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CAPSTONE PROJECT

Darren Seiffert
Kerepesi Utca. 87
1106 Budapest
ID: 1903148
Email: Seiffert_Darren-Jay@student.ceu.edu

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Illiberal Democracy

Course Syllabus

“‘Suppose the election was declared free and fair’ he said, and those elected are ‘racists, fascists, separatists’”.¹ The anecdote cited by Zakaria unveils a basic problem of classifying the quality of democratic government. One could continue Zakaria’s anecdote: How to call a political leader, that is popularly elected in free and fair elections, that enjoys wide public support but that deprives parts of the populations of rights and freedoms, that bends constitutional rules as he or she pleases and that, above all, openly and proudly denounces liberalism. And more importantly, how to act if leaders of this kind are either members of a community of shared values as oneself such as Hungary, or if they actively meddle in one’s own domestic system.

These questions are far from being purely theoretical. They unfold global practical relevance. Against the widely shared narrative of the ultimate and irrevocable victory of liberal democracy after the collapse of the Soviet Union,² only about half of all systems classified as democratic can be labelled *constitutional democracies*. In addition, the global trend suggests that the form of government that relies on unrestraint government action in the name of the people, tinkering with constitutional values, legal norms and if need be elections, and whose incumbent is voted and re-elected into office in (more or less) free and fair elections, are here to stay.

This course offers an overview over systems that combine narratives of government and leadership on behalf of a pretended will of the people, democratic rules, electoral procedures and an authoritarian style of governance. It analyses systems that can be located in a grey zone between liberal democracies and autocracies. To scientifically approach a concept that is far from being well defined and uncontested, the course applies an interdisciplinary method departing from a theoretical angle of political theory and comparative politics, and ending at a practical one focusing on the institutional functionality of Illiberal Democracies, thus on techniques of exerting and maintaining power.

The course approaches *Illiberal Democracies* from a political, legal and constitutional context, while focusing on Russia and Hungary, two textbook examples of countries that engage in formal *Rule of Law and Democracy Speech*, while simultaneously denouncing liberalism publicly. This course offers an opportunity to learn more about a concept that is of central relevance in today’s global system. It looks into the theoretic foundations of the debate about how to classify systems that combine democratic and autocratic features alike. After that it offers an insight

¹ Zakaria, F. 1997. The rise of illiberal democracy In *Foreign affairs*, 76/ 6: 22-43.

² Fukuyama, F. 1989. *The End of History*. Available under: https://www.embl.de/aboutus/science_society/-discussion/discussion_2006/ref1-22june06.pdf.

into tricks and tools commonly used. Ultimately, the course aims at bringing structure in an unstructured debate, thus to enhance understanding of the systems in question.

Overall learning outcome

- (1) Introduce students to the basic theoretical background to constitutional democracy and illiberalism, enabling them to base their arguments on solid theoretical foundations.
- (2) Offer insight into the academic discussion on key concepts like Constitutionalism, Liberal Democracy and Illiberal Democracy.
- (3) Make students critically engage with tools applied by Illiberal rulers around the world.

Acquired Competences:

- (1) Critical thinking I: Students learn to critically assess possibilities and limitations of commonly used concepts, definitions and terms in primary and secondary sources.
- (2) Critical thinking II: Students learn to engage in critical thinking and to critically question arguments and reflect those parts of a phenomenon, that *go without saying*.
- (3) Students learn to assess various forms of government behaviour and to deliver a critical analysis as well as a nuanced assessment thereof and can analyse them in the light of theoretical perspectives.
- (4) Students learn how to assess a problem in a multidimensional approach, taking the political, social and legal context into account.
- (5) Students gain training in expressing their ideas on formerly unfamiliar and complex issues and to develop relevant arguments.
- (6) Students further a set of academic working skills, i.a.: Students are enabled to engage in independent research, relying on the skills and knowledge acquired and to produce short scholarly work.

Learning activities and teaching methods:

- (1) The course is solely based on interactive seminar discussions. Therefore, students are expected to come to class prepared. Reading the mandatory reading assignments is prerequisite for the participation in and the completion of this seminar.
- (2) At the beginning of each class, one participant has to give a short summary (approximately 5 minutes) of the most central points covered in the previous class. The presenter is chosen by lot.
- (3) Coming late or unprepared counts as being absent.

Final assessment:

- (1) The students are expected to deliver a short, written piece on one of the topics covered in class. Students can choose whether they want to analyse one of the practical tools covered in class in a different context or whether they want to write on the basis of the theories covered.
- (2) Final Paper, 2500 words: 50 % of the grade.
- (3) 15 % is given for in-class participation and activity. After each class, students will have the opportunity to continue the debate in the online forum, the online activity can be counted as an additional activity. It is, however, voluntary.
- (4) Two written assignments: 10 % each.
- (5) Learning diary: follow your favourite autocrat throughout the duration of the course, 15 % of the grade.
- (6) Participation is graded according to the quality and quantity of in class participation. Students are entitled to request information on their current performance at the end of Section II and after class 9.

Course Schedule

Part I: “The age of liberal democracy is at an end”³ - Introduction and theoretical foundations

Week 1: Introduction

After an introduction into the debate about how to define systems that neither tick all the boxes for being classified as constitutional democracies nor as full-fledged autocracies. We will look at concepts like hybrid regimes and competitive authoritarianism. These terms were introduced into the academic discourse to classify countries that openly denounce liberal democracy yet did not abandon electoral practises nor qualify as full-scale dictatorships. The class broadly sets the foundation for the topics to come, before we narrow down the focus. Ideally, it will support to structure an unstructured debate.

Mandatory Readings:

- Levitsky, S., & Way, L. 2002. The rise of competitive authoritarianism. *Journal of Democracy*, 13/ 2, 51-65.
- Karl, T.L. 1995. The Hybrid Regimes of Central America In *Journal of Democracy*, 6/ 3: 72-86.
- Excerpts of Orbán’s 2014 Speech at the 25th Bálványos Summer Free University and Student Camp (Available under: <https://www.kormany.hu/en/the-prime-minister/the-prime-minister-s-speeches/prime-minister-viktor-orban-s-speech-at-the-25th-bal-vanyos-summer-free-university-and-student-camp>).

Additional Readings:

- Halmai, G. 2019. Populism, authoritarianism and constitutionalism In *German Law Journal* 20: 296-313.
- Diamond, L. 2002. Thinking About Hybrid Regimes, In *Journal of Democracy* 13/ 2: 21-35.

Oral Assignment before class 1: According to your prior knowledge, what are key elements of a democratic government?

³ Orbán, Viktor. 2018. *Prime Minister Viktor Orbán’s address after swearing the prime-ministerial oath of office*. Available under: <https://www.kormany.hu/en/the-prime-minister/the-prime-minister-s-speeches/prime-minister-viktor-orban-s-address-after-swearing-the-prime-ministerial-oath-of-office>.

