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## Conceptualizing the Theoretical Category of Neo-militant Democracy: The Case of Hungary<sup>1</sup>

**Abstract:** The article aims to formulate a theoretical category of neo-militant democracy that applies to study the nature and dynamics of democratic regimes after the 2008 economic crisis. It conducts an empirical test to verify the analytical effectiveness of the redeveloped category. The test takes a form of the case study of the Hungarian political system. Apart from a verification-objective, the research aims to identify and account for the dynamics of the Hungarian regime in terms of the neo-militant democracy principle. The qualitative method of source analysis serves to collect data on the processes of becoming neo-militant democracy. The selection of sources is deliberate and oriented on finding information about the implementation of neo-militant democracy measures in Hungary (2008–2019). The technique of qualitative content analysis applies to identify the nature of these processes. The theoretical tool is the category of neo-militant democracy, which simultaneously undergoes the empirical test. The main argument is that the process of becoming neo-militant democracy took a traditional form since the Hungarian neo-militant democracy principle drew on the traditional means introduced by Loewenstein rather than innovations advanced by the current research

**Keywords:** *militant democracy, Karl Loewenstein, neo-militant democracy, authoritarianism, political regime, hybrid regime, Hungary*

### Introduction

After 2008, in Europe, the imposition of austerity measures has resulted in the loss of public confidence in political elites, mainly due to the high social costs of policies. The wave of

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austerity-driven protests, apart from economic slogans, in the face of the defeat of representative democracy identified with the free market, has revealed grassroots claims for real participation in the decision-making process. Further to the withdrawing of the legitimacy of the ruling by the ruled, democratic systems have started to take on the qualities of non-democracies by using, e.g., legal restrictions on political demonstrations and limitation of statements in social media (Capoccia, 2005; Cliteur, Herrenberg & Rijkema, 2015; Weill, 2017). The regimes have introduced these measures to guard themselves against political opponents and to survive in a new social reality (Zwick, 2018; Bäcker & Rak, 2019). Thus, the systems have begun failing to meet the distinctive properties of the old neutral model of liberal democracy, which assumed that all political views give people the same rights of expression and association, and they have started transforming into militant democracy (Capoccia, 2013). In the latter, the government, the parliament, and the judiciary are fit with legal means which allow them to restrict individual democratic freedoms to defend the liberal democratic order against those considered the enemies of democracy (Loewenstein, 1937a, p. 418; Molier & Rijkema, 2018a, p. 405). These factors have led up to the revival of the studies on militant democracy, even though contemporary political regimes are substantially different from the subject of the first study of militant democracy, the failure of the Weimar Republic to defend itself against the threat of National Socialism (German: *Nationalsozialismus*) (Loewenstein, 1937a, p. 418; 1937b, p. 640).

These observations have motivated the quest for the redevelopment of the theoretical category of militant democracy. On the one hand, the modification assumes the essential features of Karl Loewenstein's classic approach to keep the established meaning of a particular state of political regime. On the other hand, the update consists in the modification of the theoretical framework to include features significant for the post-2008 processes of taking on the features of neo-militant democracy by regimes and leave aside the qualities whose significance has lapsed. The current body of scholarship provides empirical evidence on the significance of particular definitional elements of the category, and thus it contributes to a theory-grounded and empirically justified analytical framework. This article aims to formulate a theoretical category of neo-militant democracy that applies to study the nature and dynamics of democratic regimes after the 2008 economic crisis. It conducts an empirical test to verify the analytical effectiveness of the redeveloped category.

## **Methodological Assumptions for the Study**

The test takes the form of a case study of the Hungarian political system. Apart from a verification-objective, the research aims to identify and account for the dynamics of the Hungarian regime in terms of the neo-militant democracy principle. It is a deliberate decision to focus on Hungary because this state is a vivid example of contemporary de-democratization (Buzogány, 2017; Bogaards, 2018; Bozóki & Hegedűs, 2018; Pállinger, 2019). The study contributes to the methodology of political sociology by proposing an analytical tool for

identifying and comparing the manifestations of neo-militant democracy. It also contributes to democratization studies by delving analytically into Hungarian de-democratization and explaining its neo-militant dimensions.

The research covers the period from 2008 to 2019. The initial caesura is the beginning of the economic crisis, which resulted in the mobilization of anti-system parties, protest movements, and populist circles. The closing caesura is an election to the European Parliament and appointment of new commissioners to the European Commission. According to declarations, their priority is to contribute to the strengthening of European democracies and stop de-democratization (European Commission, 2019).

