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Battle, competition, and game: Three models for justifying democratic self-protection

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Abstract

This article identifies three dominant models for democratic dynamics, based on battle, competition, and game, respectively, and assesses their strengths and weaknesses in the debate on democratic self-protection. Scholars typically describe democracy as competition or game, but antidemocratic threats and remedies in terms of battle, which causes unclarity of analytical vocabulary. However, some of these conceptual commitments, such as Karl Loewentein's original militant metaphors and the assumed incompatibility between competition and active protection, are non-necessary and rather result from how these ideas originally entered the debate. The model of democracy protection as market regulation emerges in the German intellectual history of militant democracy and independently of laissez-faire assumptions. Critical assessment of each model suggests that, once clarified of misinterpretations, the competition model is the most coherent single framework to develop analytical terminology in. Particularly, it evades 'the transition problem' (when to switch from conciliary to military rhetoric and how to do that without aggravating political oppositions). The competition model also implies a relatively compelling and intuitive justification for democracy protection: it is justified to protect democratic competition from attempts to destroy the market structure altogether in favor of political monopoly. While the competitive model is the strongest, none of the models, however, fully capture the unique nature of democracy and its self-annihilating logic: democratic politics as an activity has an intrinsic relation to its constitutive rules and, consequently, can be utilized for antidemocratic ends in a way difficult to capture with models derived from adjacent fields.

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1. Introduction

Democratic self-protection is mostly discussed as 'militant democracy' – pre-emptively targeting antidemocrats who threaten to subvert democracy from within. Its genesis, strengths, and shortcomings have been debated extensively. However, scholarship has overlooked the analytical vocabulary militant democracy theorizing employs to conceptualize objects of protection, menaces, and countermeasures. Building on a large corpus of data from the theoretical discourses on democratic self-protection, this article asks how democracy protection is actually conceptualized in the current debates, identifying three dominant models: battle, competition, and game.

Current scholarship combines elements from all three models. For instance, Rijpkema (2018, 4, 8, 32) identifies the 'equal battle of ideas' as democracy's key premise yet also describes democracy as 'a "market of ideas,"' thus implicitly invoking the competition model, and identifies as most problematic antidemocrats the ones ostensibly 'willing to play the democratic game'. The key point remains intact but is expressed in three different vocabularies. Often alternative framings merge in individual sentences, such as Stone and Malkopoulou (2022, 5) discussing 'the game of political competition'.

Is democracy, then, *battle* of parties, *competition* of ideas, or perhaps a *game*? Is the antidemocratic challenge, correspondingly, an attack, fraudulent competition, or rule-breaking? Although the three models arise empirically from currently available scholarship, they immediately give rise to the question of maximal conceptual consistency and push us to further model-building in the spirit of empirically embedded theorizing. Should we describe democracy protection as battling enemies, regulating a market, or unduly stretching the game's constitutive rules?

Terminological choices have implications for the analytical potential of our scientific categories; yet they also cut to the heart of democratic self-protection in practice, for we surely treat coplayers differently than mortal enemies. Most importantly, however, countermeasures are easier to justify normatively with some terminology than others, and anterior conceptual decisions pre-structure our philosophical arguments for or against democracy protection. Justifying strong measures is easier in the competition and game models than the battle model, I propose. In analysis, practice, and justification alike, the various available models direct our reasoning differently. This article focuses primarily on the prospects for a conceptually consistent theory and justification of democratic self-defence.

By 'models' I mean relatively consistent and established conceptual schemes in which democratic self-protection is addressed, here deriving from the semantic fields of war, economy, and playing, respectively, and as encompassing both strict concepts and metaphorical elements. There is an identifiable tendency in current scholarship to go beyond Loewenstein's (1937) militant democracy with a 'popular model' in either republican or socialist variants (Stahl and Popp-Madsen 2022), a 'social-democratic' model (Malkopoulou and Norman 2018), or an 'inclusive' approach toward antidemocrats and

the prohibiting of certain actions rather than actors (Invernizzi Accetti and Zuckerman 2017). These models, however, provide no alternative *conceptual* models like the ones identifies in this article.

My understanding of social sciences concepts moves broadly in the tradition of Sartorian conceptual analysis which emphasizes the need for coherent concepts as 'data containers' to insert our scientific observations into and warns against conceptual stretching (Collier and Gerring 2008; Gerring 1999; Sartori 1970), but I also acknowledge the historical formation of concepts' multiple meanings and the coexistence of temporal layers in the wake of Reinhart Koselleck's conceptual history (for these approaches, see Berenskoetter, 2017). Social science concepts are essentially 'multivalent' (Gerring 1999, 362) precisely for deriving from different debates: for instance, the notion of political competition in democratic self-protection debates has several distinct sources with slightly different implications, I show.

Additionally, the ideas of waging battle against democracy's enemies, competing on an open marketplace with political products, or playing sports-like games with parliamentary adversaries have unmistakable metaphorical dimensions. In fact, most of our political, social, or social-scientific language relies on underlying metaphorical imagery, and precisely this equips concepts with the depth needed for suggestive, widely compelling, and multivalent conceptuality (e.g., Carver and Pikalo 2008; Lakoff and Johnson 1980). Metaphors serve as the 'sub-structures' of thought, occasionally condensed into strictly conceptual language, and thus also link philosophical theory-formation with lifeworld-level experiences (Blumenberg 2010, 2020). I use the term 'model' to cover both conceptual and metaphorical aspects of democratic self-protection discourses.

It is crucial to note that we discuss models or paradigms understood as broad cognitive frames and sets of argumentative potential that build on metaphorical associations, not strictly delineable concepts with necessary and sufficient criteria. Nevertheless, a brief conceptual note on battle, competition, and game is due. In the wake of Dahrendorf (1972), it became customary in conflict theory to treat both directly confrontational and indirectly competitive forms of behavior as species of the broader genus 'conflict'. I retain this practice.

By 'battle,' I refer to direct antagonistic striving which seeks to defeat or annihilate the adversary to gain something. Battle has a close affinity with physical violence and military activity, which serve as the prototypical form of battle, although there are also direct yet non-physical hostilities, such as discrimination through propaganda or repressive laws. Battle sometimes involves chivalry respect for the enemy, but usually little direct cooperation.

'Competition' in turn is indirect and often formalized striving for some object that others also desire; typically, however, competition does not involve acts that jeopardize communality, and it can be a socially productive and integrative form of interaction (Coser 1969). Economic competition for customers' choices on a market is perhaps the prototypical variant, but competitions include talent contests, academic competition for positions, or less formalized social contestations for partners, for instance. Competition typically does not involve direct confrontations between the parties but is directed at a third party (audience, consumers, voters). In some variants, inimical affects do arise, and competition is often rhetorically described in terms of battle and violence (e.g., 'cut-throat competition', 'battle for monopoly'), whereby overlap between the two models emerges, although they are analytically separate. Competition may involve cooperation between companies or other parties for mutual

advantage, but in economic contexts this is regulated by anti-cartel legislation and not an inherent part of competition as intuitively conceived.

'Games' (or plays), extending from soccer and badminton to chess, pub quizzes, and hide-and-seek, may involve both directly aggressive battle-like aspects and elements of indirect competition. Although they may involve prizes and glory, games are typically played for their own sake. They often have specific institutionalized rules that are constitutive of the activity and that any participant must comply with (if you kick the ball, you are *eo ipso* not playing basketball). Alongside conflictual elements, games typically involve respect for the adversary, even cooperation, for games' intrinsic ends would be unattainable without other players.

Not only do battle, competition and game overlap so that one situation might be categorizable in all three models; the models are also mapped on top of each other when, for example, war is metaphorically described as a 'game of chess', competition as bloody 'war', or a game as 'battle' involving strategy. Despite these overlaps, the three models are analytically separate, have different connotations and implications, and whenever one model is used, it tacitly invokes the *prototypical* forms of military battle, economic competition, and athletic sports or board games for points of reference. This is clearly the case in democracy protection, where all three are invoked, often metaphorically, to describe democratic political contestation. For example, militant battle against democracy's enemies is functionally equivalent with excluding players that intentionally break the rules of the game to destroy it, and it is natural to combine terms from different models. This, however, creates ambiguous terminology and unequivocal expectations: are the antidemocrats originally enemies or co-players and when should we switch from one model to another?

This is not to say that we should only stick to one description or that there would not be real-life situations where competitors start behaving like enemies; the idea of antidemocrats 'attacking' democracy is sometimes an apt and welcome description of empirical political reality. Yet, ideally, we would describe democratic normalcy, antidemocratic threats, and countermeasures in a single consistent framework, which also provided intuitively comprehensible loci for the actors involved (the democrats, the antidemocrats, those intervening, and the citizens). Any such conceptualization is superior that allows for conceiving repressive party bans in the same framework as alternative strategies like ideological concessions, political accommodation, and neutralization by inclusion. Such consistency, however, is difficult to attain within the dominant militant framing, as discussed below.

