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IS THERE ILLIBERAL DEMOCRACY? A PROBLEM WITH NO SEMANTIC SOLUTION

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A specter is haunting Europe and the United States; the specter of illiberal democracy.

The project of instituting a new form of “illiberal democracy” in place of the supposedly outmoded form of liberal democracy is most closely linked to Hungarian Prime Minister Viktor Orban, who has repeatedly announced this intention. But the idea is commonly associated with a broader range of political leaders—Jaroslaw Kaczyński in Poland, Vladimir Putin in Russia, and Raynep Erdogan in Turkey, among others—who have sought to institute illiberal measures and to justify them, at least in part, by appeal to a more authentic form of “democracy.” As David Ost has recently observed of the Hungarian and Polish cases:

Eviscerating the Constitutional Court and purging the judiciary, complete politicization of the civil service, turning public media into a government mouthpiece, restricting opposition prerogatives in parliament, unilateral wholesale change of the Constitution or plain violation of it, official tolerance and even promotion of racism and bigotry, administrative assertion of traditional gender norms, cultural resurrection of authoritarian traditions, placing loyalty over competence in awarding state posts, surveillance without check—with such policies and more, right-wing governments in Hungary

and Poland are engaged in a direct attack on the institutions of democracy. The ruling parties, Fidesz and Law and Justice (PiS) respectively, do not even claim to adhere to “liberal” democracy anymore. Are they committed to democracy at all? Both accept it now that elections have brought unchecked one-party rule by the party representing “the nation.” Otherwise, “democracy” appears to be only a curtsy to the political correctness they otherwise abhor.¹

The still recent victory of Donald Trump in the 2016 U.S. Presidential election is perhaps the most vivid example of this tendency. Such projects have caused political commentators such as Dani Rodrick to worry about “why illiberal democracies are on the rise.”² And they have received increasing attention from political scientists interested in the ebbs and flows and waves and undertows of “democratization,” who are concerned not simply about the spread of “illiberalism” in the previously-considered “democratizing” countries, but its emergence in the more “advanced” or “consolidated” democracies as well. As Yascha Mounk notes:

Across the affluent, established democracies of North America and Western Europe, the last years have witnessed a meteoric rise of figures who may not be quite

¹ David Ost, “Thoughts on the Hungarian and Polish New Right in Power.” *Public Seminar* (September 21, 2016), <http://www.publicseminar.org/2016/09/thoughts-on-the-hungarianand-polish-new-right-in-power/#.V-qAbDtU7ow>.

² Dani Rodrick and Sharun Mukand, “Why illiberal democracies are on the rise.” *Huffington Post* (May 18,

2015), http://www.huffingtonpost.com/dani-rodrik/illiberal-democracies-on-the-rise_b_7302374.html, and Andrew MacDowall, “Illiberal Democracy: How Hungary’s Orban is Testing Europe.” *World Politics Review* (December 18, 2014).



so brash or garish as Trump and yet bear a striking resemblance to him: Marine Le Pen in France, Frauke Petry in Germany, Geert Wilders in the Netherlands, and many of the leading Brexiteers in the United Kingdom. They too harness a new level of anger that is quite unlike anything liberal democracies have witnessed in a half-century. They too promise to stand up for ordinary people, to do away with a corrupt political elite, and to put the ethnic and religious minorities who are now (supposedly) being favored in their rightful (subordinate) place. They, too, are willing to do away with liberal political institutions like an independent judiciary or a free, robust press so long as those stand in the way of the people’s will. Together, they are building a new type of political regime that is slowly coming into its own: illiberal democracy.

Critics often attack Trump, Le Pen, and their cohort for being undemocratic. But that is to misunderstand both their priorities and the reasons for their appeal. For the most part, their belief in the will of the people is real. Their primary objection to the status quo is, quite simply, that institutional roadblocks like independent courts or norms like a ‘politically correct’ concern for the rights of minorities stop the system from channeling the people’s righteous anger into public policy. What they promise, then, is not to move away from popular rule but rather to strip it of its artificial, liberal guise— all the while embodying the only true version of the people’s will.³

What are we to make of this phenomenon, and how ought we to respond to it?

Indeed, is its very identification as “illiberal democracy” at all useful, or is it rather part of the very problem that many of its critics wish to understand and to combat?

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In a recent piece entitled “The Problem with ‘Illiberal Democracy,’” Jan-Werner Muller argues that “to call what is being constructed in Poland ‘illiberal democracy’ is deeply misleading—and in a way that undermines efforts to rein in would-be autocrats like

Kaczyński and Orban. After all, Muller claims, it is not just liberalism that is under attack, but democracy itself.”⁴ Muller insists that to accept the dichotomy of “liberal democracy” vs. “illiberal democracy,” is foolishly to give credence to the claims of Kaczynski and Orban to be authentic democrats who are troubled by excessive personal liberty and simply seek a less libertarian and more communitarian form of democracy. “What governments like those in Poland, Hungary, and Turkey are proposing is something very different. It is one thing to criticize materialism, atheism, or even individualism. It is something else altogether to attempt to limit freedom of speech and assembly, media pluralism, or the protection of minorities. The first is a disagreement about different political philosophies that can justify democracy. The second is an attack on democracy’s very foundations.” Muller thus insists that what many are calling “illiberal democracy” is really better described as a form of populist *authoritarianism*, and we would do well to discard the very term “illiberal democracy.” For him, the basic architecture of “liberal democracy” is democracy itself, and to be against this architecture is to be against democracy itself. Janos Kornai recently made the same point: “Personally, I consider this concept a dead end: illiberal democracy is like an atheist pope: the adjectival structure itself is contradictory. In my view all democracies are liberal. I lost my taste for concepts of democracy with an adjective when the communist dictatorship referred to itself as a ‘people’s democracy’, clearly distinguishing itself from the so-called ‘bourgeois’ democracies.”⁵ To paraphrase a friend, a distinguished scholar of democratization, who put it more bluntly in private correspondence: “If we cannot specify some minimum core of institutional practice for democracy—that it must give people a real opportunity to choose and replace their leaders in free and fair elections—then there is no way to avoid falling into, and no way to climb out of, a relativistic semantic swamp in which the word ‘democracy’ can mean anything, and then almost any claim has to be debated and taken seriously. . . Are we now going to have to re-

³ Yascha Mounk, “The Week That Democracy Died,” *Slate* (August 14, 2016), http://www.slate.com/articles/news_and_politics/cover_story/2016/08/the_week_democracy_died_how_brexit_nice_turkey_and_trump_are_all_connected.html.