The empirical part of the paper is pragmatic and solves the research problems of what the dynamics of the Hungarian political regime in terms of the neo-militant democracy principle was, and what factors shaped it. The analysis draws upon the assumption that the regime was becoming neo-militant democracy (Palonen, 2018). Neo-militant democracy is a democratic system that legally restricts individual democratic freedoms to protect itself from the threat of being changed by legal means. It is a foreshadower of the repressive state that defends itself against non-systemic political opposition. In line with the first hypothesis, the system might have started taking on the features of neo-militant democracy since 2010. Second, the number of neo-militant democracy features might have increased. In 2010, Viktor Orbán assumed the office of the prime minister, denounced political liberalism, and started promoting national and illiberal views (Krekó & Enyedi, 2018). Then, the number of public speeches where the prime minister criticized liberalism identified with “corruption, sex, and violence” significantly increased (Orbán, 2014; Bocskor, 2018; Toomey, 2018). Orbán’s speeches might have been the means of political legitimation of neo-militant democracy. They might have been the symptoms of qualitative changes in political regimes (Buzogány & Varga, 2018).

The qualitative method of source analysis serves to collect data on the processes of becoming neo-militant democracy. The selection of sources is deliberate and oriented on finding information about the implementation of neo-militant democracy measures in Hungary (2008–2019). The source corpus includes the Hungarian Constitution of 1949 with amendments in 1989, the Fundamental Law of Hungary (the state’s constitution which replaced the previous constitution and entered into force on 1 January 2012), Right to Freedom of Assembly Act, Right to Freedom of Assembly Act, Media Legislation (Act CLXXXV on Media Services and the Mass Media, Act CIV on the Freedom of the Press, and the Legislation on Taxation of Advertisement Revenues of Mass Media), Law on the Transparency of Organizations Supported from Abroad, Act C of 2011 on the Right to Freedom of Conscience and Religion, and the Legal Status of Churches, Religious Denominations and Religious Communities, Act LV of 1993 on Hungarian Citizenship, Act LIII of 2017 on the Prevention and Combating of Money Laundering and Terrorist Financing, Criminal Code of Hungary of 1978, Act C of 2012 on the Criminal Code, Act XXXIX of 2001 on the Entry and Stay of Foreigners, and Act LXXX of 2007 on Asylum. The technique of qualitative content

analysis applies to identify the nature of the principle of neo-militant democracy alteration. The theoretical tool is the category of neo-militant democracy, which simultaneously undergoes the empirical test.

The following part of the article introduces the critical literature review and presents the theoretical category of neo-militant democracy. The proposal of a theoretical tool is followed by its test and conclusions on the case of Hungary.

## **Toward the Theoretical Category of Neo-militant Democracy**

In the 1930s, Loewenstein coined the term “militant democracy” to address the failure of the Weimar Republic to defend itself against the threat of Nazism (Loewenstein, 1937a, p. 418; 1937b, p. 640). In drawing on normative arguments, Loewenstein states that “democracy, becoming militant, can be saved; and when fascism uses with impunity democratic institutions to gain power, democracy cannot be blamed if it learns from its ruthless enemy and applies in time a modicum of the coercion that autocracy will not hesitate to apply against democracy” (Loewenstein, 1935a, p. 593; 1938b, p. 774). According to Loewenstein, a militant democracy uses legislative measures against subversive propaganda and abuse of democratic liberties of free speech, the press, association, assembly (Loewenstein, 1937b, pp. 638; 642; 1944, p. 366), universal suffrage, and organization in political parties (Loewenstein, 1946, p. 47). The implementation of the militant democracy principle aims to forbid the undermining practices of the enemies of democracy, non-democratic fascists’ propaganda, the forming of private armies, the wearing of party uniforms and badges in public, and the parading of the semi-military paraphernalia which are essential for the initial display of fascist activities (Loewenstein, 1935a, p. 593; 1935b, p. 762).

Since Loewenstein’s main focus was the failure of the Weimar Republic to defend itself, the contextual references to fascism were significant definitional features (Rijkema, 2018, p. 25). Although fascism has not stopped being one of the distributed types of political thought as well as non-democratic forces have not ceased to be meaningful political subjects, fascists and non-democrats are no longer the only types of subjects that might threaten democracy (Rijkema, 2018b, p. 170). The self-negativist, nativist, and counter-acculturative types of political thought organize an awareness framework for contemporary anti-globalization, escapist, and self-isolationist movements (Féron, 2004, p. 119). These movements make use of the state apparatuses they stand against. Thus, the studies on contemporary political regimes should not cover just the role of non-democratic political parties for the development of neo-militant democracies.