Week 2 – What is liberal democracy and what does Constitutionalism imply?

In this session, we are focusing on the theoretical backgrounds to liberal democracy and its intimate relation to limited government, constitutionalism and rights. It moreover aims at clarifying the question, why do we want a democratic form of government in the first place. We will look into various ways, how this relationship can be reflected in different constitutions.

Mandatory Readings:

- Schumpeter, J. 1950 [1942], *Capitalism, Socialism and Democracy*. New York: Harper & Row, Chapter XXI. „The Classical Doctrine of Democracy” 250-268.
- Pettit, P. 2002. *Republicanism*. P. 171-186. (Please focus on the notions of Constitutionalism and Democracy and the empire of law: preventing arbitrary power, the Rule of Law, dispersion of power, counter-majoritarian condition, inclusive democracy, opposition as legitimate actor and alike; Limited Government)
- Read the Preamble of your home constitution.

Additional Readings:

- Dahl, R. 1971. *Polyarchy: Participation and Opposition*. New Haven – London: Yale University Press, 1-32.
- Dahl, R. 1989. *Democracy and Its Critics*. New Haven – London: Yale University Press.
- Sajo, A. & R. Uitz. 2017. *Constitution of Freedom*. Oxford University Press: Oxford. P. 13-29.
- Krygier, M. 2012. Rule of Law In: Rosenfeld, M. & A. Sajo (Hrsg.). *The Oxford Handbook of Comparative Constitutional Law*: 1-23.
- Murphy, W. 1993. Constitutions, Constitutionalism and Democracy In Greenberg, D. et. al., *Constitutionalism and Democracy. Transitions in the Contemporary World*.
- Schumpeter, J. 1950 [1942], *Capitalism, Socialism and Democracy*. New York: Harper & Row, Ch. XXII. „Another Theory of Democracy” 269-283.

Written Assignment No. 1: Deliver a 600-word summary paper summarizing the most central aspects of the reading on Republicanism by Philip Pettit.

Week 3 – Liberal Democracy as the *only game in town*? An alternative theoretical approach to Democracy

The idea of liberal democracy was never the *only game in town*, thus it is questionable, whether we indeed witness the dawn of a new ideological struggle. We could likewise see it as another act in a story that started much earlier with the debates about limited government and

unconstraint majority rule, understandings of democracies that rely on electoral components only and more substantive notions of democracy. From its early foundations, different ideas about the ideal type of democracy were brought forward. We are looking into two popular concepts that oppose the ideas learnt in Class 2. Thereby, we focus not only on Rousseau's concept of the *General Will*, but also on Carl Schmitt's critique on liberalism, the concept of enmity and the dichotomy of *Friend* and *Enemy*, as well as the role of homogeneity, the perfect identification between the leader and the ruled and the role of the people in the political process in whose name politics is conducted.

Mandatory Readings:

- Canivez, P. 2004. Jean-Jacques Rousseau's concept of people In *Philosophy and Social Criticism* 30/4: 393-412.
- Holmes, S. 1996. Carl Schmitt In *The Anatomy of Antiliberalism*. Harvard University Press: Cambridge. P. 37-43, 48-50, 60 (Please focus on the concept of the true people and the rest, government and acclamation, anti-parliamentarism, anti-separation of power and the "soccer stadium democracy")
- Schmitt, C. 2000. *The Crisis of Parliamentary Democracy*. MIT Press: Cambridge. P. 30-38. (Please pay special attention to Schmitt's concept of anti-pluralism and homogeneity).

Additional readings:

- Holmes, S. 1996. *The Anatomy of Antiliberalism*. Harvard University Press: Cambridge.
- Weber, M. 1990. The Advent of Plebiscitarian Democracy In Peter Mair ed. *The West European Party System*. Oxford: Oxford U. P. 31-36.
- Rousseau, J.J. 1762. *The Social Contract*, 2nd Book. Focus on the concept of unity, concept of the good people

TO DO: Form the groups for the in-class debate of class 5.

Written Assignment No. 2: Deliver a 600-word summary paper summarizing either the assigned reading on Rousseau's concept of the people and the *General Will* or the assigned readings on Schmitt's theoretical concept.

Week 4 – Illiberal Democracy, Delegative Democracy, hybrid regimes? How does the ideology unfold?

This class focuses on how the ideas of majority rule, acclamation, homogeneity and the *General Will* according to Rousseau and Schmitt unfold in practise. We will look into consequences of

the chosen theoretical premises especially in regard to the legitimate exercise of state power, personal rule, leadership and Weber's notion of Caesarism, the concept of the good and right people as the ultimate source of power (extracting the people from the people) and the reduction of its role in the political process.

Mandatory Readings:

- O'Donnell, A.. 1994. Delegative Democracy In *Journal of Democracy* 5/1: 55-69.
- Müller, J.W. 2018. *Homo Orbanicus*. (Available under: <https://www.nybooks.com/articles/2018/04/05/homo-orbanicus-hungary/>).

Additional readings:

- Elster, J. 1999. Majority Rule and Individual Rights In Obrad Savic (ed.), *The Politics of Human Rights*. London: Verso.
- Levitsky, S. & D. Ziblatt. 2018. *How Democracies Die*. Crown Publishing: New York. Chapter IV.
- Zakaria, F. 1997. The rise of illiberal democracy In *Foreign affairs*, 76/ 6: 22-43.
- Urbinati, N. 2014. *Democracy Disfigured: Opinion, Truth, and the People*. Cambridge, Mass.: Harvard University Press.

Section II: Background: Putin's Russia and Hungary since the "Revolution in the Voting Booth"

We will shortly look into the situation on the ground in Russia and Hungary. We will go beyond the common media coverage and the everyday political discourse. While it is easy, as the-then President of the European Commission, Mr. Juncker, did in 2015, to great Victor Orban with "Hello dictator", it certainly does not solve the problem -- to the contrary, may even backfire. These classes will provide an overview over the current political situation as well as the ongoing struggle on how to call and how to classify Illiberal systems in academia, the (international) political arena and everyday politics.

Week 5 – The Situation on the Ground: Hungary

The setup: The Hungarian Government is accused by the European Parliament of violating the fundamental values of the European Union. The Government gets the chance to take position on the accusations. On the other hand, a joint group of Human Rights organisations and the political opposition is likewise invited to express their opinion about the situation on the ground. Representatives of the European Parliament are present in the role as arbiter, but likewise for

deciding whether to launch official Art. 7 TEU proceedings or not. The decision has to be made on the hearings, objective facts and due consideration for the arguments brought. The decision has to be well justified.

