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# Introduction: Democracy, the Nation State, and Their Adversaries

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The worldwide triumph of the democratic system, widely expected following the fall of the Soviet Union in 1991, has increasingly been called into question over the past two decades. Already by the end of the 1990s, the resurgence of violent nationalism, particularly in the Balkan, began to cast doubt on such facile optimism. Recent developments in ‘new democracies’ in and outside the European Union, such as Poland, Hungary, Russia Turkey, and most recently, Brazil, in combination with the rise of right-wing populism in all established democracies across the western world, have even fuelled doubts about the ability

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of the democratic system itself to survive, never mind triumph.<sup>1</sup> Some democratically elected governments actively and deliberately seem to undermine the system, with tacit support of the majority of the electorate that brought them to power. These developments raise serious concerns and have sparked attempts to curb such undemocratic tendencies by sanctions and international pressure.

Traditional elites in functioning liberal democracies are thus faced with the imminent question of how to prevent internal movements intent on undermining their institutions from gaining power. Some suggest the introduction of new institutional safeguards, aimed at protecting democracies against the whims of the *vox populi*. Such reactions indicate that democracy is, to begin with, not a fixed institutional arrangement. The extent to which a state is indeed democratic, depends not just on the regular occurrence of elections, but also on how it is organised, controlled, and run in practice. A state is (partly) democratic, Robert Dahl argues, if specific arrangements, practices, and institutions have been and are in place, such as the presence of elected officials, ‘free, fair, and frequent elections’, access to alternative sources of information, associational autonomy, and inclusive citizenship.<sup>2</sup> Over time, however, democracies have developed in different shapes and forms within this broad framework—with varying arrangements, practices, and institutions—and as a consequence there is no absolute definition of which systems are democratic. Instead of a binary distinction between democratic and undemocratic, it may be more helpful to think of state systems existing somewhere along a continuum between more and less democratic, with varying institutional arrangements and practices, although even the key criteria by which to judge this continuum remain contested.

Following the defeat in 1945 of the extremist movements that had come to power during the ‘crisis of democracy’ in the 1930s, democracy became widely idealised as a fixed ideology in its own right. Having become an important rhetorical weapon in the Cold War struggle, both theorists and politicians in the West either lost sight of, or deliberately ignored, the existing diversity of forms within their coalition. After 1990, the expansion of the democratic system across the world seemed to be an inevitability. In 2007, Charles Tilly showed that, over the past two centuries, the march towards democracy was in fact by no means a gradual, deliberate, and irreversible process.<sup>3</sup> Proponents and opponents of democratic government, with varying concepts and institutional arrangements in mind, have clashed time and again, leading to ‘waves’

of ‘democratisation’ and ‘de-democratisation’, such as we again seem to experience in recent years.<sup>4</sup>

Ever since democracy was first established as a relatively widely used system of government in Europe in the nineteenth century, it has indeed been challenged by those opposing its fundamental values. Initially, such challenges came from those who continued to support the older forms of absolutist or elite government. Later, these were joined by ideologically inspired groups—e.g. socialist, anarchist, and fascist—who wanted to replace the liberal democratic system, if necessary by force, with their own form of government based on what they perceived as being the people’s will. As such oppositional groups became increasingly incorporated in the nation state at the beginning of the twentieth century, some of them began to strive for the abolition of democracy by using the instruments of democracy itself, like Italian Fascists, German National Socialists and various Communist Parties.

This raised the question how far democracies could and should go to protect themselves from their internal adversaries: anti-democratic groups and organisations in their midst. This question gained widespread political and academic relevance after the German national socialists dismantled the Weimar Republic in the 1930s, by using the very democratic rights and freedoms Weimar had provided. The initial response was generally to oppose banning any party, even those that wanted to abolish democracy. To do so, after all, would mean that democracy itself had become anti-democratic by denying the full freedom of ideas. The most prominent representative of this ‘free market of ideas’ position during the Weimar Republic, was legal philosopher Hans Kelsen. Others were more wary of the dangers posed by the rise to power of Hitler. Karl Loewenstein, who had fled Nazi Germany, argued that: ‘Under cover of fundamental rights and the rule of law, the anti-democratic machine could be built up and set in motion legally’. He and the Dutch scholar George van den Bergh, argued that democracies should become militant. To survive, a democracy would have to become what they called a ‘Streitbare Demokratie’ (commonly referred to as a ‘militant democracy’), capable of defending themselves, by force if necessary, against anti-democrats.<sup>5</sup>