⁴ “The Problem with ‘Illiberal Democracy’.” *Project Syndicate* (January 21, 2016).

⁵ Janos Kornai, “Vulnerable Democracies: An Interview with Janos Kornai.” *Hungarian Spectrum* (December 30, 2016), <http://hungarianspectrum.org/2016/12/29/vulnerable-democracies-an-interview-with-janos-kornai>.

litigate the dreadfully tired arguments from 40-50 years ago about whether the *Democratic* People's Republic of Korea, with its totalitarian *juche* ideology, offers just another form of 'popular sovereignty'?"

These are powerful objections to the concept of "illiberal democracy." I share the aversion to the evolving authoritarianism being practiced in Poland, Hungary, Turkey, and elsewhere, and I also share a commitment to liberal democratic values and practices. Words do matter. And it is troubling to allow Orbán, Kaczyński, Erdoğan or even Putin to claim the mantle of "democracy." To the extent that this implies any kind of sympathetic understanding much less endorsement, it seems more appropriate simply to deny such leaders the imprimatur of "democracy," and to place their authoritarianism front and center.

At the same time, I believe it is a mistake simply to dismiss the idea of "illiberal democracy" because it is mobilized for objectionable political purposes. It may be distasteful. It might echo earlier efforts to invoke "democracy with adjectives" on behalf of oppressive and sometimes murderous policies. But this is precisely why we must take it seriously as a rhetoric and a political project that has real traction in the world. It is true that after 1989, it was possible to declare, as Philippe Schmitter and Terry Karl did in *Journal of Democracy*, that: "The wave of transitions away from autocratic rule. . . has produced a welcome convergence towards a common definition of democracy. Everywhere there has been a silent abandonment of dubious adjectives like 'popular,' 'guided,' 'bourgeois,' and 'formal' to modify 'democracy.' At the same time, a remarkable consensus has emerged concerning the minimal conditions that polities must meet in order to merit the prestigious appellation 'democratic.'"⁶ But it is equally true that *this consensus about "democracy without adjectives" was always contested, and it was rather short-lived, and it has recently been eroded.* The challenge facing supporters of liberal democracy is to take the full measure of this erosion, so that it can better be countered. In that sense we do need to re-litigate the arguments from 40-50 years ago about what to make of illiberal appeals to "popular sovereignty" and "democracy." I wish it were not the case. But it is. And the reason why is because throughout Europe and in the

US leaders are rising to power, through at least quasi-"democratic" means, and claiming to stand for and to institute an illiberal form of "democracy." We need to oppose them. And part of that means "litigating" the ideological contest that they are pursuing, i.e., to bring a "suit" against them, to take seriously their arguments and to demonstrate rather than simply assert that their claim to "democracy" ought to be rejected.

In what follows I would like to outline a more careful approach to the topic and explain why I think it is both analytically and normatively important to proceed in such a manner. I want to suggest that instead of discarding the idea of "illiberal democracy," we ought to distinguish between at least three ways that this term needs to be understood: (1) as a form of justificatory praxis or *legitimation* that warrants understanding though not embrace, precisely because an essential element of political analysis is understanding the terms, symbols, and self-understandings of political actors and the ways that these ideas resonate with publics, whether we like these terms and symbols or not; (2) as a social scientific concept that registers a political aspiration or project but does *not* thereby offer an adequate conceptualization of the political consequences of this aspiration or project; and (3) as a normative commitment that ought to be criticized by those who take the values of individual autonomy and political pluralism seriously. And I want to suggest that only by fully grappling with these different uses can we take the full measure of the challenge that "illiberal democracy" presents to a more pluralistic and egalitarian *liberal* democracy that is worthy of our support. It is too easy to simply dismiss the rhetoric of "illiberal democracy" as a fraud, and doing so inhibits both proper understanding of the phenomenon and its appeal, and proper normative critique.

My point is not that it is wrong to denounce adherents of "illiberal democracy" as "authoritarian" or to claim that such actors threaten "democracy." There surely are many practical situations where this kind of rhetoric makes perfect sense. Mass politics is not a graduate seminar, and rhetorics of denunciation play an important role in democratic politics. My point is that, as political theorists and as participants in the effort to clarify public events for broader publics, we ought to

⁶ Philippe C. Schmitter and Terry Lynn Karl, "What Democracy Is. . . And Is Not." *Journal of Democracy* (Summer 1991).

proceed with a proper sense of care. And the assertion that what goes under the heading of “illiberal democracy” is simply hostility to democracy itself is too simplistic. Indeed, we need to better clarify the different meanings of “democracy” precisely so that we can better appreciate the strengths and limits of the liberal democracy that is worthy of our intellectual and political support.

“ILLIBERAL DEMOCRACY” AS JUSTIFICATORY PRAXIS

The idea of “illiberal democracy” is not new. In political science it was probably thrust into prominence with the 1997 publication of Fareed Zakaria’s *Foreign Affairs* essay “The Rise of Illiberal Democracy.”⁷ While the downfall of Communism in 1989 seemed to cap a “wave” of democratic transitions, Zakaria’s book gave voice to a growing concern among commentators that the toppling of the old regimes and their replacement by electoral systems did not necessarily herald the emergence and consolidation of liberal, representative democracies. Zakaria popularized an insight developed by a great many political scientists facing the limits of “transitology”: that there was emerging a range of “hybrid regimes” that seemed to correspond neither to conventional understandings of liberal, representative democracy nor to authoritarianism.⁸ But this literature was interested primarily in the practices of elites and regimes that adverted to electoral legitimacy, and not really in the ideas motivating this appeal to electoral legitimacy, and certainly not in the justification of such appeals.