Oral group assignment: In groups, please look at the following reading assignments for next class and be prepared to brief the other groups about it and give your opinion on the *illiberal nature* of what you read. The third group is expected to take the role of independent, external observers. It's your task to assess the facts and ultimately to give a recommendation whether legal actions should be brought against the Hungarian Government or not.

Group 1 – Hungary (Government)

- Preamble of the Constitution, Article A – H; Chapter on Freedom and Responsibility.
- Introductory Chapter of the Information Note to the General Affairs Council of the European Union by the Hungarian Government.

Group 2 – Hungary (Opposition)

- Excerpt of Orbán's speech in the National Assembly after his inauguration at May 10th, 2018 (Available under: <https://www.kormany.hu/en/the-prime-minister/the-prime-minister-s-speeches/prime-minister-viktor-orban-s-address-after-swearing-the-prime-ministerial-oath-of-office>).
- UNHCR. 2019. *End of visit statement of the UN Special Rapporteur on the human rights of migrants, Felipe González Morales*. (Available under: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24830&LangID=E>).

Group 3 – Council of the European Union

- Ministry of Foreign Affairs and Trade. 2019. *Hungary is one of the winners of the new global economic era*. (Available under: <https://www.kormany.hu/en/ministry-of-foreign-affairs-and-trade/news/hungary-is-one-of-the-winners-of-the-new-global-economic-era>).
- Szalay-Bobrovnczky, K. 2019. *Orban's government is in fact gaining popularity*. (Available under: <https://www.ft.com/content/8e5aad84-02f7-11e9-99df-6183d3002ee1>).
- Politico.eu. 2020. *Hungary — National parliament voting intention*. (Available under: <https://www.politico.eu/europe-poll-of-polls/hungary/>).

- Sadwecki, A. 2014. *In a State of Necessity – How has Orban changed Hungary*. (Available under: https://www.osw.waw.pl/sites/default/files/pw_41_in-a-state-of-necessity_net.pdf). Please skim the paper only.
- Freedom House. 2020. *Hungary Country Report*. (Available under: <https://freedomhouse.org/country/hungary/freedom-world/2020>).

Mandatory Readings for members of groups 3 – 6:

- Halmai, G. 2017. Second Grade Constitutionalism – The Cases of Hungary and Poland. *CSF-SSSUP Working Paper Series* 1/2017: 1-5.
- Bogaards, M. 2018. De-democratization in Hungary: diffusely defective democracy In *Democratisation* 25/ 8: 1481-1499.

Week 6 – The Situation on the Ground: Russia

The (imaginary) setup: In the wake of the debate of reinstalling Russia's voting rights in the Council of Europe's General Assembly, besides the obvious, various other allegations come up. The Russian Government is, inter alia, accused of violating fundamental values of the organisation. The Government gets the chance to take position on the accusations. On the other hand, a joint group of Human Rights organisations and the political opposition is likewise invited to express their opinion about the situation on the ground. Representatives of the international press are present for reporting. The reports are expected to carefully evaluate the situation in Russia based on the hearings, objective facts, due consideration for the arguments brought and possibly an international comparison.

Oral group assignment: In groups, please look at the following reading assignments for next class and be prepared to brief the other groups about it and give your opinion on the *illiberal nature* of what you have read. The third group is expected to take the role of independent, external observers. It's your task to assess the facts and ultimately to give an assessment in the light of the arguments brought.

Group 4 – Russia (Government)

- Preamble of the Constitution, Article 1 – Article 55, Chapter 4.
- Putin's speech before the German Bundestag, 2001 (Available under: <http://en.kremlin.ru/events/president/transcripts/21340>).

Group 5 – Russia (Opposition)

- Human Rights Watch. 2020. *Human Rights Watch Report: Russia – Events of 2019*. (Available under: <https://www.hrw.org/world-report/2020/country-chapters/russia>).

- Time Magazine. 2015. *Empire of Fear*. P. 36-39.
- Excerpts of the Venice Commission Opinion on Russia's NGO Law.

Group 6 – Council of Europe / International Press

- Mälksoo, L. 2015. *Russian Approaches to International Law*. Oxford University Press: Oxford. P. 140-147; 159-167. (Please focus on the notion of State Sovereignty and the question of human rights enforcement in Russia).
- Kinsman, J. 2012. *Russia's long journey on the road to democracy*. (Available under: <https://policyoptions.irpp.org/magazines/harpers-foreign-policy/russias-long-journey-on-the-road-to-democracy/>).
- Levada. 2020. *Approval Ratings*. (Available under: <https://www.levada.ru/en/ratings/>).

Mandatory readings for members of the Groups 1 – 3:

- Shevtsova, L. 2015. The Authoritarian Resurgence: Forward to the Past in Russia In *Journal of Democracy* 26/ 2: 22-36.

Section III: “It can't happen here” – how is it done by the regimes in question?

After we have seen, which elements of democracy are invoked by Illiberal Democracies, we apply this knowledge and focus on how the regimes make practical use of these ideas.

It may be interesting to reflect about the purpose of invoking these particular theories in these particular contexts. It reflects on the relationship between the means and the purpose: Do the leaders and systems in question use these tools for ideological purposes or do they use the theoretical ideas themselves as tools to maintain power?

The following classes will give an overview over some of the most popular tools applied by the regimes in question. The course will follow a tool by tool, not a country by country approach.

Week 7 – Matching the Ideal: National Identity and Exclusion of Unwanted Others – War on Gender

This class looks at some of the tools invoked to construct an image of a distinct national identity and ultimately the body politique. *The people* is a virtuous, homogeneous and most importantly, exclusive group. It defines itself, inter alia, via the exclusion of others, who are not believed to be part of this group. These others are, to use Schmitt's terminology, an enemy. This class starts from Müller's reflections on the extraction of the people from the people. Central elements are notions of “we” and “they”, the “good” and the “others”. While the tool of extraction is linked

to the thoughts covered in Class 3 and 4, we will ask for possible reasons behind the instrumentalization of fears of losing one's identity as a distinct "we" in a distinct way of being. The core notions are those of western decadence, traditional values, Christianity and Biopolitics. This class, inter alia, relies on the concept of societal security, which is invoked to gain from fears and insecurities while mobilizing parts of the society for the intended greater cause and for forming a common sense that ultimately provides for a certain cohesion.

Mandatory Readings:

- Müller, J. W.. 2014. *Reflections on Populism*. 485-489.
- Grzebalska, W., Kovats, E. & A. Petö. 2017. *Gender as symbolic glue: how 'gender' became an umbrella term for the rejection of the (neo)liberal order*. (Available under: <http://politicalcritique.org/long-read/2017/gender-as-symbolic-glue-how-gender-became-an-umbrella-term-for-the-rejection-of-the-neoliberal-order/>).
- Russia: Moss, K. 2015. Russia as the Saviour of European Civilisation In *Anti-Gender Campaigns in Europe*. Rowman and Littlefield: New York. 195-214.
- Hungary: Serughetti, G. 2019. *Why Orban's Hungary is afraid of Feminism and Academic Freedom*: 1-8.

