Regimes of Cheating and the (A)morality of Illiberalism

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Abstract

In their exercise of power, illiberal democracies—as plebiscitarian leader democracies—rely on systematic falsification of facts and ideas and rule by cheating. This type of governance is related to state-centered domination over the public sphere and society. The illiberalism of these regimes is partly related to the needs of domination and partly responds to the regimes’ constituencies’ clear authoritarian predispositions and historically determined collective narcissism. These factors contribute to the inherent anti-rationality of the regime, which precludes liberal public discourse. The institutionalization (normalization) of cheating has serious moral consequences: moral indignation in the context of public affairs is numbed.

Keywords: democracy, illiberalism, Caesarism, moral outrage, cheating
Illiberal Democracy: Oxymoron or Plebiscitarian Leader Democracy?

The standard wisdom holds that emerging illiberal democracies are authoritarian regimes. One should thus clarify what the populist power-grab does not entail. It has not centered on taking over the armed forces or secret services as tools of violent oppression or total domination; changes in these domains have been more or less within the standard of controlling personnel. Instead, having obtained power through elections, the populist forces carry out radical personnel changes in the state apparatus; their new phalanx of cadres in the civil service and in the higher echelons of the administration of justice are central to their exercise of power and control over society. Even without changes to the law, the new cadres’ personal dependence on and loyalty to the leader guarantee that his or her will is carried out, even though this requires twisting the law and the facts. “Workarounds,” or institutionalized cheating, are essential to the leader’s exercise and increase of power.

Academics commonly treat the term “illiberal democracy” as an oxymoron, like an “atheist pope” or a travesty of democracy. This is, in part, because these regimes are not considered to respect the values and forms of operation of democracy; it is also claimed that genuine modern democracy cannot not be constitutional and illiberalism and democracy are incompatible. Undeniably, illiberal democracies drift toward despotism, and as they do so, their authoritarian (illiberal) characteristics become increasingly obvious. But to call them authoritarian does not do justice to the brutality of the oppression that characterizes authoritarian regimes, nor to the arbitrariness of the personal rule of the authoritarian leader. Moreover, it is worth noting that such regimes are willingly and enthusiastically supported by relative minorities.

Referring to their considerable popular support, illiberal governments claim that their regimes are constitutional and democratic—period. In their view, they

- are as democratic and constitutional as any other regime, only more popular and therefore more genuine;
- represent merely one among variations within the family of constitutional democracies, even if the constitutional values they cherish are more conservative, plebeian, and patriotic than liberal-universalists would like; and
- observe the rule of law.

1 This paper relies on the author's Ruling by Cheating: Governance in Illiberal Democracy (Cambridge: Cambridge University Press, 2021).


The constitutional structures of those regimes that came to power through the election of populist leaders are rightly called illiberal democracies. Indeed, this is what Viktor Orbán, the Hungarian Prime Minister and father of the most characteristic and successful example of democratic backlash, calls his creation. Thus, not only is this term the one preferred by actors in these regimes, but it also captures the reality of such regimes. Hungary is an electoral democracy: the outcome of its elections is not fully predetermined. True, the odds of the incumbent of losing an election are minimized, but there is no proof that the incumbent would not accept an electoral loss, which is one possible definition of democracy. Elections are regular, free, but not fair. But of course, electoral fairness is a matter of degree: gerrymandering is less widespread in Hungary than it has been in the US since 1901, while voter suppression is rare in East Central Europe and Singapore.

The illiberal regime is democratic in a plebiscitarian sense. According to Max Weber, leader democracy counts as democracy, but like every mass democracy, it tends towards Caesarism. (Bonapartism is the modern version of Caesarism: for popular endorsement against constitutional elites, it relies on plebiscite.) Furthermore, the quality of the democracy is undermined by its populist illiberalism. The regime is illiberal in two senses of the word. These are: its officially preferred values and its disregard for limiting power.

The existence of such a “rudely stumped” freak of nature insults the prevailing democratic theodicy. That illiberal democracies—with their power-domesticated populism—can be placed (however uncomfortably) in the democracy family indicates that constitutional democracy (liberal or otherwise) remains far from the idealized and even apologetic description used for normative (and political) considerations. Of course, illiberal political regimes, after traversing a grey area, reach a point when they can rightly be called antidemocratic or despotic (and, after a while, even authoritarian).