The current interest in “illiberal democracy” is centered precisely on such ideas and indeed on their justificatory force. The paradigmatic contemporary statement about “illiberal democracy” was made by Hungarian Prime Minister Viktor Orbán in a July 2014 speech given, interestingly, in Băile Tușnad, the small ethnic Hungarian town in Transylvania, Romania. The key sections are these:

the defining aspect of today’s world can be articulated as a race to figure out a way of organizing communities, a state that is most capable of making a nation competitive. This is why, Honorable Ladies and Gentlemen, a trending topic in thinking is understanding systems that are not Western, not liberal, not liberal democracies, maybe not even democracies, and yet making nations successful. Today, the stars of international analyses are Singapore, China, India, Turkey, Russia. And I believe that our political community rightly anticipated this challenge. And if we think back on what we did in the last four years, and what we are going to do in the following four years, then it really can be interpreted from this angle. We are searching for (and we are doing our best to find, ways of parting with Western European dogmas, making ourselves independent from them) the form of organizing a community, that is capable of making us competitive in this great world-race. . . In order to be able to do this in 2010, and especially these days, **we needed to courageously state a sentence, a sentence that, similar to the ones enumerated here, was considered to be a sacrilege in the liberal world order. We needed to state that a democracy is not necessarily liberal. Just because something is not liberal, it still can be a democracy.** Moreover, it could be and needed to be expressed, that probably societies founded upon the principle of the liberal way to organize a state will not be able to sustain their world-competitiveness in the following years, and more likely they will suffer a setback, unless they will be able to substantially reform themselves . . . we have to abandon liberal methods and principles of organizing a society, as well as the liberal way to look at the world.

. . . in the past twenty years the established Hungarian liberal democracy could not achieve a number of objectives. I made a short list of what it was not capable of. Liberal democracy was not capable of openly declaring, or even obliging, governments with constitutional power to declare that they should serve national interests. Moreover, it even questioned the existence of national interests. It did not oblige subsequent governments to recognize that Hungarian diaspora around the world belongs to our nation and to try and make this sense of belonging stronger with their work. Liberal democracy, the liberal Hungarian state did not protect public wealth.

⁷ Fareed Zakaria, “The Rise of Illiberal Democracy.” *Foreign Affairs* (November/December 1997), pp. 22-43. See also his later book *The Future of Freedom: Illiberal Democracy at Home and Abroad* (New York: W.W. Norton, 2003). Many of these themes were also raised in Vladimir Tismaneanu’s important *Fantasies of Salvation*:

Democracy, Nationalism, and Myth in PostCommunist Europe (Princeton 1998).

⁸ See, for example, Steven Levitsky and Lucan Way’s “The Rise of Competitive Authoritarianism.” *Journal of Democracy* (April 2002).

Hungarian voters expect from their leaders to figure out, forge and work out a new form of state-organization that will make the community of Hungarians competitive once again **after the era of liberal state and liberal democracy**, one that will of course still respect values of Christianity, freedom and human rights. Those duties and values that I enumerated should be fulfilled and be respected.

The Hungarian nation is not a simple sum of individuals, but a community that needs to be organized, strengthened and developed, **and in this sense, the new state that we are building is an illiberal state, a non-liberal state**. It does not deny foundational values of liberalism, as freedom, etc. But it does not make this ideology a central element of state organization, but applies a specific, national, particular approach in its stead.⁹

A few things about the speech are particularly notable. The most obvious is Orbán's explicit renunciation of "liberalism" and "liberal democracy," which he associates with an excess of individualism and, indeed, with anachronism in the face of new needs in a new world. Equally obvious is the appeal to national identity, national strength, and to the "national" character of the state—and his insistence on the authentic membership of diasporic communities in the Hungarian state surely was no coincidence given the location of the speech. Finally, while Orbán does not explicitly denounce "liberal values" such as "freedom, he does insist that these values should not be "a central element of state organization." But since what distinguishes liberalism as a political discourse is *precisely* the centrality of a state centered on individual rights and the rule of law, he is in effect stating, loudly, that political liberalism is hostile to an authentically Hungarian politics, and that the proper form of state in Hungary will thus be an "illiberal democracy." Finally, it is worth noting that while Orbán speaks prospectively, articulating a vision, he also speaks retrospectively, about "what we did in the last four years." For indeed, since his return to power in 2010, he has pursued a clear effort to dramatically alter the structure of the state and indeed its very identity (in 2011 a new Constitution was enacted by legislative majority and the name of the country was officially

changed from Republic of Hungary to Hungary). As Erin K. Jenne and Cas Mudde have noted:

The constitutional revolution in Hungary represents a more fundamental challenge to liberal democracy than those seen earlier in postcommunist Poland or Slovakia. Authoritarian leaders typically undermine democratic institutions by not respecting the law. Rather than changing the rules, they bend or break them, relying on patronage and low administrative capacity to get away with it. Hungary's leaders, by contrast, have actually changed the rules. Backed by a 2010 election victory that gave it a two-thirds constitutional majority in Hungary's unicameral parliament and enabled it to pack the Constitutional Court with party loyalists, the Orbán government has rewritten the constitution Although the new constitution is nominally democratic in the sense that it was passed by a two-thirds majority of parliament, it was never popularly approved through a referendum or otherwise.¹⁰

But while Orbán has most relentlessly pursued an explicit agenda of remaking the state as an "illiberal democracy," he is not alone in casting his anti-liberal project as a fulfillment of "democracy." Back in 2006 Vladimir Putin himself offered a similar rationale for his political agenda, responding to questions about his respect for democracy as follows:

I would first ask these people how they understand the concept of democracy. This is a philosophical question, after all, and there is no one clear answer to it. In your country, what is democracy in the direct sense of the term? Democracy is the rule of the people. But what does the rule of the people mean in the modern world, in a huge, multiethnic and multi-religious state? In older days in some parts of the world, in the city states of ancient Greece, for example, or in the Republic of Novgorod (there used to be such a state on the territory of what is now the Russian Federation) the people would gather in the city square and vote directly. This was direct democracy in the most direct sense of the word. But what is democracy in a modern state with a population of millions? In your country, the United States, the president is elected not through direct secret ballot but through a system of electoral colleges. Here in Russia, the president is elected through direct secret ballot by the entire population of the Russian Federation. So whose system is

⁹ Full text of Viktor Orbán's speech at Băile Tușnad (Tusnádfürdő) of 26 July 2014 available at: <http://budapestbeacon.com/public-policy/full-text-of-viktor-orbans-speech-at-baile-tusnadtusnadfurdo-of-26-july-2014/10592>.