The chosen model effects empirical research settings and co-constitutes theoretical formulations, particularly those seeking to *justify* securing the dynamics of democracy against antidemocratic aspirations. A sustainable and consistent theory of democratic self-protection might need a more consistent conceptual basis than currently available. The two aspects are closely interlinked: concept-formation is not a separate activity but has an intrinsic relation to theory-formation: concepts are 'co-constitutive of theories' (Stefano Guzzini, cited in Berenskoetter, 2017, 152) and the two processes are 'intimately conjoined' (Gerring 1999, 365). The very concept of 'militant democracy' relies on the battle model for its persuasiveness. However, for a coherent and intuitively persuasive justification of protective measures, we may need to turn to the competition and game models.

While complete conceptual uniformity is infeasible and undesirable, *unchecked* terminological plurality hinders coherent theorizing and justification. Even though we cannot

reach strictly defined, unequivocal, and non-metaphorical conceptual meanings, assessing the relative merits of democracy protection vocabulary arguably contributes to future scholarship's quality. Therefore: What are the key strengths and weaknesses of each model? What do they capture and what do they overlook? What are the most central tacit presuppositions and metaphorical entailments of each model?

In subsequent sections, I introduce the three models and assess their respective merits and shortcomings. With concise intellectual history analysis, I discuss how each model originally entered the self-protection discussion and which roles have been assigned to them since. Some intuitive but ultimately contingent interpretations of battle, competition, and game still push scholars to describe democracy itself as competition or game, but the antidemocratic menace and remedies in terms of militant battle. This not only makes justifications of democratic self-protection vulnerable to accusations of contradiction and of exposing democracy to the very challenges we seek to repel (see below) but also creates unnecessarily heterogeneous analytical vocabulary.

Table 1 summarizes the key points, and each model is discussed in nuance in subsequent sections. The *battle model* describes democratic politics as a condition reminiscent of war or civil war wherein enemies attack democracy from within (cells 2, 3, 4). This necessitates a state-led counterattack with citizens primarily as spectators (cells 5, 8). The *competition model*, in turn, depicts democratic politics as competition between groups and individuals for citizens' sovereign decisions on an open marketplace (cells 10, 11), and antidemocracy, correspondingly, appears as fraudulent competition seeking to undo competition (cell 12), which forces the state as the primary market regulator to react by removing certain competitors (cells 13, 15). Finally, the *game model* describes democratic politics as a game with a set of rules constitutive of the game in question (cell 18) so that the state acts as a referee securing others' ability to play and thereby protecting the game from being destroyed by hostile players (cells 21, 23).

There are, however, yet more crucial content-specific aspects that stem from the complex, and oftentimes paradoxical, logic of democratic self-protection. These are summarized in Table 2 and discussed throughout the article.

The key paradox in democracy protection is that we may end up harming democracy by the very means we employ to save it: fighting enemies with party bans makes democracy excessively combative and forgoes the openness and equality democrats sought to defend, and ousting some competitors from the political market apparently undermines the very principle of free competition at the core of liberal democracy (Table 2, cells 1, 6). The decisions on whether to employ protective measures are, furthermore, always political decisions, and the formal and substantial levels are difficult to keep apart. Any model capable of describing the peculiar political dynamics of democracy protection being dependent on politics as well as illustrating militant democracy's theoretical paradoxes is clearly superior to those that cannot.

Specific emphasis, however, must be laid on what I call the *transition problem* (Table 2, cells 3, 8, 13). Militant democracy theorists noticed already in the 1930s that the real problem for democracy are the non-violent parties pretending to 'play the democratic game' (George van den Bergh, cit. Rijpkema 2018, 32) and that democracy was largely toothless against anti-parliamentarian parties if they conformed outwardly to democratic principles (Loewenstein 1937, 424). Recent scholarship has acknowledged the problem as

Table 1. Main elements of democratic self-protection.

	Battle model	Competition model	Game model
Origins in intellectual history	1. - Militant democracy (Karl Loewenstein) - 'Realism' (Max Weber) - Friend/enemy theorizing (Carl Schmitt)	9. - Competitive democracy - Proceduralism (Hans Kelsen, Joseph A. Schumpeter) - Laissez-faire and open marketplace of ideas - German Constitutional Court's rulings	17. - Karl Loewenstein - Game theory and Rawls - British parliamentary tradition
Democratic politics described as	2. Civil war-like battle between hostile armies directed by military leaders → ill-suited to describe normal democracy attractively	10. Indirect economic competition by companies via offerings on a political market, directed by strategic leaders	18. Game with rules that are constitutive of the game in question, played by teams of players with different roles and capabilities
Aspects of democratic politics emphasized	3. War-like confrontation: conflictual argumentation, attempts to undermine opponents' viewpoints, strong rhetoric and fallacies, aiming to reach political victory by defeating/ destroying enemies	11. Competing for voters' approval, highlighting the merits of one's policy, ideological products in tempting packages, advertisement over substantial discussion, aiming to benefit politically in analogy with making financial profit and gaining market shares	19. Moves in a game, outperforming others in light of the game's intrinsic criteria, gaining relative victories
Antidemocratic actors/threat describes as	4. Enemies attacking democracy from within, aiming to destroy democratic troops	12. Initially legitimate competitors now engaged in fraudulent competition, seeking to undo competition in favor of a monopoly	20. Players seeking to eventually destroy the game, possibly (but not necessarily) breaking rules at the present, engaging in foul play
Countermeasures described as	5. Military defense or counter-attack to repel the threat	13. Removing fraudulent competitors from the market to ensure open competition, for example, in analogy with German Ordoliberalism	21. Enforcing rules and removing constitutive rule-breakers from the game to protect others' possibility of playing

(continued)

Table 1. (continued)

	Battle model	Competition model	Game model
Protective strategy favored	6. Party ban, dissolving of organizations, court cases	14. Regulation of parties' electoral participation and political advertising, citizens' boycotts	22. Refusal to cooperate, cordon sanitaire and comparable political means, regulation of electoral participation and political advertising
Implied role of state power	7. One party engaged in battle	15. Exterior market regulators protecting open competition	23. Referee upholding the constitutive rules of the game
Implied role of citizens	8. Spectators, collateral victims, or none	16. Sovereign consumers of competing parties' offerings	24. Outside spectators, whereas in democracy electors emerge as second-order referees

that of 'ambiguously anti-democratic parties' – that is, parties whose commitment to the fundamental principles of democracy is questionable but in a subtle manner so that the treats are veiled rather than stated openly (Tuovinen 2023). As Cibik (2023, 586) notes, extremist parties can 'avoid prosecution by being nebulous enough in their statements', and 'even a functioning "militant" democratic institutional environment necessarily leaves enough grey area for [antidemocratic] parties to potentially exploit'. Ambiguously antidemocratic parties cause, first, the problem of reliably detecting something that is only implied or might follow subsequently but is not unmistakably there yet and, second, the problem of subtle antidemocrats being able to evade party bans and technical restrictions. The two problems are densely intertwined: the threat of militant democracy measures creates incentives for antidemocratic parties to remain ostensibly democratic, which in turn hinders correct detection.

Our current analytical vocabulary works rather poorly with respect to subtly antidemocratic actors, I maintain. Particularly a party's *transition* from a potential to an actual threat is difficult to conceptualize in the confused terminology of democratic protection without simultaneously either aggravating the problem or belittling the threat (Table 2, cell 3). This is a major weakness of especially the battle model. If we first describe all parties as legitimate competitors on a political market but then realize that some fail to accept the system's fundamental tenets and seek to hinder other groups' democratic participation once in power, this setting necessitates a shift of vocabulary. In the dominant battle vocabulary – the most natural conceptual register of militant democracy since Loewenstein – we would be faced with 'enemies' engaged in a 'battle' against democracy and be forced to adopt a 'combative' stance ourselves, whereas previously there were 'competitors' only indirectly and legitimately 'competing' for power shares. But when, exactly, should we switch from one conceptualization to another? How much implied

Table 2. Specific considerations of democratic self-protection.