Additional Readings:

- Medvedev, S. 2019. *The Return of the Russian Leviathan*. Polity: Cambridge. Chapter III.
- Grzebalska, W. 2016. *Why the war on "gender ideology" matters – and not just to feminists*. (Available under: <http://visegradinsight.eu/why-the-war-on-gender-ideology-matters-and-not-just-to-feminists/?fbclid=IwAR3n4gvnyr3WPi7Eq5l0AHuIxsS-WFRR7Fq-Ii4oJSHvqQV5rVcENPseJw7Q>).

Week 8 – Matching the Ideal: National Identity and Exclusion of Unwanted Others – Silencing the Opposition, Civil Society

This class still focuses on the exclusion of others. However, the class stresses less on the exclusion of others on the ground of various identity markers, than on Rousseau's notion of the *General Will*. As such, the idea is more inclusive than the previous one, as it does not exclude on the grounds such as race, sex or sexual orientation. Everyone can be part of the good people and thus participate in the construction of the great future. The class focuses on anti-pluralism in the sense that everything and everybody deviating from the *General Will*, automatically recognised by the *good people* simply for the sake of itself, becomes an enemy of the body

politique. The identity goes across many other markers such as age, socio-economic status or education. Membership is only defined by the acceptance of the political regime. Again, we link this idea to Schmitt's concept of Friend and Enemy. A plurality of opinions is as contra productive as the marketplace of opinions. The right way is found, in the best case by the leadership. Political pluralism is perceived as an obstacle, different opinions as endangering the greater cause. Again, it leads to the discussion of whether the ideology is invoked for curtailing political competition for its own sake or for the sake of holding power.

Mandatory Readings:

Russia:

- Zhakarova, O. 2016. *Why Putin loves the Civil Society (as long as he controls it)*. (Available under: <https://foreignpolicy.com/2016/10/12/vladimir-putin-loves-civil-society-as-long-as-he-controls-it/>).
- Litoy, A. 2015. *Political Persecution*. (Available under: <https://www.opendemocracy.net/en/odr/guide-to-political-persecution-in-russia/>).
- ECtHR. 2020. *Khodorkovsky and Lebedev v. Russia Vol. 2*. (Excerpts, Facts of the Case, Earlier Judgments, Decision by the Court).

Hungary:

- Excerpts of Orban's 2018 State of the Nation Address (Available under: <https://www.kormany.hu/en/the-prime-minister/the-prime-minister-s-speeches/viktor-orban-s-state-of-the-nation-address>) plus Excerpts of Orban's 2002 Speech after being voted out of office (Available under: <https://magyarnemzet.hu/archivum/archivum-archivum/meg-fogjuk-vedeni-amit-kozosen-letrehoztunk-4734626/>).
- Uitz, R. 2017. *The Return of the Sovereign: A Look at the Rule of Law in Hungary – and in Europe*. (Available under: <https://verfassungsblog.de/the-return-of-the-sovereign-a-look-at-the-rule-of-law-in-hungary-and-in-europe/>).
- Political Declaration 1 of 2010 of the Hungarian National Assembly on National Cooperation (Available under: <http://www.nefmi.gov.hu/english/political-declaration-of>).

Additional Reading:

- Havel, V. 1978. *The Power of the Powerless*. Vintage Publishing: London.

Week 9 – Eliminating Constraints I: Tilting the Playing Field (silencing dissent 2.0)

Democracy presupposes an open Marketplace of Ideas. Different thoughts and ideas are formulated, debated and ultimately find their way into politics. Agreement, disagreement and open debate form the nucleus of the principle of succession. If one does not favour democratic succession but tries to entrench the ruling party, limiting the access to information seems plausible. Limiting the access to information limits informed decisions, debate and ultimately reduces the likelihood of being voted out of office. If the objective is eliminating any form of political opposition and hindering true competition, limiting the access to information and curtailing free speech take a prominent place. It moreover looks at the instrumental usage of information and media platforms by the incumbents themselves.

At this point, an inconsistency with Rousseau's theory comes to the surface. Rousseau promoted a hard hand in executing the *General Will*, the forming of this *General Will*, however, is, at least formally, free and should not be subject to curtailment. It is this point, where the leadership of Illiberal regimes resort to Schmitt's idea of leadership and Caesarism. Inconsistencies of this kind may lead to thoughts that point to the instrumental usage of the Schmitt's and Rousseau's theoretic concepts.

This class focuses not only on the techniques applied, but also on why dissent is desirable and why information should be openly accessible and if not promoted at least enabled. Discussion forms the core of the democratic process (Fairness Doctrine, Red Lion v. FCC). From a theoretical standpoint, it boils down to the question of legitimacy of other opinions.

Mandatory Readings:

Russia:

- Excerpts Case of *Communist Party and others v. Russia* (2012).
- Aliaksandrau, A. 2015. "We lost journalism in Russia" In *SAGE Journals* 44/03: 32–35.
- Hansen, F.S. 2017. The Weaponization of Information In *Danish Institute for International Studies Policy Brief*: 1-4.

Hungary:

- Media Legislation (Act CLXXXV on Media Services and on the Mass Media, Act CIV on the Freedom of the Press).
- Reporters without Borders. 2019. *Level of media control in Hungary is "unprecedented in an EU member state"*. (Available under: <https://rsf.org/en/news/level-media-control-hungary-unprecedented-eu-member-state>).

- Public Service Media (Available under: http://medialaws.ceu.hu/public_service_media_more.html).

Additional Readings:

Hungary:

- The Media Council's Tender Procedures for Broadcasting Frequencies – Executive Summary (Available under: <https://mertek.eu/en/2012/03/14/the-media-councils-tender-procedures-for-broadcasting-frequencies-executive-summary/>).
- Legislation on Taxation of Advertisement Revenues of Mass Media.

Russia:

- Pomerantsev, P. & . Weiss. 2013. *The Menace of Unreality: How the Kremlin Weaponizes Information, Culture and Money*. Available under: https://imrussia.org/media/pdf/Research/Michael_Weiss_and_Peter_Pomerantsev__The_Menace_of_Unreality.pdf).
- Pomerantsev, P. 2014. *Russia and the Menace of Unreality*. Available under: <https://www.theatlantic.com/international/archive/2014/09/russia-putin-revolutionizing-information-warfare/379880/>).
- Juhász, A; Györi L.; Zgut E.; & A. Deszö. 2017. “*The Truth Today Is What Putin Says It Is*” - *The Activity of Pro-Russian Extremist Groups in Hungary*. (Available under: https://www.politicalcapital.hu/pc-admin/source/documents/PC_NED_country_study_HU_20170428.pdf).

