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Axiological Disintegration of the EU? The Case of Hungary¹

Abstract: *In 2010 Hungary entered a new chapter in its history, described on the domestic stage as ‘the struggle for freedom’, the ‘age of national independence’ (from any foreign diktat) and the ‘unorthodox economy’, which led also to its ‘opening to the East’ (including China and Russia). The unquestioned leader of the state, Prime Minister Viktor Orbán, even confirmed that this is ‘an illiberal system’, moving ever further and further away from the liberal democracy established in 1990. Using mainly Hungarian language sources (as only small part of the crucial material is available in English), this study tries to describe the essence of the new system, the way it works, and what it looks like. The importance of this Hungarian case study lies in the fact that it constitutes yet another challenge on the path of European integration, along with so many other obstacles that have recently been occurring. Is the new Hungarian system a model for the others in the region and for the whole EU? No one knows the answer, but it is high time we examined what the Hungarian system looks like from the inside, after its departure from the rule of law, liberal democracy, and the system of checks and balances.*

Keywords: Hungary, Illiberal system, constitutional evolution, checks and balances, axiological system, European Integration

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Introduction

In the Hungarian parliamentary elections in Spring 2010, held in two rounds, the Hungarian Civic Alliance – Fidesz – won a spectacular victory. Even without forming a coalition with the relatively unimportant Christian Democratic People's Party (KDNP), which it eventually did, Fidesz won a 2/3 qualified majority and thus received the social mandate to implement deep changes in the existing political system and the entire state policy, including foreign policy. Fidesz, headed by the charismatic Viktor Orbán since its establishment in 1988, gladly took the opportunity. Thus in just over a half-decade the realities of Hungarian political and public life have changed beyond recognition.

This paper does not focus on why and how this happened, but rather on the consequences of the changes introduced in the Hungarian internal arena for both Hungary and the other countries of East-Central Europe, including the Visegrad Group, and especially the consequences for the process of European integration. The reason for this choice of focus is that much seems to suggest that we are dealing with a litmus test of EU integration as well as a serious challenge to its further functioning and format.

1. Internal transformation: towards an illiberal democracy

Fidesz came to power practically without having presented any detailed programme. Power was virtually handed to it on the proverbial silver platter after it had been held for eight years (two terms – from 2002 to 2008) by the Hungarian Socialist Party, a period marked by governance that was partially inept and partially populist, especially as regards pressure on the state budget, and ineffectual in prevailing over the hardcore opposition – Fidesz. Hungary had been struggling with a deep crisis – economic as well as political, social and moral² – even before the great financial crisis that broke out in world markets in Autumn 2008. Already very tired and

² Two valuable works that describe this deep crisis, albeit written from different points of view, are: E. Hankiss and P. Heltai (eds.), *Münchhausen báró kerestetik. Mit kezdjük a nagy magyar válsággal?* (*Baron Münchhausen wanted. What to do with the great Hungarian crisis?*), Budapest 2009; L. Mészáros and G. Szócs (eds.), *Új Államalapítás* (*The New Creation of the State*), Kecskemét 2009. It is interesting that the authors of the former publication mostly advocated solutions within the framework of European integration, while the authors of the second work, who were more conservative, advocated a return to Hungarian roots and tradition. They were quite explicit in voicing their disappointment with the EU (Gy. Csóti, p. 121) and foreign capital (T. Mellár, p. 338), and they advocated the return of a strong state (G.F. Gábor and I. Stmpf, p. 184) and a renewal of the ties binding the entire Hungarian nation, including the Hungarian diaspora (Zs. Bayer, p. 67).

discontented with the governance of the coalition of post-communist socialists and liberals, the society eagerly gave power to Fidesz, which had already governed the country once before between 1998 and 2002. Although Hungarians were aware of the party's shortcomings, they still believed it would be more effective than the government it replaced.

