A half-day meeting was held at King’s College as part of the Challenges to Democratic Politics project. The meeting comprised the presentation and discussion of two papers by the project’s coordinators, Melissa Lane (Centre for History and Economics) and Richard Tuck (Harvard University) on the theme of democracy and security. Participants included political theorists, historians, social scientists and a journalist. The first session focussed on the theme of Democracy and Terrorism:

‘On 24 November 2002, a letter appeared under the name of Osama bin Laden and addressed to the people of the United States. It attempted to justify the attacks of September 11th. . . . the arguments [made in this letter] represent the most extended attempt to fashion from within the discourse a of modern liberal democratic thought justification of acts which seemed to many peoples at the time to be as far outside the terms of such discourse as it possible to be . . .’

Richard Tuck’s paper examined “bin Laden”’s case for arguing that terrorist strikes such as that of September 11th may be considered ‘legitimate’ warfare. The letter argues that an armed struggle is a legitimate means to establish national independence and that terror bombing civilians is a legitimate part of that struggle: “the American people are the ones who choose their government by way of their own free will; a choice which stems from their agreement to its policies. Thus the American people have chosen, consented to, and affirmed their support for the Israeli oppression of the Palestinians . . . the American army is part of the American people . . . Allah, the Almighty, legislated the permission and the option to take revenge. Thus, if we are attacked, then we have the right to attack back”. Tuck traced the theoretical antecedents of this kind of argument to Hobbes and Rousseau who – drawing on earlier humanist writers -- considered the implications of democracy (or the normative involvement of all in authorising a regime and by extension its actions) for the nature of war. Whereas Roman lawyers had envisioned war as potentially total and as involving two entire communities (so that the distinction between combatant and non-combatant, and the prohibition on preemptive strikes, made no sense), Christian theorists such as Gratian and following him the scholastic Vitoria held that women and the unarmed poor were not legitimate targets even in a just war. Humanists rediscovered the Roman arguments and influenced the natural jurisprudence which began to consider the implications of democracy for the argument – democracy being understood here as positing that legitimate rule must in some sense be authorised by all the citizens. Although democracy may act as a deterrent to war in the first instance - citizens are aware of their vulnerability in such wars - if war is waged against a democratic country in virtue of its state policies, then the traditional distinction between ‘legitimate’ military and ‘illegitimate’ civilian targets collapses. The only normative constraint which would apply to actions by the opposing side in such wars is what Hobbes referred to as restraint from ‘cruelty’ or ‘revenge’. Under such a rule, the bombing of unarmed citizens may be in general unnecessary, but certainly not forbidden, and possibly inevitable if targeting the suppliers of the army (factories etc.) The twentieth century witnessed just such total wars as some seventeenth- and
eighteenth-century theorists had foreseen. In the post-1945 era it had sometimes seemed that modern Western democracies – with their socially segregated professional armies – were recreating the conditions of medieval champions, so that their citizens did not face personal danger when their country was at war (and the special democratic inhibition on fighting wars also failed to apply). However ‘September 11 reminds us that citizens of a democracy cannot in fact escape participating in the welfare of their states, and that the old principles may still hold good even in our new circumstances.’ In these circumstances it is morally right to use the minimal violence necessary to achieve our ends, but there is no particular group – such as women or civilians – who are automatically immune from attack. Conversely, neither civilians nor conscript armies are legitimate targets in a dictatorship (since neither bears responsibility for the policies of the regime as do citizens of a democracy): if Afghanistan and Iraq aren’t democracies then their citizens aren’t legitimate targets, but then neither are their armies.