The nature of taking on non-democratic features by democratic regimes is entirely different from before and after World War II. The sheer process of acquiring these features is not program-ideological but stems from impetuous and reactive political activities. After World War II, especially from the end of the Cold War to the 2008 financial crisis, non-democratic movements were fragmented and marginalized. After 2008, their structures and epistemic

apparatuses have emerged under cover of populism in strong catch-all parties. The parties are not the producers but often the utterers of disapproval of democratic mechanisms that are noticed in contemporary society. The differentiation between democratic and non-democratic subjects is objectless since they use the same means to achieve similar goals. Nowadays, neo-militant democracy defends itself against all kinds of non-systemic political opposition, not only against non-democratic forces.

Note should be taken, the new social milieu, which emerged from the Information Technology revolution, has fit both democratic and non-democratic forces with the unseen resources used to broaden the repertoire of contentious performances. Nevertheless, it has become insignificant for the nature of neo-militant democracy, whether contentious performances are democratic or non-democratic (McAdam, 1983, p. 736). The current studies on contentious politics show that the inclusion of innovations in a repertoire of contention and the dynamics of contention are of stronger explanatory power than the simple division of democratic and non-democratic means (McAdam, 1983, p. 736).

In line with the newly proposed definition of neo-militant democracy, it is the democratic system that legally restricts individual democratic freedoms to protect itself from the threat of being changed by legal means. A set of legal ways of the regime self-defense has been established on the basis of the current empirical case studies and comparative analyses on contemporary militant democracies. The neo-militant-democracy measures are as follows: (M1) the limitations of the freedom of assembly (Mareš, 2012, p. 34), (M2) the press (Capoccia, 2005, pp. 57–61), (M3) speech (Ijabs, 2016, p. 289; Mareš, 2012, p. 36), (M4) association (Mareš, 2012, p. 36), (M5) religion (Müller, 2012, p. 1119), (M6) passive voting rights (Ijabs, 2016, p. 289), (M7) active voting rights (Ijabs, 2016, p. 289), (M8) referendum organization (Ijabs, 2016, p. 288), (M9) legislation on counterterrorism and anti-terrorism (Macklem, 2006, pp. 488–489), (M10) anti-extremism (including state of siege, emergency, norms directed at the maintenance of public order, with the specific aims of maintaining public peace and ensuring the “correct” development of the democratic dialectic, treason and seditious acts, and antipropaganda) (Capoccia, 2005, pp. 57–61; Sajó, 2005, p. 2280), (M11) the limitation of registration and functioning of political parties (Mareš, 2012, p. 36), (M12) naturalization (restriction on acquisition of citizenship) (Ijabs, 2016, p. 289), and (M13) access to public employment (Mareš, 2012, p. 36). For the empirical test, the investigator assumes that democracy becomes neo-militant when it starts implementing at least one of the listed measures. The analysis takes into consideration all the references to the mentioned categories that occurred in the listed documents.

## **The Empirical Test of the Theoretical Category of Neo-militant Democracy**

Until 1 January 2012, according to the Hungarian Constitution of 1949, the Republic of Hungary recognized the right to peaceful assembly and ensured the free exercise thereof (Art. 62).

On the basis of the right of assembly, everyone in the Republic of Hungary had the right to establish organizations whose goals were not prohibited by law and to join such organizations (Art. 63). However, the document limited the freedom of assembly (M1) by putting a ban on the establishment of armed organizations with political objectives (Hungarian Constitution of 1949, 1949, Art. 63). Since 1 January 2012, every person has the right to peaceful assembly (Fundamental Law of Hungary, 2012, Art. 8). On 28 June 2018, the Seventh Amendment to the Fundamental Law limited this right by stating that exercising the right to freedom of expression and assembly shall not impair the private and family life and home of others (Fundamental Law of Hungary, 2012, Art. 6). Noteworthy, this amendment limited the freedom of speech as well (M3). Apart from constitutional restrictions, one may indicate others resulting from the Right to Freedom of Assembly Act. Until 2 October 2018, the police were obliged to disperse an assembly if participants appear bearing arms or carrying weapons or were organized in an armed manner (Right to Freedom of Assembly Act, 1989, Art. 14). Then, after 2 October 2018, the police have to ensure that public order is maintained. If there is a suspicion that the participants of assembly are violating the law, they may be expelled (Right to Freedom of Assembly Act, 2018, Art. 7). Despite minor changes and the constitutional guarantee, the freedom to assembly was constantly limited in the period under evaluation.