¹⁰ Erin K. Jenne and Cas Mudde, "Hungary's Illiberal Turn: Can Outsiders Help?" *Journal of Democracy*, vol. 23, no. 3 (July 2012).



more democratic when it comes to deciding this crucial issue of power, yours or ours? This is a question to which our critics cannot give a direct answer.¹¹

In defending himself in this way, Putin was also drawing on the arguments made by Vladislav Surkov, his chief ideologist of the time, who insisted that: “Our Russian model of democracy is called sovereign democracy. . . We want to be an open nation among other open nations and cooperate with them under fair rules, and not be managed from outside.”¹² For Surkov, such a “sovereign democracy” is distinguished by its *sovereignty*, in other words by its policing of clear boundaries separating it from “outside” influences and especially Western, liberal conceptions of democracy: “I would like to say, that our project is a commonplace one. I would name it briefly as a ‘sovereign democracy.’ It is not good to add something to democracy because a third way issue appears. But we are forced to do that because liberal politicians consider the sovereignty issue as not actual. I often hear that democracy is more important than sovereignty. We do not admit it. We think we need both. An independent state is worth fighting for.”¹³ While Suslov has remained an important figure in Putin’s orbit, the rhetoric of “sovereign democracy” and its cousin, “managed democracy,” has receded from public prominence as Putin has consolidated his hold on the Russian political system. At the same time, the general idea of “illiberal democracy” has clearly continued to gain traction in many parts of the world and especially in parts of post-Communist Europe, as a justification for political agendas of nationalists seeking to use electoral means to achieve legislative majorities, to capture important state institutions, and to use them to permanently marginalize political oppositions.

Muller’s recent book *What is Populism?* is a brilliant discussion of this intellectual political tendency, and in it Muller details the populist and indeed popular and democratic rhetoric of the mainly right-wing movements and parties in question, and exposes the

¹¹ Russian President Vladimir Putin, Interview with NBC Television, July 12, 2006.

¹² Vladislav Surkov, Deputy Chief of Staff of the President of the Russian Federation, June 29, 2006, at <http://www.kommersant.com/page.asp?id=686274>.

¹³ Vladislav Surkov, “How Russia Should Fight International Conspiracies.” (November 29, 2006),

contradictions and dangers of this political worldview.¹⁴ Yet he adamantly maintains that the appeals by right-wing populists to “illiberal democracy” are illicit, and represent a corruption of political language itself, and that those scholars and critics who accept this usage help to reproduce this confusion. He insists that what is at stake is not liberalism but democracy itself, and that “to attempt to limit freedom of speech and assembly, media pluralism, or the protection of minorities, is an attack on democracy’s very foundations.”

But while such formulations may well be objectionable, are they thus contrary to the very *meaning* of democracy? We could simply stipulate that only “liberal democracy” qualifies as “authentic” democracy, and all other conceptions, ideological formulae, and legitimations are simply fraudulent, or “pseudo-democratic.” But I think this is a mistake, a verbal sleight of hand.

First, *it is a historical mistake*. If repression of pluralism attacks the very foundations of democracy (and not simply of liberalism or liberal democracy), then what do we make of the conceptions of “totalitarian democracy” once analyzed and lauded by Carl Schmitt, and analyzed and *despised* by Jacob Talmon? Leninism was centered on a theory of “revolutionary proletarian democracy,” and fascism too, in its Italian and Nazi variants, claimed to institute the “people’s will.” Before 1945 these anti-liberal appropriations of democracy were powerful ideologies, and indeed it was only in struggle against these populist ideologies that a distinctive praxis of liberal democracy eventually emerged. And throughout the entire period of the Cold War, the discourse of “people’s democracy” pervaded the countries of the Soviet bloc (paralleled in “the People’s Republic of China” and “Democratic People’s Republic of [North] Korea”).

Muller knows this. It is a central thesis of his fine 2011 book *Contesting Democracy: Political Ideas in*

<http://www.network54.com/Forum/155335/thread/1164815166/last-1164815166/Vladislav+Surkov%C2%92s+Secret+Speech-+How+Russia+Should+Fight+International+Conspiracies>.

¹⁴ Jan-Werner Muller, *What is Populism?* (University of Pennsylvania Press, 2016).

Twentieth-Century Europe. But even in this book there is some ambivalence. For while Muller acknowledges that these ideologies “played on the register of democratic values” and “promised fully to realize values commonly associated with democracy,” he also insists that “they were not democracies by any stretch—though, as we shall see, many defenders of these regimes did engage in strenuous conception stretching precisely to make that claim plausible.”¹⁵ But in fact, as he himself points out, postwar liberal democracy was *defined in opposition* to these dictatorial regimes that claimed the mantle of “authentic” democracy. I surely agree with Muller that from the perspective of liberal democracy as a historical achievement and a normative value—a perspective I share!—the Stalinist and fascist regimes were dictatorial, tyrannical, brutal, even *evil*. And they were surely hostile to liberal democracy. And there is thus good reason to have been, and to *be*, hostile to *them*. But only from the vantage point of liberal democracy can their partisans be ruled out as not authentically democratic in a semantic and ideological sense. For much of the history of the 20th century, such ideologists offered alternative conceptions—*dangerous* alternatives to be sure—of democracy, ones that were plausible to many people, perhaps even more plausible and compelling than liberal democracy was until WWII and its aftermath. This, again, is the central theme of Muller’s book—that contestation over the value and indeed the very meaning of “democracy” defined the politics of the century.

The totalitarian regimes, in short, represented lethal, and morally and politically objectionable, efforts (mutations?) to institute a kind of anti-liberal, populist democracy. They were hostile to liberal democracy—in part, in the name of an alternative conception of *democracy*.