	Battle model	Competition model	Game model
Relation to the democracy protection paradox (protective measures destroy democracy instead of securing it)	1. Problematic: the model contributes to the problem, because a) democrats adopt the antidemocrats' friend/enemy logic, b) this has mythical and emotional aspects, and c) the war against enemies framing can be abused by antidemocrats when in power	6. Modestly problematic: party bans are a market intervention that benefit some competitors; yet this is a problem only if we assume that the political market should be totally free (which is debatable)	11. Relatively unproblematic: the role of referees/rule-makers in regulating games is intuitive, and players clearly are not the optimal party to adjust rules. This is easier to express than in the competition model (the idea of regulators participating in the market is unintuitive)
Expressing the self-annihilating potential of democracy	2. Impossible to express: the idea of one party excelling in war and making war impossible is nonsensical	7. Difficult to express: the idea of competitors doing away with the market is unintuitive; yet the idea of an empirical monopolistic position on the political market is persuasive	12. Impossible to express: the idea of players making the game impossible altogether is nonsensical
Relation to transition problem	3. Problematic: transition from legitimate contestation to antidemocratic battle requires change of vocabulary, and ill-timed change aggravates the problem instead of solving it	8. Relatively unproblematic: transition takes place within a single category, from legitimate to fraudulent competition. Mode of activity is the demarcation criterion, not identity of actors ('democrats' vs. 'enemies')	13. Relatively unproblematic: the antidemocrats remain 'players' just like prodemocrats, even if they act in inappropriate ways and undermine the game
Merits	4. - Intuitive in times of crisis: highlights seriosity and danger - Signals resolute mentality and pre-emptiveness - Recruits support for immediate action	9. - Expresses the need for constant protection - Expresses well the effects of protective measures on the political situation and the problems in coordinating such measures - Secures a place for citizens as sovereign consumers - Combinable with standard operationalizations of democracy as competition in comparative politics	14. - Intuitive and more familiar to the public than economic competition and its regulation - Highlights rule-following but also the importance of maintaining the 'spirit of the game' and a 'lusory attitude'

(continued)

Table 2. (continued)

	Battle model	Competition model	Game model
Problems	5. - Emphasizes exceptionality and particular threats rather than democratic self-protection as constant task - Meaning of 'militancy' is unclear - May produce both false negatives and false positives - Tacitly favors repressive measures rather than strategic containment	10. - Highlights party interests and gains rather than the common good in democracy - Contingently linked with laissez-faire readings and liberalism - Economic connotations may alienate some users for normative reasons - The imagery of market regulation is not very intuitive to laypeople	15. - May depict democratic politics negatively as non-serious activity for some people - Unable to depict citizens' role in democracy as second-order referees who may prefer rule-breaking to rule-following

antidemocracy is needed to justify labeling some parties as 'enemies'? If we prematurely declare groups as enemies of democracy to be combatted, this likely aggravates the situation by excluding those still on the brink of democratic commitment; yet if we fail to do so promptly and categorize hostile antidemocratic activity as legitimate political competition and correspondingly react only in competitive terms, for instance counting on the party system and electoral mechanisms to deal with the problem, we risk overlooking menaces that destroy the democratic system from within.

A part of this transition problem, I argue, stems from the very concepts that we use to describe the target phenomena and from the metaphorical dimensions therein. These metaphorical dimensions push us to ask certain questions while obscuring others, and they also carry electoral affinities with specific solutions. Could the competition or game conceptualizations remedy some problems in the battle model, and what do they in turn miss? Which would be the most coherent framework? I seek to show that the competition model, despite limitations, is superior in avoiding the transition problem and that of our analytical terminology aggravating real-world political oppositions (Table 2, cells 8, 13). In fact, a new formulation for the normative justification of protection measures emerges: *it is justified to protect democratic competition from attempts to destroy the market structure altogether in favor of political monopoly.* The road to these propositions, however, takes us through all the three models, their conceptual characteristics, and respective merits and disadvantages.

2. The military model: Self-defense and battle against enemies

The military model frames politics as battle and typically describes it as warfare. This model dominates the self-protection debate, although some scholars critically note the 'militant democracy' notion's limitations, problematic connotations, and specifically German undertones. The concept was originally 'poorly articulated', and national courts have refrained from

using the term, although employing concrete measures covered by it (Sajó 2012, 565). Recent scholarship has interpreted the militant framing as counterproductive particularly vis-à-vis populist contenders, as it relies on elitist assumptions and aggravates the elite/laypeople divide (Rovira Kaltwasser 2019; Stahl and Popp-Madsen 2022). I propose such problems partly stem from the connotations of the 'militant' democracy term, from its uncontrolled usages, and from using exclusively this conceptualization.

Loewenstein set the tone by identifying a Fascist international with 'headquarters' in Berlin and Rome and 'outposts' in various countries. Democracy was under 'attack' and waging an 'underground war on the inner front' in which antidemocrats used democratic procedures as a 'Trojan horse by which the enemy enters the city'. Particularly the institution of free speech was employed to mobilize for sedition directly, but also indirectly with 'more subtle weapons' from the 'vast armory of fascist technique', such as defaming and ridiculing democracy. To counter this threat, democracy, too, had to become militant (Loewenstein 1937, 419, 423–4, 652).

In contemporary debates, neo-militant premises are supplemented by 'defending democracy' theorizing, which covers party bans but also political means like *cordon sanitaire* (Downs 2012, 81–109), 'concentric' containment (Rummens and Abts 2010), or accommodation and political concessions by ideologically closest parties (Capoccia 2005). Defending democracy, arising partly from Israeli judicial practices (Pedahzur 2002) and interbellum European experiences (Capoccia 2005), widens the protective repertoire, yet continues in Loewenstein's footsteps. Already Loewenstein (1937, 656–7) described democracy as being 'in self-defense against extremism', employing various 'defense measures', and aspiring for 'successful defense'. The defending democracy theorist's notion of 'self-defense' is a logical extension of democracy being under 'attack'. However, although 'defending democracy' allows for both repressive and accommodative elements, it upholds the battle model on account of its dominant battle/defense metaphor. For instance, Capoccia (2005, 213) characterizes 'successful defense' as consisting of 'a democratic majority winning a political battle against an extremist minority' so that the 'democratic front is kept together' and the 'powerful weapon' of anti-extremist legislation is effectively employed.

The original emphasis on militant rhetoric is understandable considering Loewenstein's biography: he experienced the revolution and chaotic paramilitary politics in the Weimar Republic and his notion of militant democracy can be read as reworking the trauma of National Socialism and forced emigration (Greenberg 2014, 172–81; Lang 2007, 209). Academically, his close relationship with Max Weber in Heidelberg provided the vocabulary for conceptualizing politics as incessant battle of incommensurable worldviews and striving for domination, ultimately concluding that 'politics amounts to conflicts' between parties 'fighting for political power' (Loewenstein 1972, 61, 91–104; Lang 2007, 95–8). It was logical for Loewenstein to extend this perspective of democratic politics as battle to cases where the battle was waged against the entire democratic form of politics. These contingencies help comprehending Loewenstein's pessimistic views of mass democracy and his affective commitment to the militancy idea, but they also enable us to relativize that framework historically.

Although the terminology of war, enemies, and defense is ubiquitous in political contexts, it remains metaphorical nevertheless, and the metaphorical aspects of Loewenstein's analytical

terminology have not gone quite unobserved. Bourne (2018, 38) characterizes 'militant democracy' and 'defending democracy' as 'security metaphors', whereas Rijpkema (2018, 69) speaks critically of 'Loewenstein's war analogy'. Rijpkema (2018, 28–9) observes that the war analogy presumes an external threat that the state as a whole repels, whereas the threat to democracy typically comes from within; also, the antidemocratic threat might not be literally violent and come without specific temporal limits, such as the time span between a declaration of war and a peace treaty. The military model might thus implicitly lead us to think of particular wars or offensives with limited temporal duration, or of exceptional situations, whereas democracy protection is a constant institutional task also in normal times. These problems lead Rijpkema (2018, 29, 69) to repel Loewenstein's analogy as 'elastic and vague'. I supplement this analysis with observations on several specific and accumulating problems of the militant democracy concept.

First, the meaning of 'militancy' remains opaque (Table 2, cell 5). Loewenstein (1937, 658) emphasized the need to 'meet and defeat the fascist technique on its own battle-ground'. Yet he scarcely urged democrats to organize into militias, physically assault antidemocrats in civil war, or misuse the plenary for slandering them. The means he suggests are clearly *other* than those of antidemocrats. Loewenstein sought, after all, to justify democratic self-protection by legal means even at the cost of occasionally infringing fundamental rights – not to propose democracy to adopt the militaristic traits of its enemies. His strong rhetoric notwithstanding, there is a discrepancy between his analysis of Fascist organizations and the called-for democratic response: democracy should counter the 'fighting spirit of militarized parties' with an equally aggressive stance, although non-militaristically (1937, 651). 'Militancy', therefore, seems to mean only resolute action against challenges, whereby the characterization turns rhetorical and void of concrete content.