Week 10 – Eliminating Constraints II: Attack the watchdogs

As we have seen, the systems in question often use legal means to maintain power and to entrench themselves in the system. This presupposes that the actions in questions cannot be seriously challenged before Courts. Moreover, the idea of the *General Will*, as manifested in a majority rule, contradicts the idea of putting shackles to the national leader. From a standpoint of absolute majority rule, one needs to get rid of possible constraints, that slow down the execution of the *General Will*. It manifests in eliminating all real constraints on the will of the people, such as Courts and other oversight mechanisms as counter majoritarian institutions. Furthermore, watchdogs come unhandy in exercising power.

(Additional thoughts: What is the original idea behind having these bodies? Why are they there in the first place? Why is it good to have them?)

Mandatory Readings:

- Huq, A. & T. Ginsburg. 2018. *How to Lose a Constitutional Democracy*. P. 123-143.

Russia:

- Judicial Independence: CoE. 2016. *As long as the judicial system of the Russian Federation does not become more independent, doubts about its effectiveness remain*. (Available under: <https://www.coe.int/en/web/commissioner/-/as-long-as-the-judicial-system-of-the-russian-federation-does-not-become-more-independent-doubts-about-its-effectiveness-remain>)

Hungary:

- Excerpts of ECtHR. 2012. *Baka v. Hungary*.
- Venice Commission Opinion on Hungary's Constitutional Court.

Week 11 – Legitimate Rule: Rule by law and Rule of Law Rhetoric

This class looks into possible differences between the Law in the Books and the Law in Practice. We are focusing on the potential for Illiberal regimes to profit from a vague definition of the Rule of Law for the sake of increasing the regime's legitimacy. We have seen how legal norms can be (mis)used or selectively enforced for Illiberal purposes. Since narrative and language matter, we look into the respective countries' speech acts as well as the affection for the appearance of *normality*. In this regard, we focus on the recent development in the drama called Russian Constitutionalism.

Mandatory Readings:

Russia:

- Russia's Constitutional Referendum (Excerpts of Putin's Presidential Address to the Federal Assembly January 15th, 2020. Available under: <http://en.kremlin.ru/events/president/news/page/15>).
- The State Duma. 2020. *What changes will be in the Constitution of the Russian Federation?*. (Available under: <http://duma.gov.ru/en/news/48039/>)
- Parliamentary History of the Amendment (especially: Tass. 2020. *Russian lawmaker calls for removing presidential term limits*. Available under: <https://tass.com/politics/1128319>)

Hungary:

- Excerpts of Hungary's reply to the Media Law accusations and to the Sargentini Report.

Section IV: Illiberal but democracies? – a contradiction in terms?

In this last class, we try to recall our progress in this class. We focus on some of the following questions, that are aimed at giving food for thought:

- What is it, that makes the system in question illiberal? Did our first ideas turn out to match what we've seen?
- Are any immediate questions left unanswered?
- Can we speak about a democracy, when important substantive features are missing? We have learnt that there are no perfect democracies. So, where to draw the line?
- Which root concepts are we applying when speaking about Hungary or Russia? Autocracies / democracies? And is it legitimate to say these countries are equal?
- (How) Do countries like Russia and Hungary differ from each other in the way of conducting politics?
- Are countries like Russia and Hungary a new phenomenon in itself? Is it indeed a different animal than the fascist regimes described by Löwenstein?

Week 12 – Conclusion

Mandatory Readings:

- Schmitter, P. C. & T.L. Karl. 1991. "What Democracy Is... and Is Not." In *Journal of Democracy* 2/ 3: 75–88.
- Löwenstein, K. 1937. Militant Democracy and Fundamental Rights In *The American Political Science Review* 31/ 3: 417–428.

Additional Reading:

- Przeworski, A. 2019. *Crisis of Democracy*. Cambridge University Press: Cambridge.
- Sartori, G. 1987. *The Theory of Democracy*. Chatham House: New Jersey. Chapter 7: What Democracy Is Not.
- Mufti, M. (2018). What Do We Know about Hybrid Regimes after Two Decades of Scholarship? In *Politics and Governance*, 6/ 2: 112-119.

Oral Assignment: Before this last class, please identify:

- One aspect covered in class, that was most surprising for you
- One aspect that got stuck in your mind after one of the classes
- One aspect covered, which you already knew about

Capstone Project: Undergraduate Course on Illiberal Democracy

“‘Suppose the election was declared free and fair’ he said, and those elected are ‘racists, fascists, separatists’”.⁴ Zakaria raises the central question of this class, i.e. how to define democracy, what to include on a possible checklist and where to draw the line between still democratic and already, well, something else. Many points of contestation appear: Not only is Democracy, just like the Rule of Law, a vague and contested concept. There is likewise no consensus about how to define the “something else.” Neither does, for cases whose trajectory goes from democracy in the direction of an autocratic form of government, a consensus on the process of de-democratisation appear: The spectrum goes from euphemisms like “backsliding” to notions of dismantling and undermining constitutionalism as well as systematic attacks. While labelling and narratives matters, this essay focuses on the notion of strategic, systematic attacks on constitutionalism, since “backsliding” suggests a natural process of inevitability, rather than a systematic and planned undermining of the spirit of constitutionalism. The vagueness of the terms and the lack of coherent definitions make pointing out and describing Illiberal practises a messy business. These are some of the difficulties that had to be considered while designing a course for undergraduate students.

Many other considerations had to be made during the drafting process. For example, the point of sentiments and questioning those bits and pieces that go without saying after studying good governance and constitutionalism for quite a while. It is likely that future students made their first contacts with Illiberal rulers and practises long before their arrival at school and long before they started engaging with the course material. In times where Illiberal practises become ever more popular among incumbents that start using these techniques broadly and publicly, such as Trump, Bolsonaro or Duterte as acting presidents with a questionable constitutional mindset, certainties that were taken for granted earlier need to be thoroughly explained. Moreover, certain types of anti-democratic conduct can set a new standard simply by appearing with a certain frequency, by being uncontested and by lacking immediate negative consequences that can be felt by everyone everywhere. This trend gets enhanced by an international news coverage and the usage of social media. Consequently, potential challenges are numerous. I tried to accommodate most of them while planning the course.