The necessity to defend democracy had become evident after the 1930s. John Finn has shown that the proscription of anti-democratic parties subsequently became a common feature in western democracies, particularly in post-war and (post-)conflict societies, such as Germany

after 1945 or Latvia following the fall of the Soviet Union. Although a number of parties were banned—and some even suggested the introduction of ‘democracy guarantee clauses’ at a global level—many continued to harbour serious doubts about the political and legal grounds on which democrats might place those who they deemed anti-democrats outside the law. Politicians and legal scholars have subsequently fought fierce battles over the extent to which democracies should be enabled to constitutionally (or by ordinary law) ban ‘extremist’ political parties and associations.<sup>6</sup>

As a consequence of the elevation of democracy to a fixed ideological position, opposition to the system in the post-war years became treated as a pathological symptom. However, in the 1960s new forms of systemic criticism developed, based on the democratic narrative itself. Such critics argued that the system excluded various groups from expressing their democratic will. Finding it difficult to achieve their goals through the existing institutions, this led to an upsurge in political violence in the 1970s and 1980s, mostly based on social-revolutionary and separatist ideologies. In response, scholars in the social sciences and history broadened the debate on how to deal with anti-democratic opposition by including the question how liberal democracies did, and should, defend themselves against politically violent or terrorist opponents.<sup>7</sup>

In this context, Paul Wilkinson picked up the argument put forward by Loewenstein and van den Bergh in support of the right of liberal democratic states to proscribe certain antisystem parties.<sup>8</sup> In light of the rise of populist parties since the turn of the twenty-first century, this debate has again become relevant. Recently John Keane and Kristian Skagen Ekeli have developed this approach further, while also identifying the dangers associated with it. They argued that proscribing parties in practice undermines the stability of the regime, stifles open debate, and can lead to polarisation and political extremism among excluded groups.<sup>9</sup> Taking this a step further, the Dutch political philosopher Bastiaan Rijpkema has suggested that the essence of a democracy is its ability to revoke any decision taken. The only decision he argues that cannot be revoked by the system, is the establishment of democracy itself. The use of force should therefore only be allowed in defence of the mechanisms that make a regular, peaceful change in government possible.<sup>10</sup> Recent developments in what are generally termed authoritarian democracies illustrate the acute need to further define what these defensible mechanisms entail.

Discussions over the legitimacy of the use of force against antisystem groups, demand a fundamental evaluation of the conceptualisation and meaning of democracy within society as Loewenstein already noted in 1938.<sup>11</sup> In a comparative study of the post-war political debates in France, Italy, and West Germany, Pepijn Corduwener has shown that even among established parties there was no shared conception of democracy. They fundamentally disagreed on issues such as the basis of the economic system, the electoral system, the separation of powers, and the use of state institutions in defence of democracy. He concludes that, contrary to the general perception, there was no broad consensus even among those generally perceived as democrats on what constituted democratic credentials and political legitimacy.<sup>12</sup>

What has received less attention—so far—is the observation that not only democratic parties, but also those seen as their anti-democratic adversaries often lay claim to some form of ‘democracy’ as their source for legitimacy. In such cases, however, both sides have radically different, often mutually exclusive, things in mind when they discuss democracy, not only as a theoretical concept, but also as the set of institutional arrangements and practices. When oppositional groups challenge not just particular policies, but the fundamental institutions of (nominally) democratic nation states, both these oppositional groups and the states they challenge are forced to explain, define, and defend their very conceptions of democracy. Faced with a (democratic) challenge by what is defined as anti-democratic opposition, democratic parties have to (re-) define what they see as legitimate democratic forms and repertoires of opposition, as opposed to in their view undemocratic and therefore inadmissible manifestations. In effect, they have to define not only the meaning of democracy, but also its boundaries, offering an argument why certain ideas and groups fall outside the pale of legitimate democratic debate. The ruling parties in the German *Bundestag*, for example, labelled all violent actions of antinuclear movements in the 1990s as *threats* to that very democracy; these activist political repertoires could never be democratic, they argued. Oppositional contenders, in this case the Green party and the antinuclear movement, meanwhile, must also formulate proposals for alternative concepts, ideas, institutions, policies, or other aspects of the existing democratic state. This becomes especially pressing when these contenders use—or plead for the use of—means that do not fall within the scope of the democratic legal order of the state that they are part of, or when their goals are considered undemocratic.

