

*Gábor Halmai**

Illiberalism in East-Central Europe

Illiberalism can be understood as a critical reaction to liberalism. The subject of illiberal criticism are both liberal theories and liberal societies. As Stephen Holmes argues, illiberals or antiliberals are unwilling to examine liberal theories and liberal societies separately, because they assume that liberal societies perfectly embody liberal ideas, therefore failing of liberal societies follow directly from the inadequacy of liberal principles (Holmes 1993, xiv). This paper will discuss the current state of play of both illiberal theories and illiberal societies in East Central Europe.

Also, illiberal critics of liberalism portrays and demonizes liberalism as a single coherent phenomenon. But for instance conservative liberals have little in common with social democratic ones, or neo-liberals with classical ones (Zielonka 2018, 20). As Ralf Dahrendorf has rightly pointed out, Friedrich von Hayek and Karl Popper may well both be seen as liberal thinkers, but their views are quite different from each other (Dahrendorf 1990. 25-26).

While discussing illiberalism the focus of this paper will be institutional. From this perspective the main object of illiberal critique is liberal democracy, which in my view isn't merely a limit on the public power of the majority, but also presupposes rule of law, checks and balances, and guaranteed fundamental rights. This means that there is no democracy without liberalism, and there also cannot be liberal rights without democracy (Habermas 1995)¹. In this respect, there is no such a thing as an 'illiberal or anti-liberal democracy' (Müller 2016). Those who perceive democracy as liberal by definition also claim that illiberalism is inherently

* Professor and Chair of Comparative Constitutional Law, European University Institute, Florence, Italy, gabor.halmai@eui.eu.

¹ Similarly, János Kis claims that there is no such thing as nonliberal democracy, or non-democratic liberalism. See Kis (2019). Those critics, which argue that liberalism as a three hundreds year old concept predates liberal democracy forget that not only democracy but also liberalism presupposes general and equal suffrage.

hostile to values associated with constitutionalism, as an institutional aspect of liberal democracy: separation of powers, constraints on the will of the majority, human rights, and protections for minorities. Therefore, the also oxymoronic ‘illiberal’ or ‘populist’ constitutionalism² is necessarily authoritarian in character³.

Distinct from illiberal theories, the second part of the paper discusses three main relations of illiberal societies: the social, the economic and the political ones. Among other things, I want to figure out, whether the backsliding of liberalism in East-Central Europe, and particularly in Hungary and Poland, the two most advanced backsliding liberal democracies is a proof or consequence of failure of liberal ideas.

I. Illiberal Theories

The ideological foundation of Viktor Orbán’s illiberalism can be found in the works of his two court ideologues, the sociologist and former liberal MP, Gyula Tellér and András Lánçzi, a political scientist. It is easy to prove that Orbán in his 2014 speech on ‘illiberal democracy’ recited a study of Tellér published earlier on that year, what Orbán assigned as compulsory reading for all his ministers (Tellér 2014). Tellér claims that the ‘system of regime-change’ has failed because the liberal constitution did not commit the government to protect national interests, therefore the new ‘national system’ has to strengthen national sovereignty, and with it the freedom of degree of government activity. This, Tellér argues is necessary against the moral command of the liberal rule of law regime, according to which ‘everything is allowed, what does not harm others’ liberty’.

Lánçzi’s antiliberal concept can be found in his book *Political Realism and Wisdom*, which was published in English in 2015, as well as in an

² Using Isaiah Berlin’s terminology on ‘false populism’ I argue somewhere else that this ‘authoritarian populist constitutionalism’ is only a rhetoric, and not a real populist appeal to the ‘people.’ See Halmai (2019).

³ Following Juan José Linz’s classical categories authoritarianism is one of two forms of autocracy (the other being the totalitarian system), which is the opposite pole of democracy. See Linz (2000). About the constitutional markers of authoritarianism as a pretence of democracy, such as the lack of procedural rights, institutional guarantees and public discourse see Tóth (2018).

article published in 2018, after Fidesz' third consecutive electoral victory (Lánczi 2018). Lánczi's critique is an outright rejection of liberalism as a utopian ideology, which is—similar to Communism— incompatible with democracy.