In addition to the mentioned restriction of the freedom of speech, since 11 March 2013, Hungary allows the limitation of the freedom of expression in the interest of combating hate speech (M3) (Pap, 2017, p. 129). According to the Fourth Amendment to the Fundamental Law, the right to freedom of expression may not be exercised with the aim of violating the human dignity of others as well as the dignity of the Hungarian nation or any national, ethnic, racial, or religious community. Furthermore, those who belong to such communities are entitled to enforce their claims in court against the expression of an opinion which violates their community, invoking the violation of their human dignity, as provided for by the Fundamental Law of Hungary (2012, Art. 9).

On 9 November 2010, Act CIV of 2010 on the Freedom of the Press and the Fundamental Rules of Media Content limited the freedom of the press (M2). The Act fails to state that not every expression which may be seen as prejudicial to, e.g., the constitutional order, public morals, and dignity is illegal (Press and Media Act, 2010, e.g., Art. 15, 16; European Commission for Democracy Through Law (Venice Commission), 2015). Thereby, in 2010–2019, this freedom was restricted.

Despite constitutional guarantees of the freedom of association, Hungary imposed restrictions since 27 June 2017 (M4) (Committee on Legal Affairs and Human Rights, 2018). They oblige associations and foundations that receive at least 7.2 million HUF annually from a foreign source to register with the court as an organization receiving foreign funding, to report about their foreign funding annually, and to indicate the label “organization receiving foreign funding” on their website and publications. The list of foreign-funded NGOs is also published on a government website (Law on the Transparency of Organizations Supported from Abroad, 2017, Art. 1).

In 2008, Act XXXIX of 2001 on the Entry and Stay of Foreigners, which addressed anti-extremism, was in force (M10). According to the Act, the right to reside in Hungary ceases, and because of this, the extension of the permission to stay is refused, or the permission to stay is withdrawn in three situations. First, when the foreigner’s stay violates or endangers national security or public security. Second, when the foreigner had suffered from a disease endangering public health prior to the first issue of the permission to stay. Third, the permission to stay was issued to a third-country national with a view to family unified, and matrimony has ceased within six months after that provided that the parties married only in order to obtain the permit (Aliens Act, 2001, Art. 30).

Furthermore, on 1 January 2008, Act LXXX of 2007 on Asylum became effective (M10). As the Act assumes, a beneficiary of subsidiary protection has the rights and obligations of a refugee and is entitled to a travel document. However, for reasons of national security or public order, the issue of such a document can be refused (Asylum Act 2007, Art. 17).

In 2008–2019, the state legislator did not implement the other neo-militant-democracy measures (M5) the limitations of the freedom of religion, (M6) passive voting rights, (M7) active voting rights, (M8) referendum organization, (M9) legislation on counterterrorism and anti-terrorism, (M11) the limitation of registration and functioning of political parties, (M12) naturalization, and (M13) access to public employment (Table 1).

**Table 1.** Implementation of neo-militant-democracy measures in Hungary (2008–2019)

Year	The type of measure												
	M1	M2	M3	M4	M5	M6	M7	M8	M9	M10	M11	M12	M13
2008	1	0	0	0	0	0	0	0	0	1	0	0	0
2009	1	0	0	0	0	0	0	0	0	1	0	0	0
2010	1	1	0	0	0	0	0	0	0	1	0	0	0
2011	1	1	0	0	0	0	0	0	0	1	0	0	0
2012	1	1	0	0	0	0	0	0	0	1	0	0	0
2013	1	1	1	0	0	0	0	0	0	1	0	0	0
2014	1	1	1	0	0	0	0	0	0	1	0	0	0
2015	1	1	1	0	0	0	0	0	0	1	0	0	0
2016	1	1	1	0	0	0	0	0	0	1	0	0	0
2017	1	1	1	1	0	0	0	0	0	1	0	0	0
2018	1	1	1	1	0	0	0	0	0	1	0	0	0
2019	1	1	1	1	0	0	0	0	0	1	0	0	0

0 – a measure was not implemented; 1 – a measure was implemented

(M1) the limitations of the freedom of assembly; (M2) the limitations of the freedom of the press; (M3) the limitations of the freedom of speech; (M4) the limitations of the freedom of association; (M5) the limitations of the freedom of religion; (M6) the limitations of passive voting rights; (M7) the limitations of active voting rights; (M8) the limitations of referendum organization; (M9) legislation on counterterrorism and anti-terrorism; (M10) legislation on anti-extremism; (M11) the limitation of registration and functioning of political parties; (M12) the limitation of naturalization; (M13) the limitation of access to public employment.