The course itself follows a variety of objectives. The following questions are of great importance for everyone designing a course: What do I want to achieve, which kind of learning experience do I want to enable, what do I want my students to think about and what are key

⁴ Zakaria, F. 1997. The rise of illiberal democracy In *Foreign affairs*, 76/ 6: 22-43.

take-aways. All these sub questions followed the overarching one of: Why should one take this class? Why is it needed, besides for fulfilling the credit requirements? A possible answer is fourfold. Firstly, the course is aimed at training reflection and critical thinking skills. In this regard, the aim ultimately comes down to being encouraged to ask the right questions, to question things that are perceived to go without saying and at processing new information with a certain caution. The students should be encouraged to a healthy scepticism. Brought into the context of the class, students should be enabled to assess Illiberal Democracies, i.e. systems that combine aspects of liberal constitutionalism and autocratic practises, critically. The course aims at laying the foundations for a critical engagement not only with this type of systems, but also with new information regarding the systems in question. After attending this class, the students should be enabled to assess actions and statements by the system in the light of the objectives of the class and to assess news coverage about the systems equally critically. Put differently, students should be able to evaluate the actions and the discourse by Illiberal Democracies taken together and understand that the whole picture is more than just the sum of its parts.

The second objective of this class is closely linked to the first and best described by being enabled to engagement with the Illiberal Systems. The course aims at furthering an understanding of the techniques, tricks and tools applied. Thus, students will be able to differentiate Illiberal Democracies from other forms of government and evaluate them as what they are, i.e. different animals in the zoo. As those, they require a tailored mode of interaction. The insights gained during this class are ultimately aimed at enabling students to engage with these systems independently after the course has finished.

This leads to the third objective of this course. For understanding a phenomenon and for making sense of its particularities, one needs to have a broader knowledge about the overall context. This kind of evaluation requires the prior engagement with different theoretic backgrounds that can be applied later. The course aims at giving students an opportunity to critically engage with different theories focusing on the classification of regimes and to apply these theories on a phenomenon in the *real world*. Overall, students are enabled to analyse political and legal action against this theoretical background. This closely connects the third and the fourth aim.

Fourthly, the course aims at furthering a set of academic working skills. Students should train their ability to argue a case in a focused yet differentiated way. Students are invited to engage in careful evaluations based on facts, while, however, not losing track of the bigger picture. It moreover trains the competence of careful observation and sound judgment based on

facts. This prevents students from making premature judgments or from falling for the rhetoric and tricks applied by Illiberal Democracies. This is an important skill not only for future scholarly analysis, also trained while writing the final assignment, but for the engagement with the political public discourse.

As for the first. The students should get used to interact with an academic discourse on a certain topic. This includes the assessment of possibilities and limitations of different theories and models. This class comes within the ambit of the discourse about hybrid regimes, system transformation and democracy. It gives an overview over current debates in this particular field. It secondly enables students to assess and critically evaluate terms and definitions commonly used in the public discourse. Here, I would like to sensitise the students for the responsibility that comes hand in hand with academic research and scholarly review. As pointed out in the introduction to the course, one needs to use terms cautiously, since a misuse simply for the sake of getting short term attention can backfire.

Finally, this course does not come without a normative mission itself. It aims at enabling critical engagement and review of government action, it trains minds to look beyond issues that go without saying. And it is aimed at identifying possible problems and possible shortcomings of democratic arrangements. As noticed by Lewinsky, shortcomings are inevitable and constitutions alone cannot prevent the abuse of constitutional rules and democratic institutions.⁵ It needs more. This course aims at enhancing critical thinking and at sensitising for these shortages. Students are thus enabled to respond to constitutional and fundamental rights challenges. These skills are of particular importance. The current trend does not suggest that the problem of illiberalism will solve itself. The trend rather suggests that Illiberalism is here to stay. The competence to assess the system but also to see differences between different manifestations of illiberalism is crucial not only for finding adequate responses but also for understanding the phenomenon. It is an important competence in times of closing minds.

The objectives as well as the overall learning outcome of understanding the practises of Illiberal Democracies, are pursued while telling a story that sees Illiberalism in a holistic manner. As supposed by Scheppele, this course tries to see the phenomenon more differentiated than from a “governance checklist”⁶ approach or the famous “Martian’s Test”. These regimes are designed to withstand formalistic scrutiny. One must not make the mistake of not connecting the dots and simply seeing constitutional democracies as constituted by the sum of its parts. The whole is necessarily more than only the sum of its parts. The approach followed in this

⁵ Levitsky, S. & D. Ziblatt. 2018. *How Democracies Die*. Crown Publishing: New York.

⁶ Scheppele, K. L. 2013. The Rule of Law and the Frankenstate: Why Governance Checklists Do Not Work In: *Governance: An International Journal of Policy, Administration, and Institutions* 26/ 4: 559–562.

course tries to catch this whole in a holistic approach. It applies an interdisciplinary method departing from a theoretical angle of political theory and political science and ending at a practical one focusing on the institutional functionality of Illiberal Democracies, or put differently, on techniques, tricks and tools of exerting and maintaining power. While looking at the tools, it likewise departs from an interdisciplinary context. It looks at political and legal means and scrutinises speech acts and government rhetoric.

As for the chosen methodology, the course is planned as an interactive seminar. The seminar form is preferred over lectures, since it fosters dialogue between the students. The students are expected to actively participate in the debates. Each seminar departs from the assigned readings that are meant as a starting point. They outline the topic of the respective class and provide the ground for in-class debates. Students are expected to read the mandatory readings and to critically evaluate them in the light of the overall course. Again, the readings are not meant to stand alone. They all form a bigger picture and are aimed at enhancing the understanding of Illiberal Democracies as a whole. Especially in the second half of the class.

For pursuing the holistic approach, each seminar starts with a short summary of the most central points learnt during the respective previous class. This is not only supposed to refresh the memories, but also to create a sense that the classes are designed as building upon each other and ultimately as being interwoven to one big unit. They don't stand alone but work, step by step, towards the achievement of the objectives.

The objectives are likewise achieved by the form of examinations chosen. The final paper pursues the aim of bringing the students in a situation, where they are asked to conduct independent research and to produce a scholarly work by their own. The topic of the paper is of the student's own choosing. Thus, it is aimed at developing their independent research skills. Furthermore, writing a final paper invites the students to apply their knowledge and to recapitulate and to consolidate their acquired knowledge, thus extending the learning experience past the mere presence in the classroom.

The two assignments have the objective that the students engage with the theories in question more deeply. The distinction between constitutional democracy as promoted by Pettit on the one side and majoritarian democracy as suggested by Rousseau and Schmitt on the other side build the backbone of the seminar. The whole story is about stressing on the difference between these two different understandings of democracy. Thus, understanding these theories can be seen as a prerequisite for later classes. This accounts especially for those, which explicitly refer back to either of the theories.