It does nothing for analytical clarity and political action to uncritically adore and adulate democracy. Instead, it is more fruitful to follow Pierre Rosanvallon’s advice: “Behind a facade of clarity, the word ‘democracy’ conveys modern society’s perplexities concerning its ultimate political foundations.” Of course, fuzzy realities are hardly compatible with most expectations of democracy, namely “popular political self-government,” where people themselves (i.e., not the people, but the citizens, in their empirical majoritarian reality) decide “the contents … of the laws that organize and regulate their political association.” The admission of illiberal democracy into this sacred hall of popular self-government (a Holy Grail that serves normative and apologetic purposes) is understandably disconcerting:

5 Municipal election losses in large cities are accepted but revenge is swift: powers and financial resources are rescinded while loyal cities are compensated through fiscal redistribution.
6 Andreas Schedler, The Politics of Uncertainty (Oxford: Oxford University Press, 2013). Schedler claims that elections are relevant in hybrid regimes because the political fight is not fully determined.
the possibility that illiberal democracy reflects the potential pitfalls of democracy (including its illiberalism) is difficult to stomach.

Such regimes are popularly endorsed, though in a problematic and illiberal plebiscitarian way. Democracy, in a substantive sense, is nearly absent: the illiberal regime fails to recognize the legitimacy of compromise because it denies the legitimacy of the opposition, although in the usual twilight zone of the plebiscitarian regime, the opposition remains legal. More than the shallowness of electoral democracy, the nature of policy deliberation is troublesome: “Outcomes are democratically legitimate if and only if they would be the object of an agreement arrived at through a free and reasoned consideration of alternatives by equals.”

Government decisions in illiberal democracies regularly reflect agreements that supposedly exist (or could have been made) among a sizable majority (e.g. “keep ‘migrants’ out!,” “reduce bank creditors’ mortgage burden!,” “provide benefits to families with many children!,” etc.). However, such “agreements” are not “free and reasoned.”

The legitimacy of illiberal democracy originates partly from its popular endorsement: power emanates from the people, and the people choose who will carry out their will. This is legitimate as popular self-determination, but it results in personal rule. Movement populism needs a leader, a hero of the people’s cause who senses ordinary people’s distress. He is accepted because he can articulate popular resentment. Once victorious, the populist leader turns into a Bonaparte, using his sovereign power for personal, Caesaristic rule.

The illiberal plebiscitarian turn of democracy is quintessential of populism but in many respects only continues existing democratic practices: “even in the stable democratic countries, the collapse of the traditional political parties turns elections into a vote of approbation.” In a plebiscitarian regime, elections are about choosing the person of the leader. The people’s role is acclamation, the voicing of support. And if even voice is too demanding (or risky), the supportive gaze of the spectator-citizen will do. Parliamentary elections also form part of the acclamation: (re)election affirms the leader, expressing agreement with—and trust in—Caesar. The citizens vote for or against him, as the only issue on the agenda; there is nothing to represent, only the question of who will represent this nothingness.

Plebiscitary leader democracy (PLD) owes its scholarly reputation to Max Weber. According to Weber, the plebiscite primarily selects and confirms the leader, whose personal rule is legitimized by permanent popular support. This popular affirmation is

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irrational, as opposed to institutional affirmation in a democracy, which is rational.\(^{15}\) “Plebiscitary democracy—the most important type of \textit{Führer-Demokratie}—is a variant of charismatic authority, which hides behind a legitimacy that is formally derived from the will of the governed. The leader (demagogue) rules by virtue of the devotion and trust which his political followers have in him personally.”\(^{16}\) The leader “responds to his electorate’s psychic, physical, economic, ethical, religious, or political needs; he knows no supervisory or appeals body, no technical jurisdiction.”\(^{17}\) Charisma is routinized and serves as the basis of legitimate rule in mass democracy.\(^{18}\) Illiberal regimes, true to their populist origins, accept majoritarianism enthusiastically; disregard moderating institutions; pursue homogeneity instead of pluralism; and claim a moral mission. In continental European and Latin American societies, “a ‘charismatic nationalist outburst’ [...] has brought in a ‘Caesaristic’ breakthrough.”\(^{19}\) The Caesaristic regime’s shift toward illiberal democracy, and from there to possible despotism, is inherent in the charismatic and unmediated power of the plebiscitarian leader, who rules in the name of popular sovereignty.

Roots of Illiberalism

Unleashed democracy liberates illiberalism (and illiberalism unleashes the totalitarian potential of democracy). Illiberalism here means disrespect of the institutional limits on the concentration of power, intolerance, submissive acceptance of constituted authorities,\(^{20}\) and the imposition of illiberal values (i.e., values that disregard individual freedom). Illiberalism enables a concentration of power that restricts electoral choices. Illiberal democracies function within the formal requirements of the democratic process but without the constitutional commitment and democratic culture that would restrict the totalitarian potential of democracy. The substantive illiberalism (choice of illiberal social values) of the plebiscitarian regime is often described as illiberal mission creep. In Turkey, for example, the primary interest of the political power turned out to be not simply its own perpetuation, but a perpetuation in the service of the greater Cause of Islam, which could not be served by any other government. The leader is ready to save, enhance, impose, and perpetuate illiberal ways.