**Source:** own study.

## Conclusions

The research has verified and confirmed the analytical effectiveness of the redeveloped category of neo-militant democracy in analyzing the nature and dynamics of contemporary political regimes. In Hungary, five out of thirteen neo-militant-democracy measures were imposed: the limitations of the freedom of assembly, the press, speech, association, and legislation on anti-extremism. However, the regime started taking on the features of neo-militant democracy before 2008, which means that the 2010 elections and Fidesz's winning did not initiate the process of Hungary's becoming neo-militant democracy. In 2008–2019, two out of the five, the limitations of the freedom of assembly and legislation on anti-extremism were constantly in force. Importantly, the state legislator was steadily implementing other measures. In 2010, they restricted freedom of the press, 2013 – freedom of speech, and 2017 – freedom of association. It means that the system has taken on the subsequent characteristics of neo-militant democracy since the 2010 election. Until 2019, the most basic democratic freedoms were restricted, which is indicative of the hard nature of the created militant-democracy. Simultaneously, the processes of eliminating the features of neo-militant democracy did not occur. It indicates that the direction of changes was consistent. Finally, the process of becoming neo-militant democracy took a traditional form since the Hungarian neo-militant democracy principle drew on the traditional means introduced by Loewenstein rather than innovations advanced by the current research.

## References

- Aliens Act. (2001). *Act XXXIX of 2001 on the Entry and Stay of Foreigners*. Retrieved from: <https://www.legislationline.org/download/id/1090/file/94a91739d6eef46472d2f8e0c1d72e60.pdf>.
- Asylum Act. (2007). *Act LXXX of 2007 on Asylum*. Retrieved from: [https://www.legislationline.org/download/id/7225/file/Hungary\\_Act\\_on\\_Asylum\\_2007\\_am2016\\_en.pdf](https://www.legislationline.org/download/id/7225/file/Hungary_Act_on_Asylum_2007_am2016_en.pdf).
- Bäcker, R., & Rak, J. (2019). "Trajektorja trwania opancerzonych demokracji." *Studia nad Autorytaryzmem i Totalitaryzmem*, vol. 41, No. 3, 63–82. DOI: <https://doi.org/10.19195/2300-7249.41.3.5>.
- Bocskor, Á. (2018). "Anti-Immigration Discourses in Hungary during the 'Crisis' Year: The Orbán Government's 'National Consultation' Campaign of 2015". *Sociology*, 52(3), 551–568. DOI: <https://doi.org/10.1177/0038038518762081>.
- Bogaards, M. (2018). "De-democratization in Hungary: Diffusely Defective Democracy". *Democratization*, 25(8), 1481–1499, DOI: <https://doi.org/10.1080/13510347.2018.1485015>.
- Bozóki, A., & Hegedűs, D. (2018). "An Externally Constrained Hybrid Regime: Hungary in the European Union". *Democratization*, 25(7), 1173–1189. DOI: <https://doi.org/10.1080/13510347.2018.1455664>.
- Buzogány, A. (2017). "Illiberal Democracy in Hungary: Authoritarian Diffusion or Domestic Causation?". *Democratization*, 24(7), 1307–1325. DOI: <https://doi.org/10.1080/13510347.2017.1328676>.
- Buzogány, A., & Varga, M. (2018). "The Ideational Foundations of the Illiberal Backlash in Central and Eastern Europe: The Case of Hungary". *Review of International Political Economy*, 25(6), 811–828. DOI: <https://doi.org/10.1080/09692290.2018.1543718>.