Similarly to Orbán, the that time Prime Minister Beata Szydło (with Kaczyński, ruling from behind the scenes as he holds no official post), have described the actions of the PiS government dismantling the independence of the Constitutional Tribunal and the ordinary courts as a blitz to install an illiberal state. In mid-September 2016 at a conference in the Polish town of Krynica, Orbán and Kaczyński proclaimed a 'cultural counter-revolution' aimed at turning the European Union into an illiberal project. A week later at the Bratislava EU summit, the prime ministers of the Visegrád 4 countries demanded a structural change of the EU in favour of the nation states (Sierakowski 2016). Witold Waszczykowski, Poland's minister of foreign affairs expressing his own and his governing PiS party's antiliberalism went as far as to mock liberalism as "a world made up of cyclists and vegetarians, who only use renewable energy and fight all form of religion"⁴.

Ryszard Legutko, the main ideologue of PiS, similarly to his Hungarian counterpart, Lánczi, also likens liberal democracy with Communism both being fuelled by the ideas of modernization and progress Legutko 2016). Both Lánczi and Legutko assert together with other antiliberals with one voice that liberalism and Communism, or for that matter its ideology, Marxism are secretly allied and share a common ancestry that they are two offshoots of an Enlightenment tradition⁵. This critique of liberalism goes back to Carl Schmitt⁶.

⁴ <https://www.bild.de/politik/ausland/polen/hat-die-regierung-einen-vogel-44003034.bild.html>

⁵ This anti-liberal political theory is present outside East-Central Europe as well. For instance Patrick Deneen's book (Deneen 2018) is directed at the left in the US targeting both contemporary progressivism and 'classical liberalism' of conservatives. The Israeli political theorist Yoram Hazony, whose book (Hazony 2018) also criticizes those conservatives who defend liberal democracy. As Marc Plattner convincingly argues, the common goal of all these thinkers is to conflate liberal democracy with contemporary progressivism and thus to suggest that conservatives should have no interest in supporting or defending liberal democracy. See Plattner (2019) 16-17.

⁶ Stephen Holmes rightly refers to Schmitt's work (Schmitt 1984, 22), in which he claims that 'American financiers and Russian Bolsheviks join forces in fighting for the triumph of economic thought.' See Holmes (1993) 2. Fn. 1.

This critical stance of the new illiberals towards liberal constitutionalism is also related to a Schmittian understanding of the constitution, and to Carl Schmitt's critique of liberal constitutionalism and its conception of the rule of law. As is well-known, the constitution in Schmitt's view is an expression of "the substantial homogeneity of the identity and the will of the people", and guarantee of the state's existence, and ultimately any constitutional arrangement is grounded in, or originates from, an arbitrary act of political power. In other words, in Schmitt's view the basis of the constitution is "a political decision concerning the type and form of its own being", made by the people as a "political unity", based on their own free will. This political will "remains alongside and above the constitution" (Schmitt 2008, 125-126).⁷ Schmitt also portrays the people as an existential reality as opposed to the mere liberal representation of voters in parliament, holding therefore that Mussolini was a genuine incarnation of democracy. Schmitt goes so far as to claim the incompatibility of liberalism and democracy, and argues that plebiscitary democracy⁸ based on the homogeneity of the nation is the only true form of democracy.

As Mattias Kumm argues, Carl Schmitt's interpretation of democracy, inspired by Rousseau, and used by authoritarian populist nationalists, like Viktor Orbán as "illiberal democracy", becomes an anti-constitutional topos (Kumm 2017). Consequently, I equate constitutionalism with liberal democratic constitutionalism.⁹ This does not mean, however, that

⁷ This idea is also shared by a part of the French constitutional doctrine, influenced by Rousseau's general will. This is the reason that the representatives of this doctrine hold that during a constitutional transition a referendum is sufficient to legitimate a new constitution. See the French Constitutional Council's approval of De Gaulle's 1962 amendment to the 1958 Constitution, ignoring the Constitution's amendment provisions.

