

RULING BY CHEATING

There is widespread agreement that democracy today faces unprecedented challenges. Populism has pushed governments in new and surprising constitutional directions. Analyzing the constitutional system of illiberal democracies (from Venezuela to Poland) and illiberal phenomena in “mature democracies” that are justified in the name of “the will of the people,” this book explains that this drift to mild despotism is not authoritarianism, but an abuse of constitutionalism. Illiberal governments claim that they are as democratic and constitutional as any other. They also claim that they are more popular and therefore more genuine because their rule is based on traditional, plebeian, and “patriotic” constitutional and rule of law values rather than the values liberals espouse. However, this book shows that these claims are deeply deceptive – and constitute an abuse of constitutionalism and the rule of law, not a different conception of these ideas.

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RULING BY CHEATING

Governance in Illiberal Democracy

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ABBREVIATIONS

AKP	Turkish Justice and Development Party (<i>Adalet ve Kalkınma Partisi</i>)
CJEU	Court of Justice of the European Union
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
GFCC	German Federal Constitutional Court
HCC	Hungarian Constitutional Court
HFL	Fundamental Law of Hungary
HPM	Hungarian Prime Minister (Viktor Orbán)
IACtHR	Inter-American Court of Human Rights
PCT	Polish Constitutional Tribunal
PiS	Polish Law and Justice Party (<i>Prawo i Sprawiedliwość</i>)
PLD	Plebiscitarian leader democracy
RoL	Rule of law
SCOTUS	Supreme Court of the United States
TCC	Turkish Constitutional Court
TSJ	Venezuelan Supreme Tribunal of Justice (<i>Tribunal Supremo de Justicia</i>)