- Capoccia, G. (2005). *Defending Democracy Reactions to Extremism in Interwar Europe*. Baltimore and London: The Johns Hopkins University Press.
- Capoccia, G. (2013). "Militant Democracy: The Institutional Bases of Democratic Self-Preservation". *Annual Review of Law and Social Science*, 9, 207–226. DOI: <https://doi.org/10.1146/annurev-lawsocsci-102612-134020>.
- Cliteur, P.B., Herrenberg, T., & Rijpkema, B.R. (2015). "The New Censorship". In A. Ellian & G. Molier (Eds.). *Freedom of Speech under Attack* (291–319). The Hague: Eleven International Publishing.
- Committee on Legal Affairs and Human Rights. (2018). *New restrictions on NGO activities in the Council of Europe member States*. Retrieved from: <http://website-pace.net/documents/19838/4246196/20180523-RestrictionsActivitiesNGOs-EN.pdf/4fe88e6b-8659-47d6-9f4a-836ae8bdea7b>.
- European Commission. (2019). *A new push for European democracy. Nurturing, protecting and strengthening our democracy*. Retrieved from: [https://ec.europa.eu/info/strategy/priorities-2019-2024/new-push-european-democracy\\_en](https://ec.europa.eu/info/strategy/priorities-2019-2024/new-push-european-democracy_en).
- European Commission for Democracy Through Law (Venice Commission). (2015). *Opinion on Media Legislation (Act CLXXXV on Media Services and the Mass Media, Act CIV on the Freedom of the Press, and the Legislation on Taxation of Advertisement Revenues of Mass Media) of Hungary*. Opinion no. 798/2015CDL-AD(2015)015. Retrieved from: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2015\)015-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2015)015-e).
- Féron, É. (2004). "Anti-globalization movements and the European agenda". *Innovation: The European Journal of Social Science Research*, 17(2), 119–127, DOI: <https://doi.org/10.1080/1351161042000238625>.
- Fundamental Law of Hungary. (2012). Retrieved from: [https://www.legislationline.org/download/id/8205/file/Hungary\\_Fundamental\\_Law\\_as\\_of\\_2019\\_en.pdf](https://www.legislationline.org/download/id/8205/file/Hungary_Fundamental_Law_as_of_2019_en.pdf).
- Hungarian Constitution of 1949. (1949). Retrieved from: <https://www2.ohchr.org/english/bodies/cescr/docs/E.C.12.HUN.3-Annex2.pdf>.
- Ijabs, I. (2016). "After the Referendum: Militant Democracy and Nation-Building in Latvia". *East European Politics and Societies and Cultures*, 30(2), 288–314. DOI: <https://doi.org/10.1177/0888325415593630>.
- Krekó, P., & Enyedi, Z. (2018). "Explaining Eastern Europe: Orbán's Laboratory of Illiberalism". *Journal of Democracy*, 29(3), 39–51.
- Law on the Transparency of Organisations Supported from Abroad. (2017). Retrieved from: [https://www.helsinki.hu/wp-content/uploads/14967\\_NGO\\_bill\\_20170407\\_with\\_reasoning.pdf](https://www.helsinki.hu/wp-content/uploads/14967_NGO_bill_20170407_with_reasoning.pdf).
- Loewenstein, K. (1935a). "Autocracy Versus Democracy in Contemporary Europe, I". *American Political Science Review*, 29(4), 571–593. DOI: <https://doi.org/10.2307/1947789>.
- Loewenstein, K. (1935b). "Autocracy Versus Democracy in Contemporary Europe, II". *American Political Science Review*, 29(5), 755–784. DOI: <https://doi.org/10.2307/1947222>.
- Loewenstein, K. (1937a). "Militant Democracy and Fundamental Rights, I". *The American Political Science Review*, 31(3), 417–432. DOI: <https://doi.org/10.2307/1948164>.
- Loewenstein, K. (1937b). "Militant Democracy and Fundamental Rights, II". *The American Political Science Review*, 31(4), 638–658. DOI: <https://doi.org/10.2307/1948103>.
- Loewenstein, K. (1944). "Legislation for the Defense of the State in Chile". *Columbia Law Review*, 44(3), 366–407.
- Loewenstein, K. (1946). "Freedom Is Unsafe without Self-Government". *Annals of the American Academy of Political and Social Science*, 243, 47–49.
- Macklem, P. (2006). "Militant Democracy, Legal Pluralism, and the Paradox of Self-determination". *International Journal of Constitutional Law*, 4(3), 488–516. DOI: <https://doi.org/10.1093/icon/mol017>.