⁸ The Hungarian political scientist, András Körösi, implementing the Weberian concept calls the Orbán regime as 'plebiscitary leader democracy', where the activity of the leader (or Führer? – G.H.) is posteriorly approved by the people, but since this approval can be withdrawn this is still a democratic system. See Körösi (2017). In a more recent interview however, Körösi admitted that the for the withdrawal of approval currently a miracle is needed. See Csak a csoda segít [Only the Miracle Helps], hvg, 20 June 2019. In contrast, Wojciech Sadurski using Guillermon O'Donnell's 'delegative democracy' concept characterises the Polish system after 2015 as 'plebiscitary autocracy', in which the electorate approves of governmental disregard of the constitution. See Sadurski (2019), 242-243.

⁹ In contrast, others also regard other models of constitutionalism, in which the government, although committed to acting under a constitution, is not committed to pursuing liberal democratic values. See for instance Tushnet (2016). Similarly, Gila

constitutions cannot be illiberal or authoritarian. Therefore, it is legitimate to talk about constitutions in authoritarian regimes, as Tom Ginsburg and Alberto Simpler do in their book (Ginsburg-Simpler 2014), but I do not agree with the use of the term “authoritarian constitutionalism”¹⁰ or “constitutional authoritarianism” (Levitsky-Way 2002). Besides the constitutions in the Communist countries, both current theocratic and communitarian constitutions are considered as illiberal (Thio 2012).¹¹ Theocratic constitutions, in contrast to modern constitutionalism, reject secular authority.¹² In communitarian constitutions, like the ones in South Korea, Singapore and Taiwan, the well-being of the nation, the community and society receive utilitarian priority rather than the individual freedom, which is the principle of liberalism. But in these illiberal polities, there is no constitutionalism, their constitutions – using Pablo Castillo-Ortiz’s term - are ‘de-normativised’ (Castillo-Ortiz). In other words, in my view ‘illiberal constitutitonalism’ is an oxymoron.

II. Illiberal Societies

A. Social Relations

Historically, in the East-Central European countries there were only some unexpected moments of quick flourishing of liberalism and liberal democracy followed by an equally quick delegitimization of it. For instance shortly after 1945, till the communist parties took over, and also

Stopler defines the state of the current Israeli constitutional system as ‘semi-liberal constitutionalism’. Cf. Stopler (2017).

¹⁰ See for instance Somek (2003); Isiksel (2013); Tushnet (2015). Somek deals with Austria before the Anschluss, Isiksel with Turkey, while Tushnet tries to generally pluralize the normative understanding of non-liberal constitutionalism, differentiating between an absolutist, a mere rule-of-law, and an authoritarian form of constitutionalism, Singapore being the main example of the latter.

¹¹ Contrary to my understanding, Thio also talks about ‘constitutionalism’ in illiberal polities.

¹² There are two subcategories distinguished here: The Iranian subcategory, where Islam is granted an authoritative central role within the bounds of a constitution; and the Saudi Arabian subcategory, where Islam is present, without the formal authority of modern constitutionalism.

after 1989, when liberal democracy again seemed to be the ‘end of history’.¹³ Otherwise, in the national history of the Central and Eastern European countries’ authoritarianism, such as the pre-1939 authoritarian Hungarian or Polish politics, played a much more important role in the transformation (Avineri 2009). Maybe the only exception was the independent Czechoslovakia established after WWI, led by its first President Tomáš Garrigue Masaryk¹⁴.