It is very awkward to speak in this way, to be sure. But it is also necessary. As Muller himself writes in his book: “Though few people, to put it mildly, would nowadays defend the Nazis’ ‘Germanic democracy’ or the postwar Eastern European ‘people’s democracies,’ it is not superfluous to say that most of the ‘democratic promises’ of the extreme anti-liberal regimes were disingenuous (or, at the very least, dysfunctional in practice). But it is also important to ask why these

regimes felt compelled to make these promises in the first place.”¹⁶ It is important to ask this. And the answer is plain: because “liberalism” was in crisis, and it had always been in tension with “democracy,” and because “democracy” had a range of meanings that were the topic of hot and cold contention. And understanding the ideological underpinnings of these alternative conceptions was and is essential to better contesting them in the name of liberal democratic values.

Fast forward to today. Orban, Kaczynski, Erdogan, Trump and Putin are no Mussolini or Hitler or Stalin—at least not yet. And their ideological rationales perhaps lack the “system” and the “power” associated with the interwar discourses of “totalitarian democracy.”

But why deny that they offer a version of “popular sovereignty,” and thus of “democracy,” even if their version would seek to transform an electoral victory into a permanent mandate to rule in the name of “the people” or “the nation”—an objectionable version of “democracy” to be sure, and even an authoritarian one? Denying that this is an interpretation of “democracy,” even if an objectionable interpretation, makes it difficult to understand the ideological struggles of the 20th century. And it also makes it difficult to understand the popular, *demotic* source of the contemporary appeal of the Orbans and Trumps of our world. For a great many right *and left* populists do “play on the register” of democratic values, and challenge real deficiencies of liberal democracy, and claim to promote a more authentically popular mode of representation. And understanding what they are doing with words, and how their words are resonating, is essential to understanding their power. The question of their “sincerity”—whatever this might mean, and however much this might be gauged—is beside the point. As Robert Michel’s noted a century ago in his *Political Parties*, “our age has destroyed once for all the ancient and rigid forms of aristocracy, has destroyed them, at least, in certain important regions of political constitutional life. Even conservatism at times assumed a democratic form. Before the assault of the democratic masses it has long since abandoned its primitive aspect, and loves to change its disguise. . . . In an era of democracy, ethics constitute a weapon which everyone can employ. . . . Today, all the factors of public life speak

¹⁵ Jan-Werner Muller, *Contesting Democracy: Political Ideas in Twentieth-Century Europe* (Yale University Press, 2011), pp. 3-5.

¹⁶ *Ibid.*, p. 4.

and struggle in the name of the people, of the community at large. The government and rebels against the government, kings and the party-leaders, tyrants by the grace of God and usurpers, rabid idealists and calculating self-seekers, all are ‘the people,’ and all declare that in their actions they merely fulfil the will of the nation. Thus, in the modern life of the classes and of the nations, moral considerations have become an accessory, a necessary fiction.”¹⁷ As Michels makes clear, modern politics is in large part *defined* by *competition* for the banner of “democracy.” It is not a question of sincerity. It is a question of *contested meaning*. To stipulate by semantic fiat that the justifications offered by Orban et al are against not just liberal democracy but democracy itself is to refuse to take seriously the potent, if perhaps toxic, ideological brew that many millions of citizens are apparently eager to imbibe.

“ILLIBERAL DEMOCRACY” AS A SOCIAL SCIENTIFIC EXPLANATORY CONCEPT

To say that the discourse of “illiberal democracy” is a real and politically effective mode of legitimation whose popular “logic” and appeal ought to be understood as a dangerous variant of “democracy” is one thing. But to say that the proponents of “illiberal democracy” are in fact instituting “illiberal democracy” as an accomplished fact, is another.

As political theorists and social scientists we are not required to accept the rhetoric of “illiberal democracy” at face value. We are indeed *obliged* to analyze the rhetoric not merely as words or symbols, but as *practices*, linked to political initiatives, movements, parties, and efforts to legislate change. It is essential to appreciate that the social world is partly constituted by language, and that we do *with words* is important. But equally important is what we *do* with the words; and to get at *that* we need to go beyond the words themselves.

Here, I would submit, the language of “illiberal democracy” is problematic, and does suffer from a kind of “conceptual stretching” that inhibits careful inquiry.

¹⁷ Robert Michels, *Political Parties* (Ontario: Batoche Books, 2001), pp. 8, 15-16.

¹⁸ Peter Krastev and Jon Van Til, eds., *The Hungarian Patient: Social Opposition to an Illiberal Democracy* (CEU

For it condenses two questions that are related but also distinct.

The first relates to the ways we characterize the *aspirations* of political agents. If Orban, for example, declares that he seeks to bring about an “illiberal democracy,” then one moment of analysis involves taking his declarations seriously and understanding what he means by “illiberal democracy.” This requires analyzing his uses of this term, the prior uses and meanings on which he draws, the contexts in which he rhetorically acts, and the political “uptake” of his pronouncements among relevant publics. But it also involves *unpacking* the term into its likely practical ramifications: the transformation of state institutions to exalt “national unity” over ethnic and political pluralism; the bringing of relatively autonomous judicial, educational and media institutions under partisan control; the policing and thus the harassment of contacts between domestic civil society institutions and transnational NGOs, IGOs, etc. These are the kinds of things that Orban is *doing* or more accurately *attempting to do* with his invocations of “illiberal democracy.” Does the simple assertion “Orban seeks an illiberal democracy” make sense? Yes. But it is a simple assertion, and it has little content, and as theorists and social scientists we have every reason to be wary of such simple assertions, and to want more explanatory content than such assertions can provide.

The second question to which the analytic invocation of “illiberal democracy” often speaks is a question not about political aspiration but about *regime type*: have the changes instituted by “illiberal democratic” aspirants actually resulted in a regime change, and if so, does the term “illiberal democracy” constitute an adequate way of describing and classifying the new regime? It is in this vein that many journalists and commentators speak of the “rise of illiberal democracy,” and that the Hungarian contributors to an important new volume intend in speaking of *The Hungarian Patient: Social Opposition to an Illiberal Democracy*.¹⁸ This way of talking is also nicely captured in the extended headline of a recent Nation piece by David Ost: “Regime Change Carried Out in

Press, 2015). See also Janos Kornai, “Hungary’s U-Turn: Retreating from Democracy.” *Journal of Democracy*, vol. 26, no. 3 (July 2015).