Such challenges to existing democracies have been based on a wide variety of motivations. Some groups criticise the existing institutional framework on ideological grounds. Others oppose the current geographic boundaries of the democratic entity, while yet others seek a sharper definition of those who are to be included in or excluded from the national political community, each bringing their own definition of democracy as a form of legitimisation. By using violent and other extralegal as well as legal means, these socialists, separatists, right-wing nationalists, and other (radical) oppositional groups constitute a potential threat to the survival of the existing democracy and its institutions—or are perceived as such. These groups thus often challenge implicit and explicit assumptions regarding the meaning and boundaries of democracy, including the ethnic, ideological, and geographic limits of the democratic polity, as well as the range of ideas and repertoires of action that are considered democratic and undemocratic.

Whenever adversaries of the system, ranging from the fascist street mobs in the 1930s, the *Ausserparlamentarische Opposition* in West Germany in the 1960s, or the present day Pegida movement, come to the fore, definitions of democracy thus tend to become fluid and contested. Under those conditions, questions arise whether ‘our democracy’ should allow for those forms of opposition or not. While the claims to represent democracy are often made with the explicit intention of delegitimising the opponent as anti-democratic, these occasions are the ideal opportunity to study the way various groups in society, both those challenging as well as those supporting the existing system, think about the nature of the democratic system and its fundamental characteristics. In the relationship between (nominal) democracies and their adversaries, the researcher can find a more or less explicit statement of various conceptualisations of democracy in a given society. This volume therefore intends to move away from seeing such conflicts as inherently between democrats and anti-democrats, instead treating them as occasions in which a multiplicity of actors lay claim to an evolving set of democratic credentials. In fact, this volume zooms in on those confrontations during which contenders and defenders have to discuss what they envisage when they use the word ‘democracy’.

The problematic relationship between democracies and their adversaries, is one that is nearly as old as the system itself. Academically, the issue has primarily been studied by political scientists and legal scholars, who have been concerned mostly with the establishment of the norms by

which a democracy should be judged.<sup>13</sup> What the above short historical overview makes clear, however, is that there is not and never has been a consensus on the concept, institutions, and the practice of democracy; they have regularly been contested across a broad range of periods and places. In such conflict situations, it is often impossible to unravel claims as to who are the democrats and who are its opponents, which reflects the notion that democracy itself has no fixed form. More than this, underlying these differing approaches of historians and social scientists, is the question whether democracy is a set of practical guidelines or a principle. The relativising approach is one that is instantly recognised by historians of the contemporary world, who are confronted by a large number of conflicts in which different sides seek to claim democratic legitimacy, partly to justify their own actions, and partly to garner external or indeed international support. Conceptually, though, historians—like their colleagues in the social sciences—have traditionally focused on the crisis of democracy in the 1930s, while only more recently beginning to pay attention to the historical complexities of democratic responses to ‘extremism’ in general—moving beyond the democratic-anti-democratic dichotomy.<sup>14</sup>

This compilation of essays picks up on the discussions laid out above, by shifting attention to the relationship between democracies and their domestic contenders, providing the first explicit historical comparative exploration of the ways in which democracies have dealt with what they defined as anti-democratic forces in their midst and how that affected the contemporary conceptualisation of democracy among all actors involved. It thus contributes to a new direction in democracy studies, in which democratic ideals and practices are historicised, and understood as a tradition, rather than a timeless given.<sup>15</sup> Instead of the theoretical approach, which is prevalent in International Relations studies, this book will historicise how democratic parties and oppositional groups have discussed and (re-)defined democracy across a wide geographical and chronological expanse of historical cases.<sup>16</sup> It will focus on the interaction between the state and these oppositional groups, investigating legal and extralegal political actions, the verbal utterances of representatives from both sides, and their effect on the political discourse within the democratic polity. In this way, it explores how threats to existing democratic systems elicit new definitions of democracy.