As mentioned earlier, modernization is the main enemy of illiberal theory. As surveys on the links between modernization and democracy show, the society’s historic and religious heritage leaves a lasting imprint (Inglehart-Welzel 2010). According to these surveys, the public of formerly agrarian societies, like many of the East Central European ones emphasize religion, national pride, obedience, and respect for authority, while the publics of industrial societies emphasize secularism, cosmopolitanism, autonomy, and rationality.¹⁵ Even modernization’s changes are not irreversible: economic collapse can reverse them, as happened during the early 1990s in most former communist states. These findings were confirmed by another international comparative study conducted by researchers of Jacobs University in Bremen and published by the German Bertelsmann Foundation (Schiefer-Noll-Delhey-Boehnke 2013). According to the study, which examined 34 countries in the EU and the OECD, countries in East Central Europe have had a low level of social cohesion ever since the postcommunist transformation, Hungary is ranked at 27th, between Poland and Slovakia. Social cohesion is defined as the special quality with which members of a community live and work together.

¹³ See the results of the research project “Negotiating Modernity”: History of Modern Political Thought in East-Central Europe, led by Balázs Trencsényi, and supported by the European Research Council, <https://erc.europa.eu/“negotiating-modernity”-history-modern-political-thought-east-central-europe>

¹⁴ When the preamble of the 1992 Czech constitution incorporated the principle of a civic nation “in the spirit of the inviolable values of human dignity and freedom as the home of equal and free citizens”, it was a hint to Masaryk’s belief in the universal validity and critical power of democracy and liberty elaborated in his study on *The Czech Question*. See Příbání (2017), 115-116.

¹⁵ *Id.*, p. 553. This is one of the reason of Czechia’s less religious society. Christian Welzel in his more recent book argues that fading existential pressures open people’s minds, making them prioritize freedom over security, autonomy over authority, diversity over uniformity and creativity over discipline, tolerance and solidarity over discrimination and hostility against out-groups. On the other hand, persistent existential pressures keep people’s mind closed, in which case they emphasize the opposite priorities. This is the utility ladder of freedom. (Welzel 2013).

Even though the transition to democracy in East Central Europe was driven by the fact that a large share of the population gave high priority to freedom itself, but people expected the new states to produce speedy economic growth, with which the country could attain the living standards of West preferably overnight, without painful reforms. In other words, one can argue that the average people in these countries pursued the West in 1989-1990, though not so much in terms of the Western political and constitutional system, but rather in terms of the living standards of the West. Claus Offe predicted the possible backsliding effect of the economic changes and decline in living standards, saying that this could undermine the legitimacy of democratic institutions and turn back the process of democratization (Offe 1994). This failure, together with the emergence of an economically and politically independent bourgeoisie, the accumulation of wealth by some former members of the communist nomenclature, unresolved issues in dealing with the communist past, the lack of retributive justice against perpetrators of grave human rights violations, and a mild vetting procedure and lack of restitution of the confiscated properties, were reasons for disappointment. Again, Czechia has been different both regarding the bourgeoisie and the harsher transitional justice measures.

Trying to explain the attitudes of voters to support authoritarian pursuit of illiberal leaders, such as Orbán or Kaczyński, Ronald Inglehart and Pippa Norris suggests that it would be a mistake to attribute the rise of authoritarian populism directly to economic inequality alone, as psychological factors seem to play an even more important role. Older and less-educated people tend to support populist parties and leaders that defend traditional cultural values and emphasize nationalistic and xenophobia appeals, rejecting outsiders, and upholding old-fashioned gender roles (Inglehart-Norris 2019). Similarly, Will Wilkinson argues that urbanisation is a process that divides society in cultural values. While it creates thriving, multicultural, high-density areas where socially liberal values predominate, it also leaves behind rural areas and smaller urban centres that are increasingly uniform in terms of rather illiberal values (W. Wilkinson 2018).

B. Economic Relations

Paradoxically, politically illiberal leaders, like Viktor Orbán of Hungary use (neo)liberal economic policy to support their autocratic (constitutional) agenda¹⁶. As many argue referring to Karl Polányi's influential book, *The Great Depression* the resistance to social democracy through authoritarianism in the name of economic liberalism prepared the ground for Fascism, and can lead to autocracy again (M.A. Wilkinson 2019 and also Bugaric 2019).