Raw democracy knows no bounds (except to sustain the power of the leader). It will claim that it only answers to the will of the majority, which would allow its expression of any fleeting desire. In reality, the momentary whim is under the strict control not of procedures and forms, but of the concerns of the plebiscitarian ruler. He will select the passion that serves the regime, and if no such passion exists, he will generate it.


\(^{20}\) On the role of authoritarianism as submission to the leader, see below.
András Sajó

The state relies on a civil service, expecting obedience and loyalty therefrom. The bureaucratic state organization has inherited a clearly authoritarian tradition: the civil services of France and Prussia were originally conceived as hierarchical, quasimilitary, centralized organizations. Efficiency considerations (the merit system), the rule of law (in the early form of legality review), and the constitutionalization of the administration and modern management effected a sea-change, yet the state bureaucracy is still expected to operate according to the rules of subordination, and a sort of authoritarian subordination can be detected in the relationship between the authorities and the public.

“We know at least since Plato’s seminal treatise on the ‘Republic’ that all political systems rise or fall depending on their goodness of fit to the mental requirements of their citizens.” When plebiscitarian regimes enhance illiberal elements of the existing constitutional order, or introduce such features into a new constitution, this satisfies popular sentiment among regime supporters. Such responsiveness is a must, given the need for democratic emotional endorsement of the leader. Populist voters often cherish authoritarian values, and a good number have nothing against being led by a strongman. One should not underestimate the importance, sincerity, and legitimacy of support for the leader and his regime. As O’Donnell observed in Latin America:

The people with whom I spoke were not crooks, or at least did not respond as if they were: they were trying to contribute to some kind of common good even as they trespassed against republican boundaries. They were not alone; their families, fellow party and clique members, and business associates assumed that the officials would behave in this way and would have strongly condemned them had they not. Everyone matterof-factly assumed that informal rules trumped formal ones; I could detect no signs of bad conscience. Formal rules retained significance, but basically as hurdles that officials had to learn to circumvent without provoking damaging consequences for themselves or their affiliates.

In many respects, this kind of understanding characterizes those who say that the nation’s interest remains above the law or constitution. From Singapore to Venezuela, as well in Hungary and Poland, government action is legitimate (even if


22 Prussian civil servants were trained in a feudal and authoritarian tradition, developing an attachment to an abstract concept of the state and its authority. Martin Broszat, *The Hitler State* (New York: Routledge, 2014), 12-13.


25 In a November 2015 speech, MP Kornel Morawiecki, the father of the Polish Prime Minister, argued that “The good of the nation is above the law.” See “Kornel Morawiecki w Sejmie: Nad prawem jest dobro Narodu! ‘Prawo, które nie służy narodowi to bezprawie!’ Reakcja? Owacja na stojąco,” WPolityce, November 26, video, [www.wpolityce.pl/polityka/277101-kornel-morawiecki-w-sejmie-nad-prawem-jest-dobro-narodu-prawo-ktore-nie-sluz-y-narodowi-to-bezprawie-reakcja-owacja-na-stojaco-wideg](http://www.wpolityce.pl/polityka/277101-kornel-morawiecki-w-sejmie-nad-prawem-jest-dobro-narodu-prawo-ktore-nie-sluz-y-narodowi-to-bezprawie-reakcja-owacja-na-stojaco-wideg). This oft-quoted sentence is, however, only a political slogan, not a constitutional theory, and it corresponds to the old Roman adage *Salus populi suprema lex*. In the last few years, Orbán’s main justification for his policy choices is that a given measure serves the good of Hungarian men and women. He relies much less these days on Hungarian national traditions.
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for most people it comes from believing that “this is the only way”). In this credo, the Nation is above the law, and the majority is entitled to determine the common good.

The numerous supporters of the illiberal regime are not simply victims of globalization who are manipulated by populist leaders and dictatorial regimes. Many of them are convinced that by cherishing authoritarian ideas and solutions, they affirm a democracy that finally cares for country and nation—and for them. Illiberal democracy is democracy for illiberals.

In this spirit, the laws enacted in illiberal democracies rely upon and reflect the inclinations of authoritarian social stock. In other words, there are enough authoritarians among supporters of the charismatic leader to make authoritarian legal positions welcome. The leader will select and construe the values and institutions that cater to persons with authoritarian predispositions, who constitute a sufficiently large minority to win elections. The plebiscitarian regime is illiberal precisely because it is democratic.

The message that has mobilized populist voters (in Europe, primarily right-wing populists) has offered an answer to social resentment. Given the level of this resentment, rule in the illiberal state must be an exercise in enhancing self-esteem. As early as 1941, Eric Fromm indicated that where a sense of social insecurity, national humiliation, etc., prevails, self-esteem can be restored through group supremacy. By lending his admirers respectability, the leader provides in-group self-esteem, and by offering a charismatic authoritative figure, he enables subordination-based conformity.