The role play, designed as a group work, is aimed at experiencing the difficulty of assessing the Illiberal nature of the regimes in question. Students are put in this situation in order to understand that classifying a system as Illiberal and an incumbent as a dictator is not as easy as it seems. Especially if one needs to grasp a moving target, that was designed for flying under the radar of formal scrutiny. Since the regimes are built to withstand formalistic scrutiny, looking at the legal and constitutional norms only without taking the context into account will not do the job of pointing out the Illiberal nature. Again, the *sum of its parts* standard helps understanding why the totality of the legal measures implemented and the tricks and techniques applied accumulate to a system Illiberal in nature, while the provisions taken as such and put in a different context would not constitute (such) a serious Rule of Law concern as they in fact do. As Sajo and Tuovinen put it: “It is only in their application in the specific context that the threat to the constitutional system emerges.”⁷

The learning diary, where the students are asked to track their favorite Illiberal leader, follows the same objective. It is aimed at confronting students with the difficulty of grasping the Illiberal nature with the analytical tools at hand. Moreover, it confronts students with the trouble of analyzing a moving target.

Coming to the actual design of the course. The course follows a two-prong approach with section I and II belonging to the first and Section III and IV belonging to the second part. The first two sections are meant to establish the foundation knowledge, the second one is aimed at giving the prospective student the opportunity to apply this very knowledge and to evaluate the selected tools in the light of theoretical perspectives. Once the basic theories are understood, the course aims at enabling students to see how the theoretical concepts unfold in practise. Moreover, the structure invites students to connect the dots and to evaluate the situation on the ground, just as the theories earlier, in the light of students’ knowledge and personal experiences, critically.

The first class introduces into the debate about how to define systems that have to be located somewhere in the grey zone between constitutional democracies and autocracies. The concept chosen is the one of hybrid regimes. It is perceived as a good door opener to the debates about how to name and how to classify these types of systems. The text by Levitsky and Way forms the centre of this introduction. Especially with their focus on the frequency and the seriousness of violations of democratic rules that, however, fall short of a minimum level of severity necessary for passing the threshold of authoritarianism, the text takes a promising stand. The

⁷ Sajo, A. & J. Tuovinen. 2018. The Rule of Law and Legitimacy in Emerging Illiberal Democracies In *Osteuropa Recht* 64/ 4: 506-529.

speech chosen is the exact one, where Orban firstly introduced the term “Illiberal Democracy”. It is included in the readings to let the students hear the voices of the regimes in question at the earliest moment possible.

The second class lays the foundations for the central debate “on the nature of democracy and its compatibility with Illiberal political structures.”⁸ The texts complement each other perfectly. While Schumpeter rejects the existence of a universal *General Will*, he takes a much lighter stand towards democracy. Pettit, however, lays out the full range of elements that make a democracy a constitutional democracy. The most important take away is that constitutional democracy means more than just including the electoral component and ruling by legal means.

The third class introduces into the theory that is often connected to Illiberal Democracy. While many focus only on the element of unconstrained majority rule, the texts show that the theory behind Illiberalism is much broader than meaning simply majority rule. It invokes notions such as Caesarism, Identity, Anti-Pluralism and a government in the name of the people, not, however, by the people. As we see in the reading on Schmitt, the people are reduced to the role of supporting the leader, of providing spontaneous acclamation for the big Caesar. The reading on Rousseau introduces into the concept of the people, absolute majority rule and the existence of an almost divine *General Will*.⁹

The fourth class transfers these theoretical models back into the sphere of political science. The reading by O’Donnell on Delegative Democracy lays out the ultimate characteristics of Illiberal Democracies in a precise, yet detailed manner while inviting to link his list back to the theories learnt in class 3.

Class 5 and 6 pose the first major shift during the course. It shifts the focus from academic debates to a practical application. This turn gives the opportunity to move forward to the second half of the course that takes a more practical turn than the first one did. The classes do not only introduce into the systems of choice, Russia and Hungary, but provide for experiencing that pointing out the Illiberal nature of these regimes does not come as easy as one might have guessed. Especially, since no democracy is perfect. Constitutions alone cannot promise neither wealth nor stability, liberty and security. In fact, Constitutions come with inherent flaws that might be exploited if only one wanted to exploit them. This opens the door for Illiberal leaders to engage in *whataboutism*, aiming at blowing smoke at the allegations brought against the respective system. The readings aim at showing that the legal and constitutional provisions,

⁸ Sajo, A. 2019. The Constitution of Illiberal Democracy as a Theory About Society In *Polish Sociological Law Review* 4/ 208: 365-412.

⁹ Seiffert, D. 2018. Jean-Jacques Rousseau und Totalitarismus In *Passauer Journal für Sozialwissenschaften*: 1-30.

taken alone, open the door to argue that neither Russia nor Hungary are Illiberal Democracies and that they aren't any different than other constitutional democracies.

The second half of the course, including classes 7 to 12, looks more closely into the tools applied. It is aimed at making sense that, even though the rules seem facially neutral and democratic, their application in practise reveal the Illiberal nature of both of the systems.

Class 7 starts with the exclusion of others, namely those who are perceived not to match the invoked ideal. It looks into the ways of excluding unwanted others and into the rationale behind the exclusion. The focus of the debate, whether the leaders in fact follow the theories for the sake of the theory itself or apply it selectively solely for the purpose of maintaining power, relies on the concept of societal security as laid down by Ole Waever¹⁰ as well as on the construction of identity.

Class 8 continues looking at the exclusion of unwanted others, this time, however, with a focus on delegitimising and silencing the opposition for the sake of maintaining power. The focus consequently shifts away from identity politics towards the selective and politicised enforcement of the law. The range of possible examples is wide and include e.g. the enforcement of extremism laws, the registration of organisations or laws regulating the access to the ballot. However, the focus lays on the discreditation of the political opposition and on attacking the opposition. Creating a situation of fear and discrediting the opposition undermine one of the most central aspects of constitutional democracy: It disables the principle of peaceful succession and it undermines the respect for others and the concept of mutual toleration.¹¹

Class 9 continues with concentrating on further means to silence the opposition and to dominate the political discourse by legal means. It explicitly focuses on the role of information and the media for discrediting opponents, for hindering the opposition from participating in a fair competition and for limiting accountability. This class chose to focus on the media instead of e.g. constitutional amendments or the application of extremisms laws. Capturing the media plays a crucial role not only in the ideological background, but also in the practical application. It helps entrenching power, silencing the opposition and shaping discourse. It is, if one wants, a tool enabling some of the other tools available in the Illiberal playbook. It limits public debate, deprives the electorate of the chance to make an informed decision, reduces accountability in the sense that possible watchdogs are silenced, and it can be actively used for shaping discourse in a way favoured by the government.

¹⁰ Waever defines the term as: „the ability of a society to persist in its essential character under changing conditions and possible of actual threats.” Waever, O., et. al. 1993. *Identity, Migration and the New Security Agenda in Europe*. Pinter: London.

¹¹ Levitsky, S. & D. Ziblatt. 2018. *How Democracies Die*. Crown Publishing: New York.