While other, mostly left-wing populists reacts to the unfulfilled promise of social-rights constitutionalism, based on T.H. Marshall's concept of social rights being continuous to civil and political rights, which turned out to be a lie in most of East Central European countries' constitutional practice. As Samuel Moyn argues, a commitment to material equality disappeared, in its place market fundamentalism has emerged as the dominant force of national and global economics (Moyn 2018).

The new illiberal system of 'national cooperation' in Hungary has left behind the vulnerable members of society, homeless people and refugees, and tries to diminish or cut the solidary actions of the members of the Hungarian society. In this respect Orbán's right-wing authoritarian populism even differs from the policy of other right-wing populists, such as the French National Front or Austria's Freedom Party, who – similarly to Orbán - mobilize their supporters with exclusion through immigration policy, but as opposed to the Hungarian PM, they often also emphasize inclusion through social rights and economic security (Weale 2018). The packed Hungarian Constitutional Court rubberstamps the government's neoliberal economic policy, changing its predecessor's practice, which in the mid 1990's was willing to strike down austerity measures for the protection of social rights closely tying them to the protection of equal human dignity. Although social solidarity was an underdeveloped societal practice from the beginning of the democratic transition for several reasons, the that time Constitutional Court strongly committed itself to the protection of human dignity and this way guaranteed a higher profile for social (solidarity) rights, especially in case of social care based on neediness.

¹⁶ This phenomena is called by Michael Wilkinson as authoritarian liberalism. See M. A. Wilkinson (2019).

Then, as a contrast, in the ‘non-solidary’ system of the Hungarian Fundamental Law of 2011 social security does not appear as a fundamental right, but merely as something the state ‘shall strive’ for, which is a step backward in comparison with the 1989 Constitution. Social insurance is not a constitutional institution any more, and the provisions of the Fundamental Law do not guarantee equal dignity and the former level of property protection. The recent case law of the Constitutional Court reaffirms the initial concerns, the dignity supported social solidarity got lost in the illiberal backsliding of the past ten years.

C. Political Relations

The expansion of political illiberalism in East Central Europe through the introduction of a new illiberal constitutional regime went the furthest in Hungary and Poland. In the case of the former through a brand-new constitution enacted in 2010, or through legislative changes that ignore the valid liberal constitution, as is the case in Poland since 2015. Ironically, both countries are still members of the European Union, a value community based on the principles of liberal democracy.

The lengthy preamble, entitled National Avowal of the new Fundamental Law of Hungary¹⁷, enacted on 18 April 2011 defines the subjects of the constitution not as the totality of people living under the Hungarian laws, but as the Hungarian ethnic nation: “*We, the members of the Hungarian Nation ... hereby proclaim the following*”. A few paragraphs down, the Hungarian nation returns as “our nation torn apart in the storms of the last century”. The Fundamental Law defines it as a community, the binding fabric of which is ‘intellectual and spiritual’: not political, but cultural. There is no place in this community for the nationalities living within the territory of the Hungarian state. At the same time, there is a place in it for the Hungarians living beyond the borders.

The elevation of the ‘single Hungarian nation’ to the status of constitutional subject suggests that the scope of the Fundamental Law

¹⁷ For the ‘official’ English translation of the Fundamental Law, see: <http://www.kormany.hu/download/7/99/30000/THE%20FUNDAMENTAL%20LAW%20OF%20HUNGARY.pdf>

somehow extends to the whole of historical, pre-WWI Hungary, and certainly to those places where Hungarians are still living today. This suggestion is not without its constitutional consequences: the Fundamental Law makes the right to vote accessible to those members of the ‘united Hungarian nation’ who live outside the territory of Hungary. It gives a say in who should make up the Hungarian legislature to people who are not subject to the laws of Hungary.

It characterises the nation referred to as the subject of the constitution as a Christian community, narrowing even further the range of people who can recognise themselves as belonging to it. “We recognise the role of Christianity in preserving nationhood”, it declares, not only as a statement of historical fact, but also with respect to the present. And it expects everyone who wishes to identify with the constitution to also identify with its opening entreaty: “God bless the Hungarians”.