This inexactitude has pushed scholars to reinterpret militancy. For Issacharoff (2015, 12) it implies 'militant resolve' toward internal challenges, and for Tyulkina (2015, 14) pre-emptive measures and targeting as specific 'enemies' of the state those undermining democracy by abusing democratic rights and privileges. These aspects capture the gist of Loewenstein's theory, but they hardly follow from the idea of *militancy* specifically – apart from labeling antidemocracts as 'enemies', a term that Tyulkina, tellingly, places within inverted commas. Rather, pre-emptiveness is a contingent feature of Loewenstein's theory, and neither that nor the sensitivity to inner threats are alien to other renditions of democracy, either.

Second, the expectation that antidemocratic forces are aggressive might make us blind to genuinely antidemocratic threats expressed moderately, which reduces the militant democracy concept's resolution power for empirical inquiries. The military rendering tacitly prioritizes explicitly aggressive actors, whereas some equally dangerous threats might be more veiled. Loewenstein's (1937, 424) remarks on fascist groups' internal military organization, their use of military symbolism and uniforms, and their infrequent engagement in intense political strife were factually well-justified and harmonized with extremists' verbal aggressiveness. However, parliamentary democracy is nowadays jeopardized not only by militant totalitarian movements aiming to seize the system but also by subtle modifications of the procedures for authoritarian, populist, or antidemocratic purposes ostensibly within rule of law. We may be unable to effectively identity such forms of threat if we rely on an analytical framework deriving from the 1930s. In other words, the battle model may produce 'false negatives' (Table 2, cell 5).

Third, and conversely, diagnostic tools relying on the military analogy might also produce 'false positives'. Some antidemocrats are militarily organized, but the diagnosis of war and attack may appear far-fetched in other cases. In the paradigmatic 1956 resolution, the German Constitutional Court declared the Communist Party unconstitutional for seeking to overcome West Germany's democratic order, although the minuscule party posed no immediate extra-parliamentary threat. In the Court's interpretation, legal measures could be targeted at organizations 'fighting' the democracy aggressively, albeit non-violently (Thiel 2012, 283). 'Fighting' as non-physical purposeful activity is, however, difficult to differentiate from legitimate criticism of the society's basic order. For the German Constitutional Court (1956), being unconstitutional required 'an actively combative, aggressive attitude toward the current order', and, correspondingly, the Court described the Communist Party's activity in terms of 'attack', 'defense', and 'hostility" in its resolution, thus rhetorically co-constructing the threat. Such emphasis on the combative attitude easily creates the impression of a mismatch between theoretical expectations and political reality, turns the argument hypothetical, and reduces its credibility.

Fourth (Table 2, cell 5), as regards solutions, the military framing tacitly favors party bans and other strong measures of annihilation or exclusion, because this is the typical *modus operandi* with enemies. Strategic containment by inclusion of extremists into the parliamentary framework could more effectively ward off antidemocratic threats; but such measures of deradicalization are difficult to justify theoretically if we categorize antidemocrats as 'enemies' at the outset. Relatedly, absolute conviction in the antidemocratic character of certain actors and their political positioning as 'enemies' of democracy to be repelled at all costs is scarcely free of the emotional or mythical aspects Loewenstein criticized. The model clashes with Loewenstein's own aspiration toward rational and objective democratic procedures (cf. Invernizzi Accetti and Zuckerman 2017), and although enemy-declarations might be necessary to convey the urgency of self-protection to readers, they remain problematic for the doctrine's internal consistency.

To compensate for this problem, defending democracy theorists then resort to alternative frames (competition, game), as discussed below. Logically, the militant resoluteness that motivates democratic self-protection or is required to publicly justify it should not simultaneously determine the means thereto. At any rate, democratic states should not exclude other options by limiting democracy protection to pre-emptive party bans and comparable legal means, nor should scholars codify assumptions regarding protective instruments into the task description and thereby fix the issue on the level of analytical concepts. Here the battle model is misleading. Loewenstein (1937, 658) urged democrats to 'meet and defeat the fascist technique on its own battle-ground'. With this premise of correspondence between 'attack' and 'defense', Loewenstein effectively precluded the question of the optimal response to arise at all – a question he had already answered.

Fifth, the model is an insufficient starting point for more fundamental reasons: although military terminology captures the radical antidemocratic mindset, it hardly allows for describing democracy's everyday operation affirmatively (Table 1, cell 2). If party politics is war, it is not a national war against external enemies, but a *civil* war with multiple participants, reminiscent of the Hobbesian *bellum omnium* – not a very tempting description of the good democracy to be protected. Fighting uncompromisingly for a cause may still appear noble to individual parties, but aggregate-level descriptions of democratic

systems as multi-front civil war convey the utter failure of democratic politics, not its essence. Normal democratic politics may, first, face a crisis (intermediate phase) and then collapse into literal war (endpoint), but the military framing, confusingly, uses the literal endpoint metaphorically to describe the two anterior states. Consequently, the democratic self-protection literature is incapable of expressing both the beneficial dynamics of normal democracy and the antidemocratic threat persuasively in a single framework; this partly explains the turn to competition and game models for the former function.

Sixth, the militant model provides no reasonable role for outside regulators of the democracy/antidemocracy conflict, which has similar effects. In actual wars, outsiders may intervene by force, thus being parties of the conflict and operating on the same level, or regulate ex post like the ICC prosecuting war criminals. Yet the idea of regulating conflicts and imposing rules is difficult to express persuasively in the war imagery; the state remains ultimately one party in a war of equals (Table 1, cell 7).

Seventh, the military framing implies theoretical problems related to the normative justification of democratic self-protection (Table 2, cell 1). For two interrelated reasons, the model contributes toward the paradox of repressive measures doing away with the democracy they were designed to protect. A) In seeking to meet antidemocracy 'on its own battle-ground', we allow the antidemocrats to impose their friend/enemy logic on us and lure us away from mere institutional expediency, thus turning democracy excessively like its purported 'enemy'. Theorists have noted the paradox of militant democracy resisting authoritarianism with means that threaten to turn it authoritarian (e.g., Maddox 2019, 492); yet the equally relevant risk of democracy becoming militant at the face of militantly organized threat is seldom identified as problematic apart from Müller (2016, 253) noting the prospect that 'governments will fight their enemies until they become like their enemies' and thereby destroy democracy 'in the process of securing it'. Some of that effect emanates from the conceptual core of militant democracy theorizing.

B) The rhetoric of military battle facilitates the abuse of protective measures against legitimate political rivals. Authoritarian governments tend to describe their challengers as illegitimate enemies to begin with, and Loewensteinian ideas are excessively easy to combine with such aspirations; the very doctrine provides authoritarian leaders with categories to justify their repressive actions with. Already on conceptual grounds, there is a considerable risk that protective measures suffer the same fate with anti-terrorism legislation, and 'war' is declared on political adversaries. This is significantly more difficult in the competitive or game interpretations: the step from competing or playing to annihilation is much less intuitive, and these models portray other actors as empirically inevitable legitimate competitors (economy) or opponents necessary for the activity in question (games).

Taken together, these conceptual and discursive features make militant democracy a problematic starting point on the level of analytical concepts. I propose some of these problems follow primarily from the way repressive measures are conceptualized in Loewenstein's wake, not the activity of democratic self-protection as such. Let us therefore assess how the alternative conceptualizations of competition and game perform.

3. The competition model: Self-protection as market regulation

The competition model describes democratic politics as competition on a political market with voters as consumers (Elster 2019; Miller 1983). In comparative politics and

democratization studies, genuine political competition between political parties is generally seen as the second main criterion for democracy, alongside participation secured by wide suffrage. These criteria are typically derived from Dahl's theory of polyarchy or Schumpeter's (2010, 241) definition of democracy as an 'institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote'.

This tradition has directly influenced the militant democracy debate. Kirshner (2014, 3–4) and Rovira Kaltwasser (2019, 73) rely on Dahl; Fox and Nolte (1995, 14) cite Schumpeter's definition, and Tyulkina (2015, 17) follows them; Rummens and Abts (2010, 650) mention both Dahl and Schumpeter. Rather than as a description of democratic self-protection per se, the idea of political competition thus enters militant democracy debates as part of the democratic theory on which militant considerations are superimposed. The key aspects of democracy protection can be expressed by extending this framework: antidemocrats are seeking to abolish competition in favor of one-party monopoly, and democracy-protection is market regulation removing fraudulent competition. This model has the advantage of being able to describe democratic politics, the antidemocratic challenge, and the countermeasures in a single framework.

Further, the problems of democracy protection are often expressed in this register. For Fox and Nolte (1995, 14), democracy is 'equal competition' among groups and opinions; suppressing antidemocratic ideologies, however, contradicts this principle, whereas allowing them risks eroding the democratic framework altogether; both aspects together amount to the well-known dilemma of militant democracy, which Fox and Nolte reformulate in terms of upholding 'competition'. Competition is thus not only a democratic ideal but also a source of theoretical challenges.