Poland: Since Taking Office in November, the Law and Justice Party has Abandoned the Institutions of Liberal Democracy in the Pursuit of Raw Power.”¹⁹ There is, to be sure, some ambiguity in this title. On the one hand, this “abandonment” of liberal democracy in pursuit of power is presented as a *purpose* of the Law and Justice Party. But on the other hand, it is presented as an *accomplishment* of this party since taking office three months before.

The implication behind formulations like these seems to be that a new regime has been instituted, in which essential elements of the liberal democracy that had evolved since 1989 have been abandoned.

Is this true? Regime ideologists adamantly insist it is not, and they point to continued existence of civil freedom, and its exercise by government critics such as the Polish Black Monday activists protesting proposed legislation to restrict abortion rights on October 3, 2016, as evidence.²⁰ Most of the commentators would themselves probably concede that it is too early to tell. In the case of Poland, certainly three or four or even fourteen months is a relatively short period of time in which to radically transform a political system through electoral achievements and legislative means. In the case of Hungary, Orbán’s project has evolved over the period of many years, and it has involved substantial institutional changes and the passage, through questionable means, of a new Constitution itself. Here there might be stronger grounds for the claim that there has been a regime change. But even here, I would suggest that many of the analysts of these changes, most of whom are also critics of these changes, recognize that this remains an open question. The recent legal failure of Orbán’s proposed referendum on limiting EU-

mandated refugees surely suggests as much, though Orbán’s response—that he regards the referendum as having been approved anyway, and he will change the Constitution to validate his interpretation—sharply indicates the extent to which regime change continues to be pursued.²¹ In the same way, Orbán’s recent attack on Central European University—involving a (sometimes anti-Semitic) campaign of denunciation of its links to George Soros, and legislation designed to force the closure of CEU’s Budapest campus—has provoked major street protests, and a diplomatic firestorm, and it remains to be seen whether and how Orbán’s clearly anti-liberal effort will succeed.²² One of the reasons to use the language of “illiberal democracy” to describe these changes is precisely to call attention to the illiberal *aspirations* being pursued and changes being made, precisely so they can be arrested, and the “patient” can be restored to (liberal democratic) “health.”

There is, perhaps, an ambiguity and a fluidity to these unfolding developments that makes the term “illiberal democracy” particularly suitable, as a way of denoting what some political scientists call a “diminished subtype” of (liberal-pluralist) democracy, and what others might consider a “weak” or “corrupt” or “failing” liberal democracy or as a liberal democracy suffering from diminishing *quality*.

I note these possibilities, without trying to resolve them, because they are matters of ongoing discussion and dispute among scholars of democracy and democratization. In these debates, the question of how best to categorize and describe “illiberal regimes,” and when to conclude, analytically, that there has been a fundamental change of regime from a liberal-pluralist

¹⁹ David Ost, “Regime Change in Poland, Carried Out from Within.” *Nation* (January 8, 2016).

²⁰ Rick Noack, “Polish Women Go On Nationwide Strike Against Abortion Ban.” *Washington Post* (October 3, 2016), <https://www.washingtonpost.com/news/worldviews/wp/2016/10/03/polish-women-go-on-nationwide-strike-against-proposed-abortion-ban/>.

²¹ Patrick Kingsley, “Hungary’s Referendum Not Valid After Voters Stay Away.” *The Guardian* (Sunday, October 2, 2016), <https://www.theguardian.com/world/2016/oct/02/hungarian-vote-on-refugees-will-not-takeplace-suggest-first-poll-results>.

²² See John Connelly, “Central European University Under Attack.” *Nation* (April 12, 2017), <https://www.thenation.com/article/central-european-university-under/>; “The Anti-EU, Anti-Soros Campaigns Continue with Renewed Vigor.” *Hungarian Spectrum* (April 30, 2017), <http://hungarianspectrum.org/2017/04/30/the-anti-eu-anti-soros-campaignscontinue-with-renewed-vigor/>; and “As Far as Hungarian State Television is Concerned, Soros is an Evil Zionist.” *Hungarian Spectrum* (May 26, 2017), <http://hungarianspectrum.org/2017/05/26/as-far-as-hungarian-state-television-is-concernedsoros-is-an-evil-zionist/>.

democracy to an illiberal or authoritarian regime, is inextricably linked to debate about how best to categorize liberal democratic regimes themselves. The literature on this topic is immense, and the difficult and perhaps irresolvable questions presented by the topic have led one major international team of scholars to develop an overarching framework of analysis called “Varieties of Democracy” (or V-Dem).²³

The basic approach was first outlined in John Gerring and Michael Coppedge’s “Conceptualizing and Measuring Democracy: A New Approach,” published in 2011 in *Perspectives on Politics*. The piece proceeds from the lack of scholarly consensus about how to conceptualize, measure, and thus compare the “democratic” character of regimes. As the authors note, this lack of clear agreement has both theoretical and practical consequences: “Without some way of analyzing regime-types through time and across countries we have no way to mark progress or regress on this vital matter, to explain it, to reveal its consequences, or to affect its future course.” They argue that the principal source of this lack agreement is the complexity and essential contestability of “democracy” as a concept. They argue that “democracy” is a “multivalent concept” that typically comprises at least six distinct dimensions—electoral, liberal, majoritarian, participatory, deliberative, and egalitarian—and that explanatory theories ought to register these distinct dimensions. They describe their approach as “historical, multidimensional, disaggregated, and transparent,” and conclude by considering some of the practical obstacles to its application and the ways these might be overcome.