The preamble of the Fundamental Law also claims that the ‘continuity’ of Hungarian statehood lasted from the country’s beginnings until the German occupation of the country on 19 March 1944, but was then interrupted only to be restored on 2 May 1990, the day of the first session of the freely elected Parliament. Thus, it rejects not only the communist dictatorship, but also the Temporary National Assembly convened at the end of 1944, which split with the fallen regime. It rejects the national assembly election of December 1945.

The text of the Fundamental Law brings several elements of private life under its regulatory purview in a manner that is not doctrinally neutral, but is based on a Christian-conservative ideology. With this, it prescribes for the members of the community a life model based on the normative preferences that fit in with this ideology in the form of their obligations towards the community. These values, which are not doctrinally neutral, in other words they are nonliberal, and feature as high up as the Fundamental Law’s preamble entitled National Avowal: “We recognise the role of Christianity in preserving nationhood.” “We hold that individual freedom can only be complete in cooperation with others.” “We hold that the family and the nation constitute the principal framework of our coexistence, and that our fundamental cohesive values are fidelity, faith and love”. “Our Fundamental Law ... expresses the nation’s will and the form in which we want to live.” In other words, these values are illiberal in the Orbánian sense.

Poland's 1989 negotiated democratic transition preceded Hungary's, but it followed Hungary's constitutional backsliding after the Law and Justice Party (known as PiS), led by Jarosław Kaczyński, won parliamentary elections in October 2015, and returned to power with a vengeance, committed to reshaping the entire constitutional system in order to create a "new and virtuous Fourth Republic." This meant a systemic and relentless annihilation of all independent powers that could check the will of the ultimate leader. In that respect, his role model is Viktor Orbán.¹⁸ In 2011, PiS published a long document, authored largely by Kaczyński himself, on the party's and its leader's vision of the state. The main proposition of this paper is very similar to the one that Orbán described in a speech in 2009: a well-ordered Poland should have a "centre of political direction," which would enforce the true national interest. This illiberal counter-revolution of both Orbán and Kaczyński is based on a Communist rejection of checks and balances, as well as constitutionally entrenched rights.¹⁹

Unlike FIDESZ in 2011, PiS lacks the constitution-making or amending two-thirds majority in the Polish parliament. Therefore, it started to act by simply disregarding the liberal democratic Constitution of 1997. The first victim was the Constitutional Tribunal, which already in 2007 had struck down important elements of PiS' legislative agenda, including limits on the privacy of public officials to be lustrated and freedom of speech and assembly.²⁰ In Orbán's playbook, which is seemingly followed by Kaczyński, the other major target has been the media, the civil service and the ordinary courts. As opposed to Hungary, for the dismantlement of liberal democratic institutions PiS does not really need a new constitution because what they have been doing since the fall of 2015 is already a *de facto* change to the constitution through sub-constitutional laws. Wojciech Sadurski calls this a constitutional coup d'état (Steinbeis 2016).

¹⁸ As early as 2011 Kaczyński announced he wanted to create 'Budapest in Warsaw.' Cf. Müller (2016).

¹⁹ Wojciech Sadurski, professor of constitutional law, who was the Kaczyński brothers' fellow student at the University of Warsaw in the 1970s, says that this vision bears a striking resemblance to the writings of Stanisław Ehrlich, their joint ex-Marxist professor. See Sadurski (2016).

²⁰ About the battle for the Constitutional Tribunal see Koncewicz (2015).

Conclusion

In the first part of this paper, I tried to answer the question, whether there is a genuine constitutional theory of 'illiberal constitutionalism'? I argued that the constitutional concept, which rejects liberalism as a constitutive precondition of democracy, cannot be in compliance with the traditional idea of liberal democratic constitutionalism. This concept has nothing to do with any majoritarian constitutional model based on the separation of power, or with political constitutionalism, or any kind of weak judicial review, and it misuses the concept of constitutional identity.