Additionally, political competition aggravates the problem of implementing protective measures. Even hypothetical party bans affect the dynamics of party competition, and individual parties' support for such measures may reflect their expected utilities (Bourne, 2018, 41–2). This may take place in two ways: competitive considerations may urge political actors to support restrictive measures, aiming to 'outlaw their electoral competitors' (Müller 2015, 146), or vice versa, 'the logic of electoral competition' might 'encourage defections' at critical junctures (Capoccia 2005, 215). Political competition is thus not only a central object of protection but it also triggers a paradox, motivates the misuse of protective measures, and impedes the implementation thereof, all of which reflect back on the competitive situation. Such self-referentiality encourages externalizing regulation to courts, although their independence might be questionable during democratic backsliding.

The above clearly exemplifies the competition model's heuristic value for democracy protection debates. However, scholars rarely invoke the competition model to elaborate *solutions* to the conundrum of democratic self-protection, tacitly assuming the need to supplement it with the battle model, which then boosts the conceptual unclarities. I propose this surprising neglect results from how the competition idea has been transmitted to the militant democracy debate from several sources and in contingent ways. In addition to the competitive democracy theory by Dahl and others, there are three further independent sources for the competition model – each with separate reasons for adopting competition terminology and specific repercussions for theory-building: proceduralism in democratic theory, German constitutional theorizing in analogy with social market

economy, and the predominantly American notion of 'a marketplace of ideas'. In the following, I briefly revisit each to make sense of the various concepts of 'competition' at play and the tacit expectations on political competition that accompany them.

Competitiveness and proceduralism

Concisely expressed, the first reason for why democracy protection has not been modeled after protecting fair economic competition is as follows. In militant democracy debates, the category of competition has been associated primarily with proceduralist views of democracy, and as prominent proceduralists have been unenthusiastic about actively protecting democracy, scholars have read 'competition' as incompatible with such aspirations, tacitly supposing that the need for protection can only be derived from substantialist views of democracy and the means thereto from the battle model. However, these links are contingent (non-necessary).

The procedural/substantive distinction was introduced by Fox and Nolte (1995) and has become common currency since. Procedural democracy, linked particularly with Schumpeter and Kelsen, considers democracy a formal process equally open to anti-democrats and, for coherence's sake, forced to risk its own death. Represented by the dissimilar theories of Rawls and Schmitt, substantial views of democracy, by contrast, deny such a 'procedure of self-abolition' (Fox and Nolte 1995, 20) and link democracy with de facto ability to uphold rights and liberties. Proceduralism promotes consistent tolerance, whereas substantive democracy has elective affinities with the militant attitude, although in their empirical analysis Fox and Nolte treat the procedural/substantive and tolerant/militant distinctions as independent axes. Rummens and Abts (2010, 650), by contrast, present militant democracy as emanating from 'the strictest interpretation' of the substantive view and explicitly contrast the procedural and the militant views, oriented toward tolerating or fighting the intolerant, respectively. Although they aim to transcend the procedural/substantive dichotomy, one effect of this framing is that procedurality appears as an opposite of militant considerations.

The further link between 'competition' and relativistic procedurality (rather than self-protection) follows equally naturally: major proceduralists endorsed the idea of competition, whereas prominent substantivists rejected it. I discuss each part in turn. First, both Schumpeter (2010, 243) and Kelsen, 2013, 73, 103) invoked political competition affirmatively and explicitly relied on economic analogies; both advocated a 'competitive theory of democracy' in a wide sense, vast differences notwithstanding. Kelsen supported liberal parliamentarianism, party organizations, and proportional voting to enhance the channeling of citizens' preferences into policy. The open and 'competitive' discussion of alternatives served this purpose, supplemented by the 'competition' of leaders for positions – a thoroughly Weberian justification for parliamentarianism (Kelsen, 2013, 94–5).

Schumpeter, by contrast, promoted elitist democracy limited to people choosing rulers, and competitive struggle between political leaders served the selective function of bringing the most capable to positions – an equally Weberian view, but one emphasizing the 'supply-side' competition between political leaders alone. Rather than a purely economic doctrine, Schumpeter's democratic theory is closer to Loewenstein's similarly Weberian and elitist view of political personalities as charismatic military leaders engaged

in war (Ober 2017). This is reflected in the very term of 'competitive struggle' (not 'competition'), which Schumpeter (2010, 241) used to characterize democracy.

Despite such essential differences, both Kelsen and Schumpeter rejected the will of the people as fictitious, emphasized procedural aspects, and embraced political competition. Neither provided a theory of protecting democracy against misuse of democratic forms, either – albeit, again, for different reasons. Because of his relativistic and consistently 'defeatist' notion of democracy, Kelsen (2006) declined to offer a theory of militant protective measures; for him, such positions could not be consistently sustained. An elite theorist with aristocratic and monarchist inclinations, Schumpeter, by contrast, scarcely worried about protecting democracy to begin with: his procedural view rather belatedly reacted to excessive democratization by Austrian Social Democrats, and his interwar notion of parliamentarianism as a bourgeois form helpless against opinion manipulation and party interests discouraged active protection of parliamentary democracy (Medearis 2001, 19–20, 60–4). For Schumpeter, political competition was conflict for decisive positions between strong political leaders, not a means of securing citizen's democratic agency. Neither must competition, for Schumpeter, be free and fair to qualify as democratic; this was largely impossible amid modern opinion-formation and 'psychotechnics' – an observation parallel to Loewenstein's idea of mass emotivism. In fact, Schumpeter explicitly noted that political competition often resembled 'unfair' or 'fraudulent' competition and that his 'realistic' theory of democracy also included these forms (Schumpeter 2010, 243).

On a general level, the link between competition and proceduralism *does* emerge, and neither Kelsen nor Schumpeter endorsed democratic self-protection. It does *not*, however, follow that the notion of political competition precluded protective concerns; as shown, Kelsen and Schumpeter had other reasons not to promote self-protection measures. The link is purely contingent: nothing in the competition model per se precludes self-protection considerations; merely Schumpeter's idiosyncratic notion of competition, which encompasses also fraudulent forms, renders his procedural theory problematic for conceptualizing democracy protection in terms of the economic analogy.

Correspondingly, substantialists are not known for supporting competitive democratic theory or economic analogies. Although utilizing broader economic ideas, Rawls (1999, 359–61) rejected 'the economic theory of democracy' with explicit references to Schumpeter, Dahl, and Downs, observing limits of the elections/markets analogy. Schmitt (2007, 28) interpreted political competition and economic analogies as problematic liberal adages and attempts to avoid decisions and existential 'battle' against enemies by turning them into 'competitors'. Although Schmitt theorized protecting the constitutional order against partisan interests in the early 1930s, he simultaneously scorned liberal parliamentarianism, political parties' ability to compete freely, public discussion, and most other principles we associate with the democracy to be protected. Schmitt questioned not only competition's ability to regulate itself without authoritarian interventions but also the very idea of political competition. He considered parties mere interest organizations and identified party pluralism with latent civil war, which certainly underscores the acuteness of self-protection considerations yet also effectively hinders conceptualizing the remedy in terms of 'competition'.

For these accumulating reasons, it appears natural that militant democracy theorists associate competition with procedural theories of democracy and the lack of explicit self-protection measures, whereas substantive views are linked with militant protective means. Correspondingly, the concept of competition appears more appropriate to communicate the *problem* of democracy protection rather than the institutional *solutions* to it. This follows from democratic theory's intellectual history and how it was channeled into the debate, as briefly shown. These, however, are historically contingent facts, and alternative readings are possible; in fact, they arise from within the militant democracy framework.

The German model: Interventions upholding competition

Germany is, justifiably, read as a paradigmatic case of militant democracy. However, the alternative model of democracy protection as safeguarding competition also arose in post-WW2 German constitutional practice and was interlaced with militant democracy perspectives all along. In banning the Communist Party, Germany's Constitutional Court (1956) declared that, in free democracy, parties engage in 'competition' with one another while acknowledging other parties as legitimate 'competitors', and with a later ruling on media ownership, the German Constitutional Court (1962) expressly sought to secure all political parties 'equal chances for political competition'. The genetic link between militant democracy and the principle of political competition is dense, and the Court conceptualized its task of guarding fair political competition analogously with maintaining economic competition in effect by anti-monopoly legislation. One of the Court's judges, the constitutional lawyer Ernst Friesenhahn (1958, 16, 26) identified the 'free competition of political parties' as essential to Germany's freedom-based order and, in an economic analogy, emphasized the Court's commitment to securing 'equal conditions of competition'.