While Fidesz did not campaign on any detailed programme, its leader, Viktor Orbán, announced his main ideas fairly clearly. Already in Autumn 2009, half a year before the actual elections, he met with his proponents in the village of Kötöcs and delivered a speech – which later proved to be of major significance – in which he described his vision of the state under his future governance. He announced the establishment of a central political force (*centralis erő tér*), that in fact meant a single large governing party (Fidesz) that would be 'capable of determining issues of key importance to the nation so that they are indisputable'.³ In other words, this speech heralded the rule of a single hegemonic party and the elimination of discussion – a key element of democracy. Pluralism and parliamentary rotation were to be replaced by a governance system that was imposed by the ruling party and by its nature was unquestioned, and to which there was no alternative.⁴

The transformation of the political reality started right after the elections, their results being referred to as a 'polling booth revolution' (*fülkeforradalom*).⁵ The new system that emerged from this top-down revolution was called the System of National Cooperation (*Nemzeti Együttműködés Rendszere* – NER). Thus emphasis was placed on the nation rather than the state, which is a very significant distinction in the Hungarian context because following the Treaty of Trianon of 1920, which was confirmed after World War II in the 1947 peace agreements of Paris (and which was very painful for Hungary), the Hungarian nation was forced into a dispersed diaspora, with Hungarian minorities in practically all the neighbouring countries.⁶

³ The full text of this speech is available online at: <http://vastagbor.atlatszo.hu/2015/09/17/a-vagatlan-kotcsei-beszed/> (last visited 20.10.2015).

⁴ J. Debreczeni, *Viktor Orbán*, Warszawa 2015, pp. 530, 531.

⁵ The former politician and presently well-known political analyst P. Tölgyessy aptly observed at that time that a revolution is easier started than ended. Cf. T. Sárközy, *Kétharmados túlzás kormányzás, avagy gólerős csapat a mély talajú pályán* (*The Over-the-Top Rule of Two-Thirds or a Match with Lots of Goals on a Sticky Pitch*), Budapest 2014, p. 383.

⁶ For more on the role and significance of the Treaty of Trianon, see I. Romsics, *Magyar Sorsfordulók 1920–1989* (*The Key Turns in Hungarian History...*), Budapest 2012, pp. 9–51. A concise study in English is available at: http://www.americanhungarianfederation.org/news_trianon.htm (last visited 20.10.2015).

The new government's approach was confirmed by the first two highly symbolic changes in the country's legal system, the first of which was passage of a dual citizenship law,⁷ giving Hungarian citizenship and rights to Hungarians living in other countries; while the second consisted of making the 4th of June – the anniversary of the Treaty of Trianon, under which great powers of that time imposed humiliating conditions on Hungary – National Unity Day, an official national day of remembrance to be celebrated in schools and state institutions. Thus Hungary has in a sense returned to the traditions of its pre-World-War II era, i.e. the period when Miklós Horthy was head of state as a regent (1920–1944) and when the policy of 'revising the Treaty of Trianon' was the overriding political principle in the country's internal and foreign policy. Naturally, due to the different circumstances this time it was not open revisionism – no one in Budapest demanded a revision of the country's borders – but the message is clear: the central political force takes all Hungarians into consideration, regardless of where they live.

These legislative changes were followed by other legal and institutional solutions that systematically transformed the reality in virtually all the spheres of the state. The activity of the parliament, dominated by Fidesz – the central political force enjoying a qualified majority – has increased immensely. The parliament passed 219 new laws in 2011, 233 in 2012, and 252 in 2013, and in the same years the government issued 375, 445 and 585 ordinances, respectively. The scale of this legislative activity is unprecedented in the entire history of the Hungarian state and parliamentary system.⁸ The haste – and the resulting poor quality of the newly-passed laws – is proven by the fact that between 2010 and 2012 as many as 400 laws and other important legislative acts (27.2 per cent of the total number) were passed with immediate effect, often without any participation of the opposition.⁹

This legislative hyper-activity, entirely consistent with the logic of subordinating all institutions to the executive, which means the 'central political force', resulted in for example:

- Appointing the members of the Constitutional Tribunal by the 'central political force';

⁷ Out of the total 386 votes, 344 were yes.