Where the plebiscitarian leader plays the ethno-nationalist tune, authoritarian-minded persons will dance joyfully in the streets. Others will join them; not all supporters of populism score high on an authoritarianism scale. There are many reasons other than personality traits to support populist movements, including nationalism as a cultural fact. Many fellow travelers of the regime do not share its illiberal values but accept it because this is the way to make a living, often a very good one. Others are simply too dependent for their existence on the government and its cronies, who control jobs and benefits. For yet another group, the official recognition of illiberal values merely corresponds to the populist Zeitgeist (the culture of narcissism). Collective narcissism is prevalent in the identity of populist movements. It is common among Hungarians and Poles, especially supporters of the governing illiberal parties. In this type of nationalist identity, collective narcissism makes one believe “that one’s own group is exceptional and entitled to privileged treatment, but that it is not sufficiently recognized by others.”

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Countries such as Hungary suffered from a traumatic past that provides few reasons for citizens to derive genuine positive identity and distinctiveness from their flawed history. Centuries of oppression produced a pessimistic victim mentality, and the ideology and mental habits of robust individualism have not had a chance to establish themselves. Victim mentality, lack of agency, negative emotions combined with unrealistically positive self-evaluation and a fundamentally conservative outlook amount to a propensity to endorse a collective narcissistic mindset that eventually produces voting preferences for an illiberal regime.

The relatively high level of predisposition toward authoritarianism among the populations of successful illiberal regimes is another factor contributing to the illiberalism of the regime and its success. As the regime is plebiscitarian, it must respect and reflect the authoritarian predispositions of the pro-government electorate. Authoritarian predisposition is understood here as a personality trait, one of intolerance toward the other. Persons disposed toward authoritarianism favor “suppression of difference and achievement of uniformity necessitate autocratic social arrangements ....” To quote Adorno’s classic formula, the authoritarian personality has a “general disposition to glorify, to be subservient to and remain uncritical towards authoritative figures of the ingroup and to take an attitude of punishing outgroup figures in the name of some moral authority.”

It is easy to see why a person with such characteristics would be the foundation of “the authentic people” who support the illiberal leader and why is there little resistance to authoritarian drift. Note too that narcissistic culture and personal authoritarianism are likewise present among opposition voters.

Karen Stenner and Jonathan Haidt have argued that all (Western) societies have a pool of basically authoritarian people, amounting to an estimated one-third of the population. Under most electoral systems, this suffices to win election after election. Empirical data indicate that people with authoritarian predispositions are overrepresented in victorious populist movements. Among the 2016 U.S. Republican candidates, Trump-supporters represented a significantly different authoritarianism compared to the electoral bases of other candidates. A survey in 10 European

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countries found high rates of authoritarianism among populist voters, although “[t] here are more authoritarian populists than right-wing populist voters.”

In illiberal plebiscitarian regimes, democracy is not about common deliberation that produces temporary, reasonable compromises acceptable to all citizens, but represents an opportunity to express agreement with the leader, who has the power to support “us,” our identities and interests, and who serves the collective of supporters. The leader can count on authoritarian submission and excessive fear of the “other.” The acceptance of authority is either compelled or embraced as the normal state of affairs: government authority is respected because the state and its leader have higher standing, as in Singapore, where the authority of the regime stems from the ruling party’s consecutive electoral victories, which have created both the impression and the reality of “no alternative.”

Plebiscitarian government, i.e., permanent acclamation that gives continuous legitimacy to the leader and his government, is possible if and when the leader can assume that the citizenry will be deferential to state authority. With enough authoritarian-minded or conformist people who will obey and endorse without further demand for legitimacy, the leader can afford the risks of a contested election: as long as his routinized charisma remains effective (thanks to, among other things, his control over mass media and social media), the deferential relative majority will endorse him. So too will the mass of people who are simply dependent on the resources controlled by the state and other power centers supervised by the leader and his cronies (e.g., state-provided employment, welfare, and other benefits). Beyond dependence, legitimacy is also an important factor: people will accept commands from the state simply because they originate from the state and because the leader maintains legitimate authority not only in the sense of legality, but also in the plebiscitarian sense of being popularly authorized. For other supporters of illiberal regimes, conformism will suffice, especially where civic resilience does not form part of the local culture.

Authoritarianism and serf mentality are likely more common (or more easily “liberated”) where these are part of the historically determined culture of a country; there will be less resistance thereto where the prevalent culture does not support autonomy or republican citizenship, where (as in Hungary) the prevalent social strategy of survival is traditionally the acceptance of the given, and where the resources necessary for independent citizenry with agency (and models of successful independent agency) are scarce. In other words, where society is short on democratic and liberal experience, and learned acquiescence constitutes the cultural legacy (a characteristic of the homo sovieticus), social resistance to illiberalism and hegemonic domination is less likely. With such cultural experience, social interactions will likely reinforce acquiescence (conformism) and elevate intolerance and exclusion of the other as enemy to the new social norm.

