

To be absolutely clear: there are two alternative implications of a situation in which a legal and cultural community is not able to maintain and enforce its legal regime; either the universality of its legal values and principles can justifiably be questioned, even if there is no common understanding concerning the definition of the Rule of Law; or the country whose actions challenge the universality of a principle and value has already ceased to be the part of that community. It is an ‘either/or’ issue; there should be no in-between. If there is, we call it illiberal constitutionalism and, in the field of the Rule of Law, illiberal legality.

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