⁸ T. Sárközy, op.cit., pp. 265, 266.

⁹ F.P. Zárug, *Leviátánébredése. Avagy illiberalis-e a magyar demokrácia? (The Birth of a Leviathan: Is Hungarian Democracy Illiberal?)*, Budapest 2015, p. 45. The author further adds that in the case of many laws, some MPs voted for legislative proposals even though there was no opportunity to read their content, p. 65.

- Takeover of the public media under the newly passed media law and appointing the party's own nominees as members of the Media Council for a nine year term of office;
- Appointment of a person with connections to Fidesz, Péter Polt, to the office of Chief Prosecutor, with a mandate extended from six to nine years;
- Not only replacement of all the members of the Supreme Court (also with their terms of office extended to nine years), but also changing the institution's name to the Curia (*Kúria*), a name that had been used in the past;
- Nomination of Fidesz's candidate for President of the Republic, first Pál Schmitt and then János Áder (when his predecessor resigned following the outbreak of a plagiarism scandal);¹⁰
- Establishment of the National Office for the Judiciary, very strongly rooted in the legal and institutional system and entrusted with such competences as choosing the judges to rule on individual cases;¹¹
- Dissolution of the National Election Committee and thorough amendment of the election statute before the 2014 elections, including cutting the number of MPs from 384 to 199;
- Replacement – even despite a long struggle and opposition from international institutions (the European Commission, the European Central Bank, the International Monetary Fund) – of the head of the Hungarian National Bank with György Matolcsy – a person close to the prime minister, followed by the replacement of all members of the Budget Council, a body tasked with supporting the work of the bank's head, with the Fidesz own nominees;
- Taking control of EU assistance funds by the quite expanded Chancellery of the Prime Minister.

¹⁰ See the academic senate decision of 30 March 2012 revoking the president's PhD title due to proven plagiarism, following which Schmitt resigned from office:<http://www.globalresearch.ca/the-new-silk-road-a-chinese-style-new-deal-the-economic-and-geopolitical-consequences/5466022> (last visited 20.10.2015).

¹¹ The newly appointed head of the agency was Tünde Handó, the wife of the *de facto* author of the new constitution and current EMP József Szájer. Both are Prime Minister Orbán's friends, and their friendship dates back to the time they spent together at a student hostel. For more about the fact that power in the country has been virtually taken over by a very small group of Orbán's cronies and old friends, see J. Debreczeni, *op.cit.*, p. 537. T. Sárközy, a well-known lawyer who knows Orbán and the people around him well, points out that Fidesz is a 'masculine party' in terms of behaviour and the values it holds high and a party that is driven by an exceptional sense of group unity and mission of their generation. It is convinced that it is a 'plebeian-free party'. *Kétharmados...*, *op.cit.*, pp. 56, 60.

The key element of the institutional and systemic changes was the new Constitution. Both its content and the way it was drafted and passed are unusual. It is common knowledge in Hungary that its essential framework was the work of József Szájer, one of Prime Minister Orbán's closest friends from university times, and he drafted it – as he admitted himself – on his own laptop.¹² The document was first discussed by a small group, including the prime minister, and was then presented to the parliament on 14 March 2011. The draft was finally agreed upon on 18 April after a mere three readings and without the participation of the opposition (who left the chamber), and the new Constitution was adopted on Easter Monday, 25 April 2011, a symbolic Resurrection Holiday. It entered into force on 1 January 2012, but even before that date the parliament was already very busy with preparing supplementary laws – the so-called ‘cardinal laws’ (*sarkalatos törvények*). All of these laws have the special quality of being amendable only by a qualified majority of 2/3 of votes, which is rare and difficult to achieve in well-functioning democracies. Observers and analysts fully agree that it was done in order to consolidate, or to some ‘petrify’, the new system for years to come.