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39 This is what makes Poland different: the country has a strong tradition of civic resilience that is shared by more engaged PiS and opposition supporters.

40 It is noteworthy that Hungary is the only EU member state with a Catholic tradition that is close to countries with a Greek Orthodox background. Hungary was low on the values of self-expression (social toleration, life satisfaction, public expression, and aspiration to liberty). “Inglehart-Welzel Cultural Map, WVS wave 6 (2010-2014),” World Values Survey, accessed May 23, 2022, https://www.worldvaluessurvey.org/WVSContents.jsp.
Ruling by Cheating and its (A)moral Consequences

“There are two ways in which injustice may be done, either through force or through deceit; and deceit seems to belong to a little fox, force to a lion. Both of them seem alien to a human being; but deceit deserves a greater hatred.” 41 This was Cicero’s view. Machiavelli, by contrast, held that the wise commander should “never attempt to win by force” what he “was able to win by fraud.” 42

Indeed, despite the moral depravity of deceit, ruling by cheating is all too common. Manipulations with/of institutions, ideas, facts, education, and the law are constitutive elements of a potentially self-perpetuating political system (a regime) that claims to satisfy the formal requirements of a constitutional democracy. Plebiscitarian leader democracies (PLDs) of a populist stamp are ruled by cheating—and by all the progeny of the concealment of truth in order to mislead: lying, deceit, fraud, spin, tricks, etc. Illiberal democracy manipulates what and who the people are; it twists and bends the law to resemble a system that faithfully observes the constitution and the rule of law; it cheats to enable the favoritism that it needs to dominate in a patronage system and perpetuate its power. A constitutional democracy cannot exist amid constant misinformation that deprives its citizens of the facts and honest norms needed for rational discourse. 43 A legal system that claims to empower people when it only caters to their bias and prejudice becomes a cheater: it will deprive people of the rational capacity needed for democracy while increasing its own legitimacy fraudulently by making deceived people and innocent bystanders believe that the system is democratic, constitutional, etc.

While lying is not uncommon in illiberal governance, cheating is more characteristic. Cheating entails pretending to observe a rule in order to depart from it, most often reaping undeserved benefits from the cheated persons or from the “system” in the process: “in violating a rule that others follow, and thereby breaching an obligation to restrict his liberty in a manner agreed, the cheater gains an unfair advantage.” 44 In the act of cheating, the cheater (mis)represents himself as conforming to norms. European PLDs import authoritarian leftovers from “beyond-criticism” Western democracies in a strategic, mala fide way. They rely on “the fallacy of composition,” which assumes “that if the components of an aggregate … have a certain property, the aggregate … must also have that property.” 45

This is possible, among other reasons, because there remain too many authoritarian leftovers in constitutional democracies. These do not undermine democracy in their original country, but when bundled together in illiberal democracies, the cumulative effect proves lethal to constitutional democracy. “Each step, legal in itself, might

41 Marcus Tullius Cicero, On Duties (De Officiis) (Cambridge, MA: Harvard University Press, 1913), 41.
43 Steven Levitsky and Daniel Ziblatt, How Democracies Die (New York: Crown, 2018), 198 et seq. on President Trump’s systematic use of lies and its devastating consequences for democracy.
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undermine liberal democracy a little bit more.”46 Difference of degree turns into difference of kind. The result is the Frankenstate, an entire system of illiberal fakes. However, this is not ordinary arbitrariness, which would deprive the regime of the blessings of the rule of law; such cheating is not the illiberal unconstitutionality described in Fraenkel’s Dual State, where the “law as applied has no relation to the stated law.”48

Instead, plebiscitarian leaders tend to replace accountability with the semblance of responsive government, turning spin doctors into key players in communications and replacing governance with rhetoric about governing. Spin-doctored democracy has reached new levels of fraud in illiberal democracies. Notably, however, the officially articulated goals do not differ from what is acceptable in any constitutional democracy. In the currently prevailing deferentialism (aka legal defeatism), the standard assumption is that the purpose of the government and law must be taken at face value and that the people’s choice is correct (as there is no higher standard).