The second part of the paper investigated the social, economic and political relations of illiberal societies. Regarding the first I found that there has been a very weak historical tradition of liberalism and modernization in the East-Central European societies, and also the main driving force of the transition to liberal democracy was to reach the living standard of the West. The lack of success to achieve this goal, together with the accumulation of wealth by some former members of the Communist nomenclature, and the failures of redistributive justice effort were the reasons of disappointment also in the liberal democratic pursuits. Regarding the economic relations the rise of economic inequality and the decline of social security and solidarity has paradoxically also been caused by the neoliberal economic policy of some of the illiberal political forces. These political actors have changed the the entire political and constitutional structure into a illiberal system mostly not based on their ideological conviction, but rather for the sake of building up and keeping an unrestrained power. So far the liberal elite seems to be unable to protect the liberal democratic ideals, which certainly indicates that the special historical circumstances require a longer period of time the build up a liberal democratic political and constitutional culture. But the democratic backsliding is not a proof of the failure of liberal democracy altogether, as illiberal leaders and their court ideologists want people to believe.

References

Avineri, S. (2009), 'Two Decades After the Fall: Between Utopian Hopes and the Burdens of History', *Dissent*, 30 September.

Bugaric, B. (2019), 'The Two Faces of Populism: Between Authoritarian and Democratic Populism', *20 German Law Journal*, No. 3.

Castillo-Ortiz, P. (2019), 'The Illiberal Abuse of Constitutional Courts in Europe', *15 European Constitutional Law Review*, 48-72.

Dahrendorf, R. (1990), *Reflections on the Revolution in Europe*, London: Times Books.

Deneen, P. (2018), *Why Liberalism Failed*, New Heaven: Yale University Press,

Ginsburg, T. and Simpsen, A. (2014), *Constitutions in Authoritarian Regimes*, Cambridge? Cambridge University Press.

Habermas, J. (1995), 'Rule of Law and Democracy', *European Journal of Philosophy*, 3.

Halmi, G. (2019), 'Populism, Authoritarianism and Constitutionalism', *20 German Law Journal*, No. 3.

Hazon, Y. (2018), *The Virtue of Nationalism*, Basic Books.

Holmes, S. (1993) *The Anatomy of Antiliberalism*, Cambridge: Harvard University Press.

Inglehart, R. & Welzel, Ch. (2010), 'Changing Mass Priorities: The Link between Modernization and Democracy', *Perspectives on Politics*, Vol. 8, No. 2, 551-567.

Inglehart, R. and P. Norris, P. (2019), *Cultural Backlash, Trump, Brexit, and Authoritarian Populism*, Cambridge: Cambridge University Press.

Isiksel, T. (2013), 'Between Text and Context: Turkey's Tradition of Authoritarian Constitutionalism', *11 INT'L J. CONST. L.* 702.

Kis, J. (2019), 'Demokráciából autokráciába. A rendszertipológia és az átmenet dinamikája [From Democracy to Autocracy. The System-typology and the Dynamics of the Transition]', *Politikatudományi Szemle*, 1. 45-74.

Konieczny, T.T. 'Polish Constitutional Drama: Of Courts, Democracy, Constitutional Shenanigans and Constitutional Self-Defense', *I•CONnect*, December 6.

Körösi, A. (2017), 'Weber és az Orbán-rezsim: plebiszciter vezéremokrácia Magyarországon [Weber and the Orbán-regime: Plebisciter Leader Democracy in Hungary]', *Politikatudományi Szemle*, 4. 7-28.

Kumm, M. (2017), 'Demokratie als verfassungsfeindlicher Topos', *VERFASSUNGSBLOG*, Sept. 6.

Lánczi, A. (2018), *The Renewed Social Contract–Hungary's Elections, 2018*, IX HUNGARIAN REV., May, at http://www.hungarianreview.com/article/20180525_the_renewed_social_contract_hungary_s_elections_2018.

Legutko, R. (2016), *The Demon in Democracy: Totalitarian Temptations in Free Societies*, Encounter Books

Levitsky, S & Way, L. A. (2002), 'The Rise of Competitive Authoritarianism', 13 *JOURNAL OF DEMOCRACY* 51.