Class 10 focuses on the watchdogs that are protective of liberty and that are usually installed for controlling the execution of state power. Watchdogs, such as courts, special committees or ombudsmen have “the capacity to play a restraining function.”¹² As such, they need to be abolished since they place illegitimate burdens on the immediate execution of the *General Will*. Following a more practical approach, we see in fact that these institutions are not abolished but captured. The watchdogs tend to continue existing. However, they are toothless and become totally dependent on the country’s national leader. As suggested by Ginsburg and Moustafa,¹³ especially courts start playing a distinct role in authoritarian regimes. This makes perfect sense. The rule by law presupposed that laws are executed and adjudicated faithfully to the imagining of the country’s strong man. Capturing courts and charging them with tasks as mentioned by Ginsburg and Moustafa comes particularly handy in the sense of class 11.

Class 11 focuses on Russia’s and Hungary’s rule of law rhetoric. Even though the rule of law is systematically violated by the countries in question,¹⁴ they still engage in rule of law and democracy speech. Both, Putin and Orban, understand that rhetoric and narratives matter a great deal for the legitimacy of one’s rule. It is ultimately one of the key elements that differentiate these countries from outright autocracies. Making people accept the rule as legitimate voluntarily, makes ruling much easier. Thus, the resort to outright violence becomes the exception rather than the norm. Entrenching one’s rule, excluding others and bringing watchdogs under one’s control by legal means make the rule seem normal, neutral and not particularly different from how all other countries are doing it. This topic was included, because it shows the students, that bending the law and silencing others do not come alone. It comes together in a complex set of tools that include communication, legal and political means.

Class 12 does not add anything new to the debate. It serves as a chance to wrap up the course. It is planned to answer remaining questions and to ultimately discuss the question whether democracy is incompatible with “illiberal political structures.”¹⁵ The class tries to solve this conundrum in the light of the lessons learnt during this course. The debate will focus on the difference between constitutional democracies that rely on constitutionalism for the sake of

¹² Huq, A. & T. Ginsburg. 2018. How to Lose a Constitutional Democracy In *65 UCLA Law Review* 78: 79-169.

¹³ Moustafa, T. & T. Ginsburg. 2008. Introduction: The Function of Courts in Authoritarian Regimes In: T. Ginsburg, T. & T. Moustafa (eds.). *Rule by Law: The Politics of Courts in Authoritarian Regimes*. Cambridge University Press: Cambridge.

¹⁴ See for Hungary: Sajo, A. & J. Tuovinen. 2018. The Rule of Law and Legitimacy in Emerging Illiberal Democracies In *Osteuropa Recht* 64/ 4: 506-529. For Russia: Trochev, A. & P. Solomon. 2018. *Authoritarian Constitutionalism in Putin’s Russia: A pragmatic constitutional court in a dual state*. Available under: <https://www.sciencedirect.com/search/advanced?docId=10.1016/j.postcomstud.2018.06.002?>.

¹⁵ Sajo, A. 2019. The Constitution of Illiberal Democracy as a Theory About Society In *Polish Sociological Law Review* 4/ 208: 365-412.

constraining the power of the majorities of the day on the one hand and electoral democracies that rely only on the electoral component of democracy and the rule by law on the other hand.

If time allows, one can compare the Illiberal regimes as defined during the course with the fascist regimes described by Löwenstein. In fact, many similarities appear. However, today's Illiberal Democracies seem more sophisticated. The incumbents do not aim at abolishing the democratic institutions as a whole. Thus, the devil hides in the detail. Quoting the Roman writer Phaedrus: "*Things are not always what they seem*", therefore one needs to dig deeper to see, "*what has been carefully hidden.*" This course is aimed at providing a series of competences for digging deeper and looking beyond. Ultimately, this is one of the course's major objectives.

The last questions left to be answered firstly ask for the reasons of choosing the Russia and Hungary as the sample and secondly for the reasons why exactly these tools were chosen to be of particular importance.

As for the sample chosen. The two countries are chosen, because they form textbook examples for Illiberal regimes in general. Russia, on the one hand, is often perceived as a role model for the construction of regimes of this kind. And in fact, the Russian Constitutionalism served as a blueprint that was copied by many systems around the globe. The Russian way of conducting politics is widely perceived as a success story, at least by those who matter in this regard, i.e. potential Illiberal leaders. Hungary, on the other hand is another textbook example for Illiberal Democracies. One should not forget that it was Viktor Orban who introduced the term "Illiberal Democracy" in 2014 in the first place. The two countries are chosen, because they apply most of the tools available in the Illiberal toolbox. They can serve as ideal examples that can demonstrate the whole range of possible techniques. Thus, they provide for the possibility of generalisation. Showing that constitutional democracy is under systematic attack globally is one of the major concerns of this course. It is explicitly not a problem of a particular and limited set of countries. It is crucial to understand that not all Illiberal regimes need to apply all the tools analysed in this course. The techniques are manifold. Thus, Russia and Hungary, since they tick many boxes, are perfect examples to demonstrate the interaction of a broad set of these very tools.

As for the tools. The techniques as such form a unity that is best described by Levitsky and Way while resorting to a football allegory: "To consolidate power, would-be authoritarians must capture the referees, sideline at least some of the other side's star players, and rewrite the rules of the game to lock in their advantage, in effect tilting the playing field against their opponents."¹⁶ The approach chosen follows this well. The course focused on a sophisticated

¹⁶ Levitsky, S. & D. Ziblatt. 2018. *How Democracies Die*. Crown Publishing: New York.

Illiberal toolkit that attacks constitutionalism from many sides. It covers most stages of a possible playbook of how to become an Illiberal ruler. First of all, all that is needed is a homogeneous group, that is welded together by the idea that its distinct, and of course superior, way of being is threatened. For increasing cohesion and the willingness to withstand suffering (as measured in less freedom or a lower socio-economic development), this particular group can easily be portrayed as betrayed and threatened by forces from the outside and the inside. Thus, extraordinary means can be justified. The next step is aimed at entrenching power and making sure that the opposition does not pose any serious competition, neither now nor in future. Here, invoking Schmitt and Rousseau comes particularly handy. The next on the list are independent watchdogs or potential institutional checks. This includes courts as well as the independent media. Last and not least, one can try to maintain power using the rule by law while at the same time engaging in rule of law rhetoric simply for the sake of legitimising the claim to power and for fencing off international critique. The chosen tools consequently represent a wide array of techniques to manifest power following the Illiberal handbook. The course aims at showing that all these techniques in fact build a coherent unity.

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STATUTORY DECLARATION

I, Darren Jay Seiffert, herewith formally declare that I have written the submitted thesis independently. I did not use any outside support except for the quoted literature and other sources mentioned in the paper.

I clearly marked and separately listed all of the literature and all of the other sources which I employed when producing this academic work, either literally or in content.

I am aware that the violation of this regulation will lead to failure of the thesis.

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signature