How to explain the success of the patent legal falsity used by illiberal regimes? These regimes rely on “willful ignorance”.49 Of course, all contemporary democracies operate in a world of heightened manipulation (“fake news”) that makes it less likely that legal cheating will be unmasked. Even if unmasking occurs, there are no legal or social consequences. Intellectual and moral revisionism makes legal (and underlying political) cheating hardly a matter of outrage. Cheating is not even a matter of concern for the PLD: it flies under the radar, increasingly unnoticed. The typical public reaction is: “So it goes.” A lack of constitutional honesty and morality matters little in a cynical world that questions the very possibility of truth—particularly moral truth—and where being economical with the truth is a sign of power. In a context where politicians of a mature democracy can shamelessly and publicly claim that electoral redistricting is about maximizing seats for the party, irrespective of actual majorities and equal voting power (as in North Carolina, without any legal action by the Supreme Court50), one can hardly claim that value-based standards matter. For illiberal democracies, shameless lying is normal. They can lie with impunity once the population is convinced that there is no truth and that claims of truth are the ultimate manipulation, especially in matters of what is good or bad (except when it comes to agreement with the nation or the “true people”).

The constitutional regime of illiberal democracy is a regime of cheating. At times, it is close to the inventiveness of Orwell: it calls itself a constitutional system of checks and balances, yet the separation of powers serves only one-man rule. It claims to respect freedom of expression, not even punishing those who insult the government, but critical coverage cannot compete with monopolized and state-dependent private and so-called public media, which operate as government brainwashing machines in the service of the nation and its authentic people. This characteristic feature


49 “In law [the ‘willful ignorance doctrine’ refers to the rule that juries may convict a defendant of a knowledge crime even if he was only willfully ignorant of the incriminatory proposition.” Alexander Sarch, Criminally Ignorant (New York: Oxford University Press, 2019), 12.

of Bonapartism, the state of pseudo-liberty, was long ago observed by Benjamin Constant: “Despotism banishes all forms of liberty; usurpation needs these forms in order to justify the overturning of what it replaces; but in appropriating them it profanes them.” 51

In many respects, the illiberal regime has reached near-perfection via counterfeit. The counterfeiter can proudly sell his product as lawful.

Vaclav Havel described communism as a system where citizens live in lies. He hoped that one day they would step out of “living with the lie” and that would be the end of communism. 52 Today, however, we are “living in lies” again. The government’s lies go beyond law; they permeate politics, business, and culture. The arbitrary regime that rules by cheating disrespects its citizens and makes them complicit in its deceit. 53 Regardless, they are treated as dupes to be manipulated. The government claims that it observes the rule of law when it only rules by law; it claims democracy is observed as opposition parties regularly contest elections, although what they offer is plebiscitarian acclamation and not common decision developed through discourse.

The trickster is modest. This is one reason for his success. The strategy is “not cheating all of the people all of the time, for the ideology must be believed, [therefore] it should ... actually seem to be just.” 54 Illiberal democracy knows how to behave itself, and contrary to communism or even contemporary Russia, it cheats only to the extent necessary—at least for a while. Democracy and respect for the law remain the prevailing language of power, even if this moves to a rhetoric of some common (national) good or interest. 55 At the same time, nationalism and identitarianism are key to public mobilization and provide a source of plebiscitarian support for power.

A system based on cheating and lies can be efficient for the survival of the regime, but at considerable cost: “Why would you not try to evade taxation since the fiscal authorities will most likely not punish your evasion; or not make a practice of fraudulently collecting a pension; or not even decide to illegally build a home on public land in the knowledge that the government will eventually legalize it for a small fee.” 56 What Hale noted with respect to Russia applies to most illiberal regimes (Singapore excepted): where official cheating is the norm rather than the rare exception, it will be accepted even if people abhor corruption. “And when they expect virtually everyone to practice corruption and nepotism and believe that they cannot rely on others to obey or enforce the law, then they face very strong incentives to engage in the very same practices themselves if they want to get anything done—

52 “Living within the lie can constitute the system only if it is universal...everyone who steps out of line denies it in principle and threatens it in its entirety ....” Vaclav Havel, “The Power of the Powerless,” in Vaclav Havel: Living in Truth, ed. Jan Vladsilav (London: Faber & Faber, 1986), 55-6.
53 The politically unconnected businessman will participate in a public procurement tender, deliberately presenting a losing offer, only to become one of the subcontractors of the winner.
54 Martin Krygier, “The Rule of Law and State Legitimacy,” in Legitimacy: The State and Beyond, ed. Wojciech Sadurski, Michael Sevel, and Kevin Walton (Oxford: Oxford University Press, 2016), 118. The internal quote comes from Edward Palmer Thompson, Whigs and Hunters: The Origins of the Black Act (New York: Pantheon Books, 1975). In a part omitted from the quote, Thompson requires one additional thing: the law “should display an independence from gross manipulation.” This element is the least satisfied in illiberal democracies, but the standard is display, and not an actual lack of manipulation, a sort of cheating. Once again, this is constitutional chicanery, which is difficult to capture in rule-of-law terms. See András Sajó and Renáta Uitz, The Constitution of Freedom (Oxford: Oxford University Press, 2017), 4.
55 See the PiS’ slogan from 2015 onwards: “good change.”
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even good things." In Hungary, cheating is tolerated socially as being “cagey.” Such tolerance enjoys a long tradition in Hungary, as well as in a number of other less robust democracies. To survive in an oppressive regime, norm-breaking was essential; the hero of folktales was a smart, dirt-poor country boy who won over the local lord with tricks and cheating. In Hungary, “trickiness” is a sign of cleverness. It is accepted as a norm, part of the survival strategy of ordinary citizens. It is part of a serf mentality inherited from feudalism and very apt in neo-feudal dependency.