The new Constitution confirmed the domination of a single party, the executive branch, and even the power held by the prime minister himself. In line with Prime Minister Orbán's intentions and vision, all power was taken over by the central political force, which is referred to in the academic literature as ‘state capture’.¹³ Even though a presidential system was not formally proclaimed as had been expected, the actual concentration and centralisation of power was even greater than in many presidential systems. The opinions as to what was actually taking place in Hungary between 2010 and 2015 in institutional and legal terms vary, depending on the views of the speaker: some speak of dismantled democracy, others of autocracy, and yet others of the rule of an individual, Viktor Orbán.¹⁴

These speculations have been somewhat put to rest by the Hungarian prime minister himself in his speech delivered in July 2014 at the annual holiday picnic with Hungarian-speaking youth from Transylvania (or rather Szeklerland¹⁵), held in the town of Tusnádfürdő (Romanian: Băile

¹² http://index.hu/tech/2011/07/26/megis_mire_jo_egy_tablet/ (last visited 20.10.2015).

¹³ B. Magyar, *A Magyar mafia állam anatómiája (The Anatomy of the Mafia State in Hungary)*, Budapest 2015, p. 22.

¹⁴ B. Góralczyk, *Poland and Hungary After 2008 Global Crisis* in: *Hungary's Path Toward an Illiberal System*, A. Inotai (ed.), “Südosteuropa” Vol. 63(2)/2015, p. 327.

¹⁵ The Szeklers, a people that live in a tight enclave in south-eastern Transylvania (central Romania) at the foot of the Carpathian Mountains, are Hungarian highlanders who have retained a beautiful Hungarian language and Hungarian traditions even though

Tusnad). He said there that the model established in Hungary in the recent years was in fact an ‘illiberal democracy’ and that it had not been modelled after Western countries, but rather after China, Russia, Turkey, Singapore, and India – countries which are economically effective and at the same time – with the exception of India – far from a liberal democracy such as had developed in Hungary after 1990.¹⁶

The new Constitution is conservative in tone and content (critics call it ‘anachronistic’) and roots the country deeply in Christian values, as evidenced already by its solemn Preamble (‘God bless the Hungarians’).¹⁷ The Preamble also confirms that the period from 19 March 1944, (the Nazi Germany’s invasion of Hungary) to 2 May 1990 (the formation of the first post-communist, democratic government of József Antall) is excluded from law and legal continuity.¹⁸ In the opinion of many lawyers, this undermines the legitimacy of this Constitution and the new legal order. After all, under what legal basis was it adopted, if there was nothing but a ‘black hole’ before it?¹⁹

However, it was only following Orbán’s address to the young audience in Szeklerland and his strong statements on the departure from liberalism that real concern and agitation arose in the West, causing the Western countries to wonder out loud what direction Hungary was heading.

they inhabit lands several hundred kilometres from the Hungarian border. Orbán has been visiting them every year in June or July for more than 20 years. In Hungarian see A. Egyed, *A Székelyek rövid története. A Megtelepedéstől 1989-ig (A Brief History of the Szeklers. From the Settlement to 1989)*, Csikszereda 2013.

¹⁶ The full text of this crucial address is available in English at: <http://budapestbeacon.com/public-policy/full-text-of-viktor-orbans-speech-at-baile-tusnad-tusnadfurdo-of-26-july-2014/10592> (last visited 21.10.2015).

¹⁷ A historian of religion, Gy. Gábor, wrote about this using very strong words, even speaking of the ‘sacralisation’ of the new Hungarian policy, in his very critical assessment of the ‘Orbán system’: B. Magyar (ed.), *Magyar Polip. A Posztkommunista mafia állam (The Hungarian Octopus. A Post-Communist Mafia State)*, Budapest 2013, pp. 297–345.