Ranging from a study of the post-civil war period in the US to the current situations in Bosnia and Transnistria, this volume shows that



conceptions of democracy are not fixed, but essentially tied to time and place. In this sense, this volume adheres to a fundamentally historicising approach, showing how in different times and places confrontations between democracies and their adversaries have led to (re)formulations of what democracy entails. The second claim this volume makes, is that these conceptions of democracy tend to come to the surface specifically during confrontations between democracies and their adversaries—and that, as a result of these confrontations, new conceptions might arise. Democracies and their adversaries use their competing ideas on democracy incessantly to justify their political claims or to deny the democratic rights of other groups, such as minorities or ideological opponents. Conceptions of democracy are thus not neutral concepts, but they often function as an instrument of power. Those who have the power to determine what is democratic and what is not, will often have access to the state apparatus and can therefore outlaw oppositional concepts and repertoires. A third finding of this volume is that the use of coercion, including the use of physical force, is inherent to the internal functioning of a democracy, generally accepted as exercised by the state through its monopoly of violence. This monopoly is however also often used as a means to stifle forms of opposition based on alternative perceptions of democratic legitimacy, providing the adherents of these alternatives in turn with a justification for the use of force in opposition to these existing systems.

The ten case studies by specialists presented here, cover the period from the late nineteenth to the early twenty-first century, grouped in three sections structured roughly along chronological as well as thematic lines. In each section, the extent to which the concept of a fluid definition of democracy can fruitfully be applied is tested by in-depth analyses of specific countries or movements, as well as by comparing developments across a range of samples. The first section, entitled ‘learning to deal with anti-democratic groupings, 1870–1933’, details the rise of anti-democratic movements following the introduction of universal suffrage and tracing the way the debate about the boundaries of democratic legitimacy and action took shape. Mark Leon de Vries starts off with an analysis of the way in which adherents of white supremacy in the US South ensured their continued power after the enfranchisement of the black population following the civil war in the United States. He argues that they supplemented widespread terrorism of the black population, with an effective rhetorical strategy that appropriated the language of democratic legitimacy exclusively to the white population.

The attention then turns to the interbellum, the formative period in Europe for thinking about the way democracies could and should deal with anti-democratic parties within the system. Kristian Mennen explores how social democratic parties in Germany and the Netherlands reacted to the challenge from fascist parties. In it he traces a clear shift away from the initial response to confront these parties with their own means, justifying acts of violence as a way of defending democracy. The idea that fascist violence on the streets should be countered with violence from democratic parties, made way in the early thirties for the argument that only the existing state institutions should do so. Joris Gijsenbergh takes this exploration a step further in relation to the thinking in the Netherlands in the interwar period. He shows how the defenders of democracy fundamentally disagreed among themselves on the meaning of democracy and how and against whom these should be protected, but how they, partly in response to the prior events in Germany, nevertheless reached a broad consensus on the limits of actions that are legitimate within a democracy.

In the subsequent section, entitled ‘new forms of mobilisation in the age of civil resistance, 1960–1997’, the second period of serious discussion on the notion of democracy comes under review, when new anti-system movements began to challenge the democratic credentials of the existing democracies. Following the triumph of democracy in 1945, oppositional groups who wanted to overthrow the existing system in this period now openly defined themselves as democrats as well. In the first contribution, Joost Augusteijn and Jacco Pekelder deal with the consequences of actual conflict breaking out between the state and its adversaries, by delving deeper into the triangular relationship between state, violent opponents, and society at large. They argue that to really understand the dynamic of such a conflict over democratic legitimacy, it is necessary to analyse the discussion the conflict engenders in those sections of society that contain potential supporters of the movement challenging power. To do so, they concentrate on the debates which followed the trials and subsequent hunger strikes of members of the *Rote Armee Fraction* in Germany and the IRA in Northern Ireland in the 1970s.

