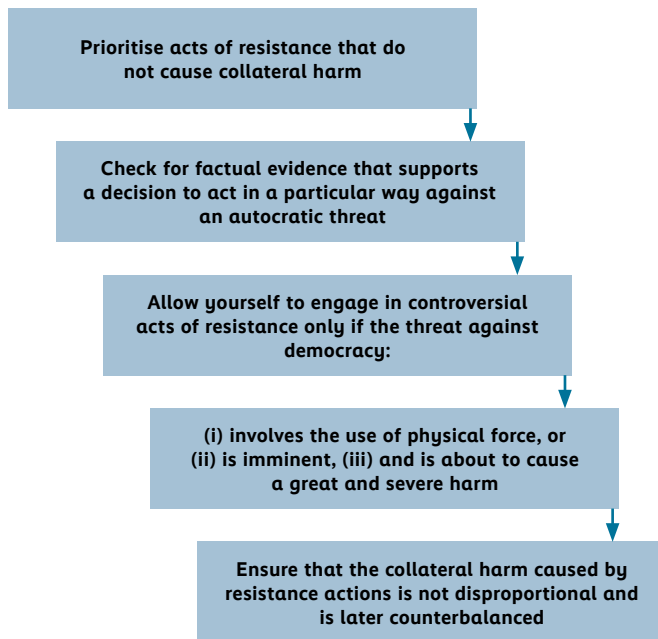
Therefore, not only will such a move leave a moral residue, it may not even be justifiable in the first place.

Moral recommendations for pro-democracy actors

Based on the moral algorithm presented above, pro-democracy actors who wish to engage in acts of resistance can use this checklist to assess whether an action is morally justifiable.

Checklist to engage in acts of resistance

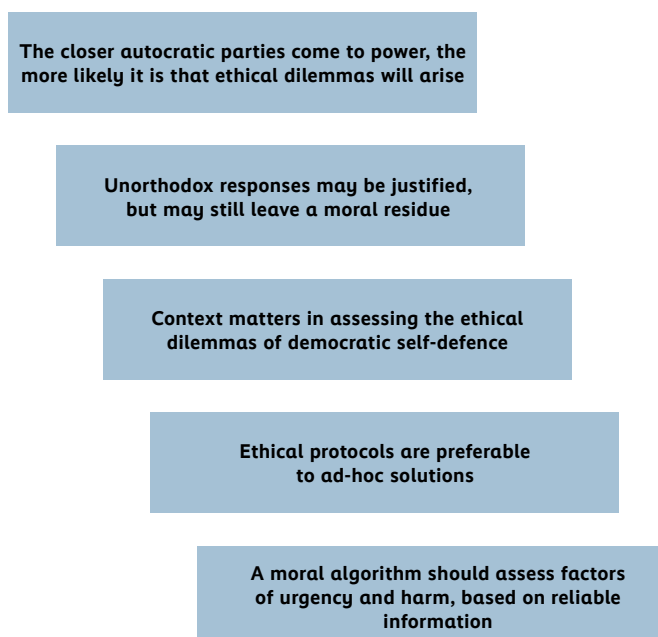
Figure 5



General lessons for an ethical defence of democracy

In sum, an act of democratic self-defence is not justifiable by default. It requires a careful moral calculus and access to reliable facts. The extent to which ‘dirty’ moves (i.e. actions that leave a moral residue) are justifiable depends on how urgent it is to respond and how extensive the harm of inaction and action is, based on the available information.

Research in political ethics can offer the following basic guidelines to actors seeking to defend democracy.



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