Their point is not normative. It is empirical-analytic: “We do not propose any particular definition of democracy (at large). We leave this to others. Our intention here is to capture various possible conceptions of democracy without making judgments about how they might be combined or how they might contribute to a summary index. Our claim is that these six conceptions describe our subject in a fairly encompassing fashion and that each conception is logically distinct and—at least for some theorists—

independently valuable. “Perhaps most important for our purposes, Gerring and Coppedge and their collaborators insist on remaining agnostic about the meaning of “democracy” precisely so that it is possible to promote a range of research projects on the diverse processes of *democratization and dedemocratization* over time and space: “the goal of summarizing a country’s regime type is elusive. As we have seen, extant democracy indices suffer from serious problems of conceptualization and measurement. While many new indices have been proposed over the past several decades—all purporting to provide a single point score that accurately reflects countries’ regime status—none has been successful in arriving at an authoritative and precise measurement of this challenging concept. In our view, the traditional approach falls short because its self-assigned task is impossible. The highly abstract and contested nature of democracy impedes effective operationalization. This is not a problem that can be solved—at least not in a conclusive fashion. . . A more productive approach to this topic is to recognize the multiple conceptions of democracy and, within each conception, to disaggregate.”²⁴

In short, following this approach, regimes are shifting targets of analysis; their understanding requires a range of concepts, distinctions, and qualifications; and it is unwise, if not impossible, to stipulate, in a simple or essentialist fashion, what is or is not “a democracy.” And for this very reason, I would argue, the social scientific usefulness of the concept of “illiberal democracy” can only be judged pragmatically. Does it help us to understand certain things about the political projects of contemporary antiliberal political leaders and movements and about the possible or probable changes being instituted in its name? Surely yes. Does it have limits, and do the phenomena that the term seeks to capture also admit of other possible categorizations? Surely yes.

In this sense, the only reasonable social scientific answer to the question “is there illiberal democracy?” is qualified: there surely are phenomena that admit of this label, but whether or not this label suffices, or is the best label to apply, or is as suitable at time T2 as it was at

²³ See *Varieties of Democracy: Global Standards, Local Knowledge* at <https://www.v-dem.net/en/>.

²⁴ John Gerring, Michael Coppedge, et al., “Conceptualizing and Measuring Democracy: A New Approach.”

Perspectives on Politics (June 2011), pp. 247-6, <https://www.cambridge.org/core/journals/perspectives-on-politics/article/conceptualizing-andmeasuring-democracy-a-new-approach/DAF249E74DDD3ACE3FFC96F20EE4074D>.

time T1, can only be determined by specific social scientific analyses and arguments. In the same way, whether a regime being led by an “illiberal democratic” government has moved decisively toward a more full-fledged authoritarian *regime* can only be determined by specific analyses and arguments. And there is no reason to expect a consensus on these questions any time soon.

POLITICAL PRAXIS: DEFENDING LIBERAL DEMOCRACY

So I do not believe that the idea of “illiberal democracy” ought to be discarded as useless or misleading or even exculpatory for antiliberals. It signifies something important that needs to be understood and analyzed, as a kind of legitimation, as a political aspiration of self-described proponents of “illiberal democracy,” and perhaps even as a *very* “diminished subtype” of democratic regime.

The best way for those of us who are committed to pluralist, liberal democracy—and to further deepening its institutional forms—to explain and defend what we value is to oppose the bad things done in the name of “democracy” by carefully criticizing what is wrong with these interpretations of “democracy” and offering a compelling defense of pluralist, liberal democracy. To claim that these bad things are not “really” democracy at all is to play an essentialist semantic game.²⁵ If such a game could work, it might be worth trying. But I doubt it can work.

One reason is conceptual and historical. For, as theorists such as late Claude Lefort recognized long ago, democracy is an inherently open and an essentially contested idea.²⁶ That is why it is so widely claimed by so many political agents, some good and some very bad. There is no alternative, theoretically or politically, to continuing to participate in contesting democracy. This means understanding the elasticity of the democratic idea, and presenting compelling arguments for why any interpretation of democracy that rejects the centrality of civil freedom, pluralism, and contestation is a recipe for a dictatorship with a democratic veneer, and why in the modern world the only morally legitimate way of instituting democracy as an ongoing system of self-

government at the level of the nation-state is through liberal democracy. But there is a second reason it cannot work, and this has to do not simply with the elasticity of the democratic idea, but with the limits of the practices and institutions that this idea has widely come to justify.

In “the West”—an area that now includes the *entire* territory of the EU, including much that was formerly “Eastern Europe”—these *are* the practices of liberal democracy or, more accurately, the practices that the idea of “liberal democracy” has come to signify and to describe. And these practices are frail, and vulnerable, and also rife with inequalities and injustices. Indeed, in some ways they have themselves become *illiberal* or at least incline in this direction. From the United States to Germany to the Czech Republic to Australia to Portugal to Romania:

1. There exists more or less legally open political dissent, opposition, and contestation. But there also exists cartelized political party systems and captured state institutions. And while there are not legal bans on the organization of new parties, there are enormous obstacles—electoral, bureaucratic, financial, and ideological—to their formation;
2. There exists freedom of association but also material inequalities that empower some privileged groups and furnish enormous obstacles to collective action for others;
3. There exists freedom of speech and expression, but also private and public media oligopolies and monopolies that magnify some voices at the expense of others, and also unresolved contests over “net neutrality” that threaten to severely limit the accessibility of contests over “net neutrality” that threaten to severely limit the accessibility of new media to large numbers of people;
4. There exists civil liberty, but also authoritarian forms of policing, and the surveillance and sometimes the punishment of dissenters, and a preoccupation with “national security” and

²⁵ A similar argument is developed by Richard Youngs in “Exploring Non-Western Democracy.” *Journal of Democracy*, vol. 26, no. 4 (October 2015), pp. 140-54.

²⁶ Claude Lefort, *The Political Forms of Modern Society* (MIT Press, 1986).

“homeland security” that formally and informally constrains political debate;

5. There exists legal equality for most if not all citizens, but also enormous material inequalities within societies and across the “democratic world.” Such inequalities often go under the name of “neoliberalism,” and they produce deprivation but also enormous *insecurity* for many segments of society and sometimes for entire countries (think Greece after the financial crisis). In the face of these inequalities, the global decline of social democratic parties represents a major setback for populations—including young people—who experience economic and social insecurity;
6. There exists an egalitarian conception of citizenship, but also rules and regulations that define millions of people as “resident aliens” or “illegal aliens” or “undocumented,” and that justify efforts to exclude or to deport them, and often treats them as without rights and sometimes even as *criminals* simply by virtue of their presence or very existence;
7. There exists gender-neutral civic status, but also legally entrenched forms of patriarchy, especially in the domains of family law and the regulation of gender-based violence, and there also exists contestation of these patriarchal practices, and backlashes of resentment against these contests.