Constant Hijzen then looks at this issue from the perspective of Dutch security in the 1980s. As the task of the security services was to monitor individuals and organisations who had the intentions and capabilities to actually hurt the existing democratic order, the question arises how the services decided who *was* an adversary (an extremist or

anti-democratic) and who was not. Although the enemy was clearly identifiable in the early Cold War (communism), it became more challenging to identify the proper adversaries of the democratic order in the later Cold War. This chapter therefore explores the Dutch security service's threat perception in the early 1980s of what was termed 'the movement', a complex and heterogeneous group of violent and non-violent activist individuals and groups alike, by exploring to what extent the security service created an 'enemy image' of the movement. In so doing, the dynamics by which a Western democracy decided—through its security service—who it considered an adversary are scrutinised.

Yavuz Yildirim picks up on the question how democratic institutions are shaped by those in power and how social movements who try to change the system relate to them. Through an exploration of the experience of Kurdish and Islamic movements in Turkey, he shows that an inherent distrust of alternative versions of democracy led to a fundamental conflict between state and grass-roots movements. This dynamic was temporarily broken by the rise of single-issue movements in the 1990s, which opened up the possibility of a free exchange of ideas, but this new possibility seems again to have been nipped in the bud by the increasingly exclusive claim to power of the Islamic movement that had gained control of the state institutions, mirroring the position of those in power before them. In this way, the undemocratic managed to become democratic, even if its actions in turn then became undemocratic in content and form.

In her contribution, Miina Kaarkoski shows how even in well-functioning democracies a fundamental discussion over the concept of democracy can be initiated when representative institutions take a controversial decision. One such decision by the German coalition government of the 1990s was allowing the transport of nuclear waste. This brought into focus the tension that can arise between parliamentary representatives, speaking out on an issue that was not part of the election campaign, and widespread civilian opposition to this within the electorate that claimed to represent the will of the people. This involved the use of violence from both sides and led to fundamental debates on what constituted a democracy and democratic means.

The third section, 'dealing with opposition in the post-Cold War period, 1998–2019', concerns some more or less contemporary examples of discussions about the concept of democracy, both in the established stable democracies of northwestern Europe as the newly

independent states in southern and eastern Europe, particularly those having to deal with fundamental opposition to the geographic contours of the state. In all these cases democratic legitimisation has become the core of the oppositional argument. Henrik Vigh explores the responses of the protestant loyalist community in Northern Ireland to the peace process of the 1990s, which generated a strong sense of exclusion among working-class 'Loyalists', who feel that the language of reconciliation had resulted in a one-sided sympathy for the Catholic and Republican community. He shows that the negative perception of this community's reaction to the democratically supported compromise in recent years does not hold up if these responses are viewed from the inside. In a way, mirroring the juxtaposition between the self-perception of Ulster Loyalists as defenders of democracy and the public perception of them as paramilitaries or terrorists. The reaction of the loyalist community must instead be viewed as a rational reaction to a process of marginalisation and abandonment.

The final two contributions concern the problematic introduction of democracy in two newly created fundamentally divided countries, Moldova and Bosnia-Herzegovina. The democratic fundamentals of a movement fighting for the separation of a region are analysed by Ana Maria Albuлесcu in a study of the creation of Transnistria. Showing that action of the central and the separatist region's governments rely heavily on democratic legitimisation of their diametrically opposed positions. The impact of outside forces on this democratic legitimisation is a secondary element explored in this contribution. The final chapter by Arianna Piacentini deals with the attempts to pacify an ethnically divided society through the use of consociational democratic institutions and a federal state structure. She shows how in the context of elite behaviour these instruments work out essentially counterproductive, and how voices that represent a peaceful multicultural society are systematically side-lined in the institutions as a consequence. At the same time, she demonstrates that there is a group of young people who may act within the confines of a divided society but do not actually feel represented by it. This may ultimately enable change from within when political elites alter.

Given the fact that historical studies of the way the concept of democracy becomes contested in crisis situations have not yet been attempted, this volume provides empirical historical input to inform the ongoing theoretical discussion on the way democracies can deal and have dealt with those opposing them and how that has allowed for a broad

interpretation of what democracy is among all those involved. We are convinced that the perspectives presented here will be useful to all those interested in the complex relationship between democracies and those who attempt to redefine them—also in the context of the most recent challenges to democracies from within, and we hope that it will inspire further transnational research in this field.

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