A very different view of 'political market' emerges here than the traditional Schumpeterian model: rather than merely allowing competition between political leaders for positions or destruction, the Court advocated political competition as a means of implementing democratic legitimacy via citizens' ability to compare the 'products' of all political parties. Consequently, parties seeking to annul the multiparty principle in the long run must be removed from the market – not because their ideologies were substantially undemocratic or because they 'fought' the democratic order, but because their monopolistic aspirations jeopardized the very market in which they operated.

These conceptualizations still reverberate in militant democracy debates. Rijpkema (2018, 146) correctly notes how the Constitutional Court interpreted political competition as a key ingredient of the freedom-based fundamental order, deductible from the multiparty principle, and Niesen (2002, 8) identifies 'equal chance' not being granted to 'competitors' as a key antidemocratic characteristic the Court sought to uproot. Rijpkema (2018, 153) alludes to the economic and legal ideas underlying the Court's reasoning: 'In the language of competition law, monopolies must be made impossible. Political competition must be safeguarded'. This observation aptly captures the parallels between the Court's reasoning and the economic ideas of Social Market Economy of the era: non-monopolistic competition was not assumed to emerge automatically, but this necessitated active intervention.

In this reading, open political competition, correspondingly, is not a hypothetical starting point of politics, but a result of institutional regulation; far from contradicting political competition, the German judicially institutionalized militancy epitomized the idea of open competition secured by state power. Limiting fraudulent competition seeking to undo others' ability to compete is equally consistent with democracy's essence as states' anti-monopoly interventions into economic markets are with competition as a key tenet in social market economy. Even such brief glances at the links between militant democracy and social market economy suggests that entirely free economic competition is not the proper benchmark for German militant democracy practice.

Similar points arise in contemporary theorizing quite independently of this historical background. Kirshner (2014, 70) usefully notes how the idea of democracy as unconstrained choice is misleading, as political competition 'takes place against the backdrop of a wide variety of constitutive rules' and in fact emerges from that regulation rather than being a pre-existing fact. Issacharoff (2015, 42), explicitly endorsing the economic analogy, proposes that 'even the night watchman state has an obligation to maintain the openness of … political competition in much the same way as the state must protect the integrity of economic markets from theft, fraud, and anticompetitive behavior'. There thus seems to be demand for the revised economic analogy; yet scholars mostly overlook this alternative concept of political competition to the benefit of predominating laissez-faire readings.

Marketplace of ideas

This can be partly explained by considering the third source of competition vocabulary: the idea of democracy as a marketplace. Downs (2012, 147) for instance notes how the democratic state 'cultivates an open marketplace of ideas and embraces free speech' – only to be met by antidemocrats who employ these means against it. This is clearly a variant of the competition model: marketplace rhetoric tacitly invokes political competition, for markets *are* the venue for competition. Such terminology is infrequently supplemented with explicit economic terminology, as in Neuberger's (2009, 186) note on Kelsenian proceduralists promoting 'free competition in the free market of ideas'. Similarly, Tyulkina (2015, 136) observes how banning parties 'disturbs the natural flow of political competition and interferes with the marketplace of ideas'.

The prevalent 'marketplace of ideas' idiom, first, comes into the militant democracy debate from American jurisprudence, attributed to Justice Holmes (Issacharoff 2015, 26–7, 39–40; Tyulkina 2015, 26). Second, it emerges from the Anglophone debate on political (in)tolerance: for instance Gibson (2011, 417) explicitly considers it a 'liberal' conceptualization, and Capoccia (2019, 138) in the defending democracy literature follows him. Mudde (2004, 196) differentiates between a restrictive German model of defending democracy and an 'American' model, which accepts all ideas in the 'marketplace of ideas', including antidemocratic ones. Rijpkema (2018, 104) in turn credits the Dutch constitutional lawyer Theo Bellekom for elaborating in the 1980s a notion of procedural democracy upon the American 'marketplace of ideas' metaphor.

In comparison to the general and non-metaphorical political science notion of political competition, the marketplace rendering is unequivocally metaphorical and has more

directly 'liberal' and 'American' undertones. The marketplace idea also focuses on the demand side, underscoring how a sufficiently wide ideological array should be available to the citizens, with the further assumption that public scrutiny will root out unsustainable ideologies; the political science variant, by contrast, rather relates to parties' entry into the market and their supply-side input. Most importantly, the two conceptualizations have somewhat different scopes. The open democratic marketplace relates to the free and public exchange of ideas and crystallizes the principles of the freedom of speech, freedom from preventive censorship, and the right to demonstrations. The marketplace metaphor does *not*, however, imply equal admittance to democratic procedures like registering as a party, proposing candidates, or receiving party subsidies, let alone groups' subjective right to paramilitary organization or uniforms; these rather fall under political competition in the general political science sense.

The two senses of competition, however, typically merge. Issacharoff (2015, 42, 245) discusses the 'marketplace of political competition' and explicitly develops the economic analogy by comparing elections with 'merchants at the market trying to procure a sale by explaining what is wrong with the offerings at the next stall'. In making the argument, he (2015, 26–7, 121n67, 244) invokes both Schumpeter's competition and Holmes's marketplace metaphor, whereby average readers are likely to conflate the two ideas. Rijpkema (2018, 104) links Bellekom's marketplace view with Schumpeter's competitive theory of democracy, and Rummens and Abts (2010, 650) similarly associate Dahl and Schumpeter's procedural view with the notion that 'the democratic marketplace of ideas is assumed to be fully free'. Although not entirely unfounded, such renderings conceal the genetic differences and dissimilar implications of the two variants and prioritize the unlimited, open, and completely free marketplace of the 'liberal' model.

Also the normative and practical implications for democracy protection measures might be different. Excluding radical groups from electoral participation in single elections to protect fair political competition without, however, outlawing their actions entirely or prohibiting them from publishing is one pertinent example. Such measures, used in Israel (Tuylkina 2015, 115–19), harmonize with the principle of open marketplace of ideas although they restrict equal competition in the strict electoral sense. Even if we maximally endorse the freedom of expression, it does not yet follow that political organizations promoting the termination of party competition should be allowed free electoral participation. Rummens and Abts' (2010, 654) model of concentric containment of extremism relies precisely on upholding open public debate to enable extremists' expression of legitimate concern, yet forcefully limiting their access to positions by substantial democratic criteria. Moreover, few would propose that literally *every* viewpoint (racism, misogyny, anti-Semitism) must be allowed on the marketplace, although the partly misleading marketplace metaphor may suggest so.

When accumulating sources of ambiguity are sorted out this way, the competition model appears compatible with a versatile array of protective measures. While the battle model has an elective affinity with banning parties and their supporting organizations by court decisions (Table 1, cell 6), the competition model suggests less rigid means. It favors the regulation of parties' participation in individual elections and controlling their political advertising by state officials, possibly supplemented by the informal means of organized citizen boycotts in analogy with consumer behavior on actual economic markets (Table 1, cell 14). This

versatility results from how the competition model is able to describe democracy's essence, antidemocratic challenges, and the protective measures all in a single conceptual framework. The game model, to which we now turn, most naturally favors other participants' refusals to cooperate, cordon sanitaire, and other such informal political strategies, but it may also include regulation of political advertising and other ways of 'playing the game' to protect the game from being destroyed (Table 1, cell 22). It thus covers largely the same ground, but with partially different metaphorical implications.

4. The game model: Rule-following, fouling, and rule-enforcing

The game model, too, is traceable to Loewenstein (1937, 424, 427) who criticized rule of law's excessive formalism and 'the ideologies of democratic equality and fair play for all' for being unwilling to 'exclude from the game parties that deny the very existence of its rules'. The upshot is that only those willing to play the democratic game by the rules may play. Loewenstein, however, did not deduce the implication that allowing antidemocrats to play destroys the game of democracy; rather he resorted to the military vocabulary of attack and defense to communicate this problem.

Present-day scholars have since added the game perspective. The intellectual history of this conceptualization is too complex to be covered in this context, but it includes popularized Wittgensteinian ideas of games as a family resemblance category, formal game theory and Rawls's utilization of it, and the agonistic pluralism of Chantal Mouffe and Bonnie Honig, among others, but the description of parliamentary politics as a game, affirmative or critically, has a long history particularly in British political discussions as well (see Trimçev 2018; Palonen 2006, 262–84). Also Palonen's (2006, 262) conceptualization of politics as game to capture the 'constitutive contingency of politics' and the ever-present possibility for playing may have contributed to the game model's presence in militant democracy debates via his colleagues, such as Malkopoulou.

The game model shifts the focus to parties' strategic calculations, representing them as players and the judicial regulators as referees, and correspondingly turns citizens into passive outside spectators similarly as the description of politics as war. The democratic game does not therefore seem particularly democratic in the strict sense of empowering the demos, whereas the model of competition at least describes citizens as sovereign consumers of parties' offerings with the possibility of a buyers' boycott (Table 1, cells 14 and 24).