The (a)morality of officials becomes that of subjects. Moreover, there is a generalized loss of trust both in the authorities and in fellow citizens. Faith in the possibilities for rational discourse disappears in the false contrast between friend and enemy. This means the end of substantive democracy, as there is no democracy without reason-based deliberation. This is what regimes of usurpation achieve. As Benjamin Constant, our Virgil in the inferno of Caesarist regimes, tells us, the authorities will “have to strive to banish all logic from the spirit” of citizens: “all words would lose their meaning.”

Public morality, like that of officials, will become cynical, although the regime will flourish in the hypocrisy it enforces through its institutions: “this hypocrisy will prove still more corrupting still no-one believes in it. It is not only when they confuse and deceive people that the lies of authority are harmful: they are no less so when they do not deceive them in the least.”

Unsurprisingly, ruling by cheating is socially accepted in PLDs. On the road to despotism, Hannah Arendt warns, “totalitarian movements conjure up a lying world of consistency which is more adequate to the needs of the human mind than reality itself; in which, through sheer imagination, uprooted masses can feel at home and are spared the never-ending shocks which real life and real experiences deal to human beings and their expectations.”

A political system based on an intermingling of lies, deceit, and misrepresentation cannot be authentic, but paradoxically, it is the inauthenticity—the respect of law and democracy in their breach—that renders it efficient in the sense of stability. The institutions fall in line first, but after a while, a growing number of citizens accept the lies and become accomplices of the regime—some of them cynical, others enthusiastic. Even if the cheating is obvious and the statements of the government or the decisions of the authorities are fake (for example, regarding the legality of a procurement that results inevitably in the victory of the same people), the public

58 According to a 2019 Eurobarometer survey, corruption is more accepted in Hungary than in any other EU member state, though 80 percent of respondents consider that high-level corruption is not pursued sufficiently. The Poles remain far more sensitive to corruption. “Special Eurobarometer 502: Corruption,” European Commission, June 9, 2020, http://data.europa.eu/88u/dataset/S2247_02_4_502_ENG.
60 Constant, Political Writings, 66.
61 Ibid., 66.
reaction may not change. The logic of illiberalism and the attachment to cheating will drive even unwilling leaders to become less and less modest in their autocracy, and yet the same minority will keep the leader in power democratically even after he becomes despotic.

Any exercise of power that relies on systemic cheating has morally devastating consequences. One of the consequences of this state of affairs is loss of moral capacity among the population, at least in public affairs. As a rule, norm-breaking, i.e., departure from the status quo or reference state, results in outrage, a form of anger. Moral indignation is generally understood as an emotional reaction (feeling) to an action perceived as violating social norms. Outrage triggers condemnation and even actual sanction and sends a message to the community about commitment to the norm.

There is less and less place for moral outrage or indignation in the empire of cheating and lying. Norm-violation is normalized, even if people still have a vague idea of what is right and wrong, good and bad.

The absence of moral outrage and indignation is most visible in matters of corruption (and pillage and plunder of public goods), but what I find particularly troubling is the denial of support for Ukraine among Hungarians who accept the frame imposed by government-controlled media. Because of the irrelevance of public morality in a world of cheating and lying, where immorality is normalized, the propaganda can build upon the moral vacuum and lack of rational reflection that prevails in society.

The current Russian aggression violates a very basic rule that applies even at the level of the childhood sandbox. War as aggression is a clear example of the breach of a fundamental norm of peace in a civilization that rejects aggressive behavior. Even small children know that it is impermissible to attack the other violently, except in self-defense. However, most Hungarians, especially government supporters, are not morally troubled by the Russian aggression. Even if many individuals are ready to provide some kind of support to Ukrainian refugees, a clear majority are not ready to make even minimal personal sacrifices to diminish the prospects of the Russian war effort in Ukraine. To wit, one question in a representative survey conducted in late March 2022 concerned willingness to pay slightly more for heating to diminish Russia’s gas and oil revenue. Another survey found that less than one-third of Hungarians supported sanctions against Russia, even though nearly two-thirds considered Hungary too close to Russia. Hungary


65 The Polish public reaction is different, as the Polish identity is determined by a historical experience that supports fear of Russians.


stands alone among the surveyed European Union nations in denying support to Ukraine; as in Saudi Arabia, the opinion that “the problems of Ukraine are none of our business and we should not interfere” prevails. This lack of solidarity seems to be a purely private-interest-driven choice unaffected by either empathy-based solidarity or identification with the Western political alliance. It could also be read simply as reflecting insecurity-induced anguish. The fact remains that collective or moral-value-driven choices are not decisive for the majority.