Linz, J.J. *Totalitarian and Authoritarian Regimes*, (2000), Lynne Rienner

Moyn, S. (2018), *Not Enough. Human Rights in an Unequal World*, Harvard University Press.

Müller, J-W. (2016), 'The Problem with 'Iliberal Democracy'.' *Project Syndicate*. 21 January.

Müller, J-W. (2016), 'The Problem with Poland', *The New York Review of Books*, February 11.

Offe, C. (1994), *Designing Institutions for East European Transitions*, Institut für Höhere Studies.

Plattner, M. (2019), 'Illiberal Democracy and the Struggle on the Right', *Journal of Democracy*, Volume 30, Number 1, January

Příbáň, J. (2017), *The Defence of Constitutionalism. The Czech Question in Post-national Europe*, Karolinum Press, Charles University.

Sadurski, W. (2016), 'What Make Kaczyński Tick?', *I•CONnect*, 14 January.

Sadurski, W. (2019), *Poland's Constitutional Breakdown*, Oxford: Oxford University Press.

Scheppele, K.L. (2019), *The Opportunism of Populists and the Defense of Constitutional Liberalism*, 20 GERMAN LAW JOURNAL, 3, 2019.

Schmitt, C. (1984), *Römischer Katholizismus und politische Form*, Stuttgart: Klett-Cotta.

Schmitt, C. (2008), *Constitutional Theory*, Press Books.

Sierakowski, S. (2016), 'The Polish Threat to Europe', Project Syndicate, January 19, 2016.

Somek, A. (2003), 'Authoritarian Constitutionalism: Austrian Constitutional Doctrine 1933-1938 and Its Legacy', in Ch. Joerges and N. S. Ghaleigh (eds.), *Darker Legacies of Law in Europe: The Shadow of National Socialism and Fascism Over Europe and Its Legal Traditions*, Hart Publishing.

Stopler, G. (2017), 'Constitutional Capture in Israel', *ICONNECT*, August 21.

Steinbeis, M. (2016), 'What is Going on in Poland is an Attack against Democracy', Interview with Wojciech Sadurski, 15 July.

<http://verfassungsblog.de/what-is-going-on-in-poland-is-an-attack-against-democracy/>

Tellér, Gy. (2014), *Született-e Orbán-rendszer 2010 és 2014 között?* [Was an Orbán System Born between 2010 and 2014?], NAGYVILÁG, March.

Thio, L-A. (2012), 'Constitutionalism in Illiberal Polities', in M. Rosenfeld, & A. Sajó (eds.), *Oxford Handbook of Comparative Constitutional Law*, Oxford: Oxford University Press.

Tóth, G.A. (2018), 'Constitutional Markers of Authoritarianism', *Hague Journal on the Rule of Law*, Published online: 10 September.

Tushnet, M. (2015), 'Authoritarian Constitutionalism', 100 *CORNELL LAW REVIEW* 39.

Tushnet, M. (2016), 'Varieties of Constitutionalism', 14 *INT'L J. CONST. L.* 1.

Weale, A. (2018), *The Will of the People. A Modern Myth*, Polity.

Welzel, Ch. (2013), *Freedom Rising. Human Empowerment and the Quest for Emancipation*, Cambridge: Cambridge University Press.

Schiefer, D. & Noll, v.d., & Delhey, J. & Boehnke, K. (2013), *Cohesion Radar: Measuring Cohesiveness*, Bertelsmann Foundation, www.bertelsmannstiftung.de/bst/en/media/xcms_bst_dms_36378_2.pdf

Wilkinson, W. (2018), *The Density Divide: Urbanization, Polarization, and Populist Backlash*, Research Paper of the Niskanen Center, June.

Wilkinson, M. A. (2019), 'Authoritarian Liberalism as Authoritarian Constitutionalism', in H. Alviar and G. Frankenberg (eds.), *Authoritarian Constitutionalism*, Edward Elgar.

Zielonka, J. (2018), *Counter-Revolution*, Oxford: Oxford University Press.