The game model conveys well the need for regulation and democracy's problematic dynamics, though, for instance capturing our intuitions that those involved are not the optimal party to decide on the rules. As Stone and Malkopoulou (2022, 5) note, legislatures and parties have the 'temptation to fix the rules of the political game' for immediate benefits, which makes outsourcing protection to courts or civic bodies appealing. Müller (2021, 106–7) criticizes the assumption of courts impartially guarding 'the rules of the democratic game', yet concedes they lack parties' temptation to 'use militant measures to get rid of other players in the democratic game'. In these aspects, the game model appears more apt than the competition model, for the idea of market regulators also participating in business is unintuitive (Table 2, cell 11). However, even democracy's guardians' attempt to alter the game is problematic because any state intervention into the political market *eo ipso* disturbs free competition. Game vocabulary equally serves that argumentative

function. Combining the two metaphors, (Bourne, 2018, 1) notes how party bans distort 'the posited level playing field of democratic competition'.

Particularly scholars critical of the militant democracy idea have promoted the game model as an alternative justificatory framework, albeit only implicitly. Müller (2021, 109–110) concedes that oligarchic figures attempting to 'rig the democratic game' by undermining its rules may be banned, although limiting regular citizens' rights is unjustified. Game metaphors also dominate the defending democracy literature. Rummens and Abts (2010, 655), in harmony with militant democracy theorists, propose parties may be required to unconditionally accept the 'procedural and substantive presuppositions of the game they want to play', whereby exclusion by bans is occasionally justified if players breach rules they implicitly accepted at the outset. Pedahzur cites Israeli scholars' definition of defending democracy as a form excluding 'from the democratic game those groups whose aims or actions may endanger the state' (Horowitz and Lissak, cited in Pedahzur 2004, 111). Capoccia (2001, 437) parallelly credits repressive measures for making 'the democratic game much more difficult, and even impossible, for extremists to play'.

The idea of politics as game clearly serves some argumentative purposes. To what extent, however, can it be used to justify protective measures? Invernizzi Accetti and Zuckerman invoke it to criticize militant democracy on logical grounds. For them, the decision to exclude some group from participating in the 'democratic game' is a fundamental question regarding the boundaries of the political community. However, this idea of a 'democratic game' – they repeat the expression several times (Invernizzi Accetti and Zuckerman 2017, 183, 186, 188, 195, 196n3) – presupposes an a priori decision on 'friends' and 'enemies' of the democracy in question, they propose, building on Schmitt's ideas. In this reading, militant democracy is incapable of identifying enemies of democracy coherently and non-arbitrarily.

It is, however, not self-evident that this requires an anterior existential decision as Schmitt presupposed. A reply emerges from the justification of militant measures upon the idea of games by Jovanović (2016), relying on the philosopher Bernard Suits. In democratic politics, victory must be attained by means belonging to, and constitutive of, the game in question; actors not respecting the rules of the game are thereby doing something else than playing the game of democratic politics and may be disqualified on those grounds alone, Jovanović posits. Relying on Suits, he further proposes that a certain 'lusory attitude' or bona fide commitment to the game's constitutive rules may be expected, and Jovanović's retort to Invernizzi Accetti and Zuckerman would be that anyone seeking to 'destroy the "democratic game" by abolishing its constitutive rules' is its 'enemy' (2016, 753), that is, some players are revealed as 'enemies' of democracy insofar as they break its constitutive rules, not a priori. This harmonizes with Arendt's (1972, 193) observation on laws as the valid rules of the 'game' of communal life, amounting to directives rather than imperatives: I may dislike the rules, seek for exceptions, or wish to change them, but I still cannot 'enter the game' of democratic life 'unless I conform'. Ricoeur (2010, 22) cites the idea, emphasizing the desire to 'live according to the mode of play articulated by the rule'. Antidemocrats clearly fail to comply with such constitutive directives.

Can we derive a justification for protective measures from this? When, exactly, has rule-breaking occurred sufficiently to conclude that democratic game is no longer played and a removal of foul players is due? This thorny issue is entwined with the question of

which substantial or constitutive elements should be read into democracy in the first place. Certainly, if antidemocrats break rules, this does not necessarily yet turn the game into something else, as Jovanović's argument on constitutive rules presupposes. Even intentional rule-breaking for political or electoral gain is consistent with upholding the democratic game, unless we are willing to equally conclude that tactical fouling in soccer makes the game disappear. Tripping an opponent goes against the constitutive idea of soccer, not only its exterior regulation by rules, yet this often happens in a match. Suits's constitutive rules theory has difficulties in consistently incorporating strategic fouling (Imbrišević 2019). Tripping opponents may constitute a different way of playing not in harmony with everybody's moral intuitions; many antidemocrats similarly introduce new, normatively questionable ways without, however, terminating the game entirely.

Although illuminating in other respects, Jovanović's argument too quickly assumes that the game of democratic politics disappears once rule-breaking occurs. In fact, parliamentary politics is a specific kind of game in which breaking rules might incur sanctions but nevertheless secure success for players other than those who played best according to constitutive rules. The most eloquent parliamentarians might be unsuccessful, and a grossly anti-parliamentary agenda coupled with indecent behavior, racist slurs, and associated fines, may pay off electorally. The difference vis-à-vis regular games is that in politics electors emerge as second-order referees, and some of them prefer rule-breaking to rule-following (Table 2, cell 15). There is no reasonable equivalent for this in regular games.

Moreover, antidemocracy is not primarily about breaking rules; this is an accidental characteristic of antidemocrats' activity. Loewenstein (1937, 424) urged democracy to exclude 'from the game parties that deny the very existence of its rules'. Yet, the core problem of militant democracy arises from antidemocrats formally playing by rules but seeking to change them when in power, not from breaking rules or denying that rules exist. Loewenstein apparently confused formal rules with informal social conventions, such as gentlemanly fair play between MPs. Antidemocrats typically lack a bona fide attitude but may nevertheless play entirely according to parliamentarianism's formal rules. In fact, they mostly do – which makes them even more dangerous. Criminal law punishes violent acts, and repressive measures can be targeted at openly antidemocratic groups; genuinely thorny problems, however, pertain to non-violent parties that 'claim to be willing to play the democratic game' but destroy it when in power (Rijpkema 2018, 32, building on George van den Bergh), or extremists seeking to 'play the democratic game' to eventually 'undo its rules' (Capoccia 2005, 203, 219).

Rule-bound playing is therefore not primarily a norm that antidemocrats fail to follow but a prerequisite of them effectively playing the sub-game *they* are playing. People typically play regular games for entertainment or abstain from playing altogether; playing with hostile attitudes toward the game is rare. In democratic politics, it is, however, entirely possible to play for profit while hating the game's constitutive rules provided one follows regulative rules even outwardly. This is also the best strategy to get to change the rules and destroy the game from within. Correspondingly, there is no guarantee that any blatant breach of constitutive principles occurs during the game so that ousting players as per Jovanović's criterion would be justified; rather, in a formally democratic coup, rules would be changed *after* the game, and at that point militant measures would be justified in retrospect but could no longer be implemented, as democrats had already lost.

Although useful for depicting some aspects of the democracy to be protected, the game model therefore fails to capture the theoretical dilemma at the heart of democratic protection as it provides no intuitive model for conceptualizing the democratic game's self-annihilating logic (Table 2, cell 12). Players of regular games/sports cannot destroy the entire game/sport, but only ruin a particular match or tournament at best. Even if the president of the national chess association were chosen by playing chess, the best players would only have authority as regards their league and could not help other organizations emerging, let alone chess being played privately. The essential difference is that only specifically authorized groups of players have the democratic game as their prerogative (private elections and parliaments are a conceptual absurdity) and those playing well decide on rules for entry and can abolish the entire game in the country.

Although certainly no game is designed 'to allow its participants to fundamentally challenge the very objectives, rules and means of the game' (Jovanović 2016, 755), it does not follow from this alone that antidemocrats can legitimately be ousted. No game is so designed because this is not a reasonable scenario in the first place. There scarcely exists a single game other than democratic politics where the authority to alter the rules of the game is *intrinsically* related to playing the game, that is, sufficiently skillful players, and they alone, get to decide and there is no other legitimate route to that position. Democracy is a *sui generis* social activity because it offers 'players', and them alone, a de facto possibility of changing the rules if they 'play' well enough. Precisely therefore democracy is not reducible to one more game. Jovanović's observation thus also illustrates the limits of the game analogy.

A major strength of the game model is that it deals with the transition problem equally well as the competition model. Even malevolent players seeking to undermine the game remain 'players', and there is no need to adopt different vocabulary for prodemocrats and antidemocrats (Table 2, cell 13). This is a mutual advantage of the competition and game models over the battle model.