One explanation is that Russian aggression is framed cognitively in a way that overrides or displaces intuitive moral outrage. Mass manipulation certainly contributes to this event. But the brainwashing and the identification with the amoral, pseudo-rational position of the Leader would not work without a general disrespect for moral positions.

Amoralism is part of the dominant culture and it builds on a path-dependent, inherited behavioral strategy that has its roots in serf mentality, politely called peasant mentality. This mentality does not challenge authorities but follows a strategy of rule-avoidance in which workarounds are praised as the ultimate smartness. This is coupled with a desire not to get personally involved in decisions regarding fellow citizens, except where conformism requires it.

Serf mentality was documented in Hungary as early as the eighteenth century. But its most elegant formulation is offered by Benjamin Constant as a general rule of political psychology: “Subjects who suspect their masters of duplicity and perfidy, themselves develop a like duplicity and perfidy. ... Truth seems to him stupidity, deception an index of skillfulness.”

The serf mentality is reinforced today by social dependency. Those who feel powerless do not imagine themselves to have agency and feel no responsibility for external events. Moral outrage is an unaffordable luxury. Given that people live in lies, there is simply no place for public morality. Moral truth does not exist.

It would be unfair to state, without further research, that this egoistic instrumentalism indicates that Hungarian society’s moral compass is missing. What one can say with some certainty is that this seemingly rational, self-interest-based position—which excludes morality from one’s preferences—corresponds to the passive, almost Byzantine-Orthodox mentality repeatedly observed in World Values Surveys of Hungary. It is also more than likely that the social relations of domination have reinforced this subordinate, survival-oriented Orthodox mentality.

Based on historical experience, we should not be surprised. Moral outrage quickly disappeared in 1933 in Germany or, more precisely, was directed such that the outrage supported outrageous acts, as in matters of antisemitism. There was moral outrage, at least among convinced Nazis and anti-Semites, but the moral frame was

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70 This is not a matter of general poverty among respondents who cannot afford any further increase in the cost of living. When a pensioner was asked about the idea of turning the heating temperature down by one degree, he responded that he was too old to live in the cold.

71 Constant, Political Writings, 65. Imposture was characteristic of the rule of Napoleon, the quintessential plebiscitarian leader before democracy.

shifted with surprising speed and efficiency. The Nazis relied upon and mobilized a
cognitive frame where intuitively self-evident dictates of not harming others were
irrelevant; the distinction between good and bad was based on group identity and
belonging. Moral duty meant loyalty to one’s community even if the representatives
of the community were actually committing outrageous bestialities in the name of
the group.

In Hungary today, to the extent moral outrage is still relevant, it does not follow the
morality of the Enlightenment. It works primarily where ressentiment, i.e., a fixation
on alleged past collective injustice, can mobilize it. Injustice against Transcarpathia
(which has not been Hungarian territory for the past century) is what matters in the
Ukraine war. While it is blatantly stupid and self-destructive to compare Orbán & Co.
to Hitler, the morality of tribalism is relevant in what we observe in Hungary.

The denial of norm-violation (in this case the Russian violation of international law)
and the rejection of moral indignation, shocking as it is, should not surprise. Humans
are not built to live in psychological tension. One way out of this is psychic numbing,
a term coined by Lifton to describe the “turning off” of feeling that enabled rescue
workers to function during the horrific aftermath of the Hiroshima bombing.73

The numbing of moral outrage—i.e., the elimination of anger and indignation by
normalizing the norm violation—seems to follow a comparable pattern. Feelings
are temporary and hard to sustain over time, while cognition is capable of mental
overwrite to reduce cognitive dissonance. There are emotions that militate against
the moral intuitions dictated by moral outrage. Identity-based emotions can counter
or even prevent indignation. The centering of nationalist identity around the leader
counters the moral indignation that would result in action contrary to what the
leader dictates or suggests. Where cheating is normalized, liberal morality no longer
makes any sense. Authenticity seems to be an elitist impossibility and therefore there
is no place for morality in illiberal regimes: moral intuitions are numbed. This (a)
morality is key to the success of illiberal democracy.

The moral perspective first became irrelevant, then suspicious, and finally a matter
of heroism.

“...unhappy is the land that needs a hero.”
- Bertolt Brecht