In discussion it was suggested that in the nineteenth century, the aim became to destroy or reduce the wealth of a nation rather than the population itself; similarly, that Rousseau had believed that you may be able to destroy a state’s spirit or statehood in a democracy without killing its people. The Tuck thesis defends an asymmetry: “bin Laden” is right in arguing, as it were, that according to the rules of democracy it is fair for him to attack civilians in the west, but not for (say) the US to attack civilians in Afghanistan or Iraq. Others felt that the real inhibition on western countries against (say) carpet bombing of Iraqi civilians was that it would create a crisis of morale internally, not because Iraq was not a democracy; however, if a western state felt liable to be overwhelmed, such inhibitions might drop away. The fact that democracies often fight non-democracies promotes the idea that the latter are on a different ‘moral plane’. Did the Tuck thesis suggest that all states should have nuclear weapons, so that all could deter one another? (Gorbachev’s dislike of nuclear weapons and strategy having in large part motivated his reforms.) And did it not depend on the thought that natural law requires that terrorists should make themselves deterrable, as they fail to do? The reasons for the old Christian prohibition on killing children were explored: in what sense are they ‘innocent’? The Doyle thesis – that democracies do not go to war with one another – was argued to be simpleminded: virtually all wars are fought in self-defences. In sum, the Tuck thesis was reiterated thus: 9/11 was an act of war, but this cuts both ways.

The second session opened with Melissa Lane summarising her pre-circulated paper Security, Compensation and the Purposes of the State. The paper made the case for considering ‘security’ to be the central purpose of the state. Contemporary political philosophy, particularly as influenced by the writings of Schmidt and Oakeshott has tended to focus on the virtues and the modes of the state, rather than on its purpose(s). However, if one returns to Hobbes, and his assertion that one purpose of the state is to provide security from violent death, Lane argued that we can develop a case for the purposes of the modern state being security for individuals from unfair disadvantages and unchosen risks, and for the protection of rights and liberties. According to this thesis, Hobbes promotes security from violent death to the exclusion of other deaths, because at the time he was writing, this was the only viable pledge. Modern technology, especially developments in health care make possible now a promise to protect citizens from other forms of death too. Lane argued that had these possibilities existed when Hobbes was writing, he would have had good reason to reconceptualise
the state’s duty to ensure against other preventable harm. Here Lane employed Leibniz, who builds on Hobbes’ claims for security by adding the provision of welfare, and in so doing, blurred the significance of the division between security and welfare where the aims of the state are concerned. An example of this line of argument is given by Sen’s work on human security which illustrates that people are better able to fare economic down turns when they are more secure in the first instance. The key point is that if the state is able to protect individuals from risks, it is (prima facie) its fundamental duty to do so if it is to maintain its status and authority as ‘the state’.

Lane developed a ‘risk test’ which defines the criteria for this ability, and a theory of prevention and rectification which puts into practice Leibniz’s combining of security and welfare. However, the substantial content of the securing of rights and liberties is, Lane argued, the work of a theory of justice, and not a theory of the state. She concluded by turning to the question of compensation, in particular in the case of terrorism. State compensation for victims of ordinary criminal acts is relatively new in most countries and in some cases explicitly signalled as an act of solidarity with the victim (the traditional conception of the criminal law having been that the crime was against the state rather than against the victim). In the case of terrorism, the state’s failure to carry out its second-order duty to prevent harm engenders a special duty of compensation.

In discussion, it was questioned whether Lane would do better to enrich the concept of security – or to extend the notion of ‘violence’ or ‘harm’ -- than to blur the line between security and welfare. If the original aim in defining the state’s purpose as the provision of security was to establish the limits of political obligation and answer the question of who creates order, would not the addition of welfare make such limits and answers problematic? Was this a theory of the state or a theory of civil society? Others thought that the line between security and welfare was indeed blurred, but that the line between ‘can’ and ‘ought’ which Lane had elided needed more attention: for example, the development of the state in coming to provide welfare was not just due to a change in knowledge or technology, but rather to a fundamental change in mentality. The link to compensation was also questioned: since you can’t sue the governments of most states, and since compensation for terrorism is at bottom discretionary, such compensation cannot be fundamentally explanatory of the nature of the state; it may instead be linked to a sense of social solidarity: ‘you were attacked because you are one of us, so we will help you’.