5. Conclusions

Current democracy-protection debates merge analytical vocabulary from the battle, competition, and game models. As shown, these models emphasize different aspects of democratic politics and thus serve dissimilar argumentative functions. The battle model describes the menace (parties' antidemocratic aspirations) or the proposed countermeasures and the associated mindset (resolute pre-emptive action) intuitively and persuasively with respect to Loewenstein's original aim of recruiting support for immediate protection. However, this model is ill-suited for describing normal democracy in other than the most unattractable terms.

The competition model captures the desirable democratic dynamics better and provides citizens a role as decision-makers (consumers), whereas the battle and game models only make them outside observers, collateral victims, or potential participants at the most. The competition model is best suited for describing the goal and object of protection (competitive democracy), the effects of protective measures on the political situation (some parties gain as their rivals are ruled against), or the problems in coordinating

protective action (parties count their proportional utilities). Although sidelining citizens, the game model also illustrates antidemocrats' aim of playing the democratic game to destroy it and highlight the need for regulation and the problem of players altering rules.

Because the dynamics of democracy and the containment of antidemocracy by inclusion are difficult to convey affirmatively in militant vocabulary, scholars supplement it with competition or game renderings despite still describing antidemocratic threats and remedies in militant terms. This accounts for much of the confusing terminological plurality. Some conceptualizations simply capture some aspects of the phenomenon better. Another, largely concomitant, reason is that military, economic, and play-related ideas enter the democracy protection debate at different stages in contingent ways. Loewenstein's theory over-emphasized militancy and became hegemonic as the entire debate was conducted in terms of *militant* democracy. The game perspective has arisen recently as a conscious critical alternative, whereas competition ideas derive from the proceduralist considerations of Schumpeterian and Kelsenian democratic theory, which may partly explain the absence of attempts to consistently depict democracy protection in the competition framework.

Competition ideas also derive from the marketplace of ideas debate, whereby the freedom of party competition gets easily misidentified with free competition of opinions. Even if we endorse the latter, limiting the former may, however, be justified on other grounds, such as those of protecting 'the competitive political market' against monopolizing attempts. Further, competition is typically understood in laissez-faire terms, although the intellectual history of German militant democracy provides a more coherent alternative reading of political competition necessitating active regulation, and this framing is compatible with self-protection considerations. Unless these different meanings are kept apart, the idea of protecting political competition becomes blurred already *within* the competition rendering, prior to any conceptual leaks from the militant or game models.

How well do these models capture the theoretical problem at the heart of democratic self-defense? Expressed in the economic register, the problem is as follows: should we, in the name of equal competition, allow actors with anti-competition agendas to compete uncurbed by interventions, although that might jeopardize the entire market in the long run. As noted, Fox and Nolte described this dilemma in competitive terms. Also Sajó (2004, 211) notes the paradox that 'democratic decisions must arise out of free political competition' and that militant democracy contradicts its own criteria, as it obviously 'limits such competition'. Tyulkina (2015, 2, 18) follows him. For Issacharoff (2015, 12–13), clear-cut limits for 'democratic competition' are needed, yet 'any intervention to bar certain individuals or parties from the political arena risks compromising the integrity of the electoral process'.

Two qualifications are appropriate here. First, the paradox is a paradox only if we tacitly assume that political competition must be entirely unregulated as in the laissez-faire model. But the above discussion has suggested that this is largely a misconception based on how competition has been conceived narrowly or confusedly in the militant democracy debates (Table 2, cell 6).

Second, while the image of competitors being able to undo the market is entirely intuitive in politics, a fundamental difference vis-à-vis economic markets emerges: economic competitors seldom question the market mechanism, nor do they typically

participate in decisions regarding market regulation or exclude competitors from the market by formal means (although they may attempt this de facto with cartels). Political competition differs on account of its special characteristic of organizations in the 'political market' also being in charge of 'market regulation' in the role of legislators. Not only can they outlaw specific competitors; unless eternity clauses prohibit this, they can also abolish the entire market (Table 2, cell 7).

This structural feature of political actors being simultaneously competitors, regulators, and decision-makers on whether to compete at all, makes political competition decisively different from the logic of economic markets and highlights the limits of the economic metaphor. Consequently, the economic analogy fails to properly capture the aspect which makes democratic self-protection such a wicked problem: the self-annihilating potential of democratic processes (Table 2, cell 7). This is simply difficult to describe in analogy with economic markets, which lack the corresponding phenomenon.

The battle model does not fare much better in this regard because the exact equivalent of the militant democracy dynamics would be the scenario of one nation completely overpowering others in war and unilaterally declaring war illegal or making it impossible by complete disarmament – a barely comprehensible, highly unintuitive scenario (Table 2, cell 2). Both the militant and competition models thus fail to properly portray the dilemma, just like the game model did, as discussed above.

All three models are unintuitive with respect to the fundamental theoretical problem of democracy's self-annihilating tendencies: the idea of battling, competing, or playing effectively and *thereby* becoming capable of terminating war, competition, or the game is unintelligible; in democracy, however, the relation between activity and rule-formation is peculiarly intrinsic in this way. The competition model fares slightly better than the others here: although no competing party gets to decide on legislation or regulation measures, they can attain an *empirical* monopolistic position on a political market. Even though this is not a technically accurate equivalent of democracy being suppressed democratically, it is, nevertheless, an intuitively persuasive image (Table 2, cell 7). This, again, speaks for the competition model.

The inadequacy of all three models in depicting the self-annihilating logic of democratic politics is somewhat alarming – particularly, as the logic remains in effect even if we cannot express it fully with our metaphoric concepts. Antidemocrats can destroy democracy by democratic means. *This* must be prevented by democratic self-protection, and this, I propose, is the genuinely persuasive justification for excluding certain 'players' from the game: not their breaching of the 'democratic game's' constitutive rules as such, but *their capability of permanently terminating the game*.

This harmonizes with the argument of irreversibility, advanced by Rijpkema (2018, 133–40) based on van den Bergh: democracy is about self-correction, and procedures are legitimate insofar as any decision can be revoked; however, terminating the democratic procedure itself, logically, cannot be undone, which makes that impermissible. Similarly, destroying the game cannot be allowed by its rules – or, in economic terms: *democratic politics must be protected against actors who compete on a market while simultaneously seeking to abolish the competition on the market*. The fact that this justification is expressible in the competition and game models but not in the battle model suggests moving

beyond the original militant terminology in the formation of normative justifications for democracy protection.

This, however, is surprisingly difficult to do. The terminology of battle is very persistent, and this, I contend, relies on a fundamental imbalance of the human world: violence has a de facto capacity to destroy any advanced cultural forms while being itself immune to other modes of action. You can destroy any game or competition by introducing violence, but you can scarcely outcompete violent aggressors or win them in a game. It does not follow that violence has priority or is metaphysically more profound – only that human culture is fragile. Regardless of how we describe it metaphorically, the ultimate breakdown scenario of politics is that of literally and physically violent confrontation. In the extreme case, antidemocrats resort to either clandestine violence or, if they have already attained state power, to systematic repression of political adversaries by force, and a condition of civil war or authoritarian suppression follows.

Therefore, it is logical to invoke this endgame imagery also metaphorically on the level of representations. The battle model easily invites this outcome as a mere extension of how it describes even normal parliamentary politics and especially the crisis-ridden intermediate state as war-like battle. The competition and game models, by contrast, are incapable of describing the endpoint adequately. The imagery of a complete repressive monopoly having pushed others out of the market falls short of capturing the seriousness of the civil war scenario: anyone describing the coup and violent repression of political adversaries by, for example, the National Socialists in competition terms would be justly accused of belittling their wrongdoing. Similarly, to propose, in the game model, that the NSDAP 'checkmated' Germany would be grossly inadequate. The latently militaristic battle model has a rhetorical advantage over the others precisely for this reason; it serves as a peculiar go-to metaphor for all other paradigms, similarly as violence is the possible, even likely, outcome of any conflict-ridden human activity that fails.

Yet, its hegemony still upholds an excessive emphasis on crisis. The current polycrisis and pressure on European democracies is likely to wane at some point. If we wish to conceptualize things from the viewpoint of the normal situation of democratic politics, we may have to resort to the other models. This article's findings suggest that the competition model is the most promising candidate for a single coherent framework to develop justificatory theories in, particularly due to its ability to describe democracy, antidemocratic threats, and countermeasures in a single consistent imagery and thereby avoid the transition problem. It is up for further studies to test that proposition and find more persuasive ways of grounding democracy protection measures. The contribution of the present article was to signpost the terrain, to show what kind of questions should be asked along the way, and to start unpacking some of the most challenging conundrums.

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