In short, there exists *everything* about the institutional structure and social substructure of the liberal democracies that has given rise to Brexit, the 2014 Greek crisis, the 2013 Bulgarian crisis, and the rise of antiliberals, many calling themselves “illiberal democrats,” throughout Europe, from Hungary and Poland to France and the UK. And that this is not

²⁷ See Justin Gest, “Why Trumpism Will Outlast Trump Himself.” *Politico* (August 16, 2016); John Feffer, “Donald Trump is not the Presidential Candidate We Should Be Worried About.” *Nation* (June 27, 2016); and Farai Chideya, “What Can Europe’s Far Right Tell Us About Trump’s Rise?” *FiveThirtyEight* (May 18, 2016), <http://fivethirtyeight.com/features/what-can-europes-far-right-tell-us-about-trumps-rise/>.

²⁸ Sławomir Sierakowski, “The Illiberal International.” *Public Seminar* (September 14, 2016), <http://www.publicseminar.org/author/ssierakowski/>.

limited to Europe can easily be signified with two words: Donald Trump.²⁷

Liberal democracy, then, gives rise—in a complicated way to be sure—to many of the very forces of illiberalism that contest it. And many of these contests take place on the very terrain of “democracy” itself. And they are not limited to one country or one region. They are global in scope, and involve transnational networks, and transnational challenges.²⁸ As Ivan Krastev argues in a recent piece in *Journal of Democracy*: “what we see in East-Central Europe is not a crisis of democratization but a genuine crisis of liberal democracy, due to major economic failures, a public backlash against globalization and some of the core beliefs of liberal cosmopolitanism, and a decline in the role of Europe and the European Union in world politics. The crisis in East-Central Europe is not fundamentally different from the crisis of liberal democracy that we see in Western Europe and even in the United States. Because of weaker institutions and much shorter democratic experiences, the ECE countries are much more vulnerable; but at the end of the day, this is the same crisis.”²⁹

Those of us who believe that liberal democracy is the only form of democracy consistent with civil freedom in the modern world have no choice but to understand both the strengths but also the practical and normative limits of liberal democracy; to engage, incorporate, and agonistically compete with those social movements and political forces who challenge these limits in ways that are consistent with civil freedom and pluralism; and to oppose and hopefully defeat those forces that challenge these limits in ways that are hostile to civil freedom, political pluralism, and liberalism itself. While in this paper I have focused my attention on the self-styled discourse of “illiberal democracy” associated with right-wing populists in Europe and the U.S., there are

²⁹ Ivan Krastev, “What’s Wrong with East-Central Europe: Liberalism’s Failure to Deliver.” *Journal of Democracy*, vol. 27, no. 1 (January 2016), pp. 35-39. Krastev is writing in response to James Dawson and Sean Hanle’s “What’s Wrong with East-Central Europe: The Fading Mirage of Liberal Consensus,” in the same issue. The disagreements between these authors are interesting but minor, and the entire exchange is consistent with the point I am making here about how the weaknesses of liberal democracy are being contested on the terrain of democracy itself.



forms of left-wing populism, such as the “Bolivarian Revolution” extolled by Hugo Chavez and his successor Nicolas Maduro, that also threaten liberal democratic political institutions, promising to supplant representative government and civil freedom with a more authentic, popular form of democracy.³⁰ Such forms of anti-liberal populism feed off of the real failings of liberal democracy, and pose genuine challenges to it that proceed in part by promising a more authentic “popular sovereignty.” The only way to defend liberal democracy in the face of these challenges is refute such promises, and at the same time to critique and to improve liberal democracy itself. This is a challenge at every level of politics, from the neighborhood to the nation-state to transnational and global forms of governance.

To return to the question that animates this essay: *is there illiberal democracy?*

Yes. There is illiberal democracy, as an aspiration and a politics, and it is something to be understood and criticized by liberal democrats.

At the same time, liberal democracy is not democracy itself. It is a partial and vulnerable *form* of democracy

whose defense requires chronic contestation, extension, and deepening.

This is not a matter that can be resolved through semantic fiat or through efforts to limit “conceptual stretching.” For politics is conceptual stretching, normative contestation, and institutional power. The only “resolutions” possible are *political* ones, and the only political ones worth supporting are ones that leave open the possibility of ongoing contestation, irresolution, and resolution.

We political theorists and social scientists can best contribute to these ongoing contests by developing careful accounts of the range of meanings associated with important concepts like “illiberal democracy” and of the justificatory discourses in which they figure; the actual forms of political contestation these discourses serve; the ways that these contests impact the distribution of political power and the consolidation, weakening, or undermining of pluralistic, liberal democratic political regimes; and the stakes of these contests for the diverse individuals and groups who together inhabit the political world.

La Lutte continue.

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³⁰ In his widely quoted 2006 Speech to the 6th World Social Forum, for example, Chavez extolled: “the union of our people, of all the tendencies of indigenous, workers, campesinos, intellectuals, professionals, women, students, all the ecological tendencies, all those who fight for real human rights, those who fight for justice, equality, dignity. All of us must unite; join together in a victorious offensive against the empire. . . the Bolivarian Revolution’s advancements in education, in health, in the fight against misery, against poverty, in the transformation of the economic model of the 20th Century, in the promotion of a new society of equals, where no one is excluded, in the

promotion of a new political model: revolutionary democracy, participatory and protagonistic democracy, where the people are the essence and the fundamental actor in the political battle, instead of an elite that represents the ‘people,’ representative democracy always ends up being democracy of the elites and therefore a false democracy. The only democracy that we believe in is the people’s democracy, participatory and protagonistic, charged by popular force, by popular will...” Hugo Chavez, “Speech to the 6th World Social Forum” (May 5, 2006), <https://venezuelanalysis.com/analysis/1728>.