- Mareš, M. (2012). "Czech Militant Democracy in Action: Dissolution of the Workers' Party and the Wider Context of This Act". *East European Politics and Societies*, 26(33), 33–55. DOI: <https://doi.org/10.1177/0888325411408070>.
- McAdam, D. (1983). "Tactical Innovation and the Pace of Insurgency". *American Sociological Review*, 48(6), 735–754.
- Molier, G., & Rijpkema, B.R. (2018). "Germany's New Militant Democracy Regime: National Democratic Party II and the German Federal Constitutional Court's 'Potentiality' Criterion for Party Bans: Bundesverfassungsgericht, Judgment of 17 January 2017, 2 BvB 1/13, National Democratic Party II". *European Constitutional Law Review*, 14(2), 394–409. DOI: <https://doi.org/10.1017/S1574019618000196>.
- Müller, J.-W. (2012). "Militant Democracy". In M. Rosenfeld & A. Sajó (Eds.), *The Oxford Handbook of Comparative Constitutional Law* (1118–1132). New York: Oxford University Press. DOI: <https://doi.org/oxfordhb/9780199578610.013.0062>.
- Orbán, V. (2014). "Prime Minister Viktor Orbán's Speech at the 25<sup>th</sup> Bálványos Summer Free University and Student Camp". *Website of the Hungarian Government*. Retrieved from: <https://www.kormany.hu/en/the-prime-minister/the-prime-minister-s-speeches/prime-minister-viktor-orban-s-speech-at-the-25th-balvanyos-summer-free-university-and-student-camp>.
- Palonen, E. (2018). "Performing the Nation: the Janus-faced Populist Foundations of Illiberalism in Hungary". *Journal of Contemporary European Studies*, 26(3), 308–321. DOI: <https://doi.org/10.1080/14782804.2018.1498776>.
- Pap, A.L. (2017). *Democratic Decline in Hungary: Law and Society in an Illiberal Democracy Comparative Constitutional Change*. New York: Routledge.
- Pállinger, Z.T. (2019). "Direct Democracy in an Increasingly Illiberal Setting: The Case of the Hungarian National Referendum". *Contemporary Politics*, 25(1), 62–77. DOI: <https://doi.org/10.1080/13569775.2018.1543924>.
- Press and Media Act. (2010). *Act CIV of 2010 on the Freedom of the Press and the Fundamental Rules of Media Content*. Retrieved from: [http://nmhh.hu/dokumentum/162262/smtv\\_110803\\_en\\_final.pdf](http://nmhh.hu/dokumentum/162262/smtv_110803_en_final.pdf).
- Right to Freedom of Assembly Act. (1989). 1989. évi III. törvény a gyűlékezési jogról. Retrieved from: [http://njt.hu/cgi\\_bin/njt\\_doc.cgi?docid=10540.245094#foot1](http://njt.hu/cgi_bin/njt_doc.cgi?docid=10540.245094#foot1).
- Right to Freedom of Assembly Act. (2018). 2018. évi LV. törvény. Retrieved from: [http://njt.hu/cgi\\_bin/njt\\_doc.cgi?docid=209700.357568](http://njt.hu/cgi_bin/njt_doc.cgi?docid=209700.357568).
- Rijpkema, B.R. (2018a). *Militant Democracy: The Limits of Democratic Tolerance*. Abingdon, Oxon: Routledge.
- Rijpkema, B.R. (2018b). "Weerbare democratie, Europa en het vraagstuk van de antirechtsstatelijke partijen". In S.L. de Lange & J. Zuure (Eds.), *#Woest: de kracht van verontwaardiging* (170–193). Amsterdam: Amsterdam University Press.
- Sajó, A. (2005). "From Militant Democracy to the Preventive State". *Cardozo Law Review*, 27(5), 2255–2294.
- Toomey, M. (2018). "History, Nationalism and Democracy: Myth and Narrative in Viktor Orbán's 'Illiberal Hungary'". *New Perspectives*, 26(1), 87–108. DOI: <https://doi.org/10.1177/2336825X1802600110>.
- Weill, R. (2017). "On the Nexus of Eternity Clauses, Proportional Representation, and Banned Political Parties". *Election Law Journal: Rules, Politics, and Policy*, 16(2), 237–246. DOI: <https://doi.org/10.1089/elj.2016.0418>.
- Zwick, D. (2018). "No Longer Violent Enough?: Creative Destruction, Innovation and the Ossification of Neoliberal Capitalism". *Journal of Marketing Management*, 34(11–12), 913–931. DOI: <https://doi.org/10.1080/0267257X.2018.1536076>.