¹⁸ The content of this Constitution in the Polish language can be found in the joint publication *Węgry, co tam się dzieje (Hungary, What is Going on There)*, published in 2013 by the rightist publishing house Fronda. It is an important work as it presents in detail the views of representatives of the current Hungarian authorities and the analysts that support them on, *inter alia*, the state’s political system, institutional order, and European integration. The text of the constitution, albeit poorly translated and amended several times since the publication of this work, can be found in a special annex that begins on page 291. A different, much better translation of the constitution can be found on the website of the Polish Sejm: <http://libr.sejm.gov.pl/tek01/txt/konst/wegry2011.html> (last visited 21.10.2015). The original of the new Hungarian Constitution can be found at: <http://www.kozlonyok.hu/nkonline/mkpdf/hiteles/mk11043.pdf> (last visited 21.10.2015).

¹⁹ See, for example, the opinion of Imre Vörös, a former Constitutional Court judge, in the joint publication *Hungary’s Path...*, op.cit., p. 181.

2. External transformation: Opening to the East and to the South

Before we move on to discussing the external reaction to and evaluation of what has been taking place in Hungary, we should – or actually need to – mention yet another aspect of the changes implemented in Hungary, i.e. the fact that the increasingly deeper internal changes (as described above) were closely followed by rather considerable changes in Hungary's approach to foreign policy.

The first changes – implemented right after Fidesz once again rose to power – concerned the vast Hungarian diaspora. As has been mentioned, the first two laws passed by the new administration already in May 2010 granted dual nationality (or, in fact, the possibility to apply for Hungarian citizenship) to Hungarians living abroad and marked the 4th of June – the anniversary of signing the Treaty of Trianon – as National Unity Day.²⁰ These were not just deeply symbolic gestures but also contained a political message: Hungarians are a single nation, albeit divided by great powers, and the borders of the country do not reflect the actual state of affairs – they do not delimit the area actually inhabited by true Hungarians. Following this nationalist logic the new Constitution changed the country's name from 'Republic of Hungary' to simply 'Hungary' (*Magyarország*, literally: 'Hungarian land' or 'the land of Hungarians'), i.e. the land where Hungarians live. Viewed in this light, it is not only the 10 million Hungarians living within the state borders whom Prime Minister Orbán has under his care, but also those Hungarians in the diaspora, which raises the total of his 'subjects' to approximately 15 million and – perhaps even more importantly, as practice has shown – yields him their precious votes. Indeed, owing to the votes of Hungarians living abroad Fidesz managed to once again achieve a qualified majority in the parliament in the Spring 2014 elections (more than 90 per cent of Szeklers voted for Orbán and his party).

In recent years the Hungarian minorities in Hungary's neighbour countries were the subjects of controversy on several occasions, especially in the context of relations with Romania and Slovakia, where the largest Hungarian minorities live. They have not, however, risen to the level of major perturbations in bilateral relations, although in response to the

²⁰ In the opinion of B. Magyar, a harsh critic of the new Hungarian reality, despite all this and despite the establishment of the NER there is not even linguistic integration in present-day Hungary because different camps use different vocabularies and arguments. B. Magyar, *A Magyar...*, op.cit., p. 31.

Hungarian initiative of granting dual citizenship the Slovak authorities threatened to deprive those who accepted foreign citizenship of their Slovak citizenship.

Only once did Hungarian minorities become the focus of great international interest. This was on 14 May 2014 when, just after being re-elected, in reaction to Russia's annexation of Crimea and the fighting in the Donbas region, Prime Minister Orbán made it clear that he would fight for the Hungarian minority living in Ukraine,²¹ in Carpathian Ruthenia (Hungarian: *Kárpátalja*).²² This gave rise to analyses and speculations whether in these circumstances – i.e. in light of the Russian invasion and pressure – his statement in defence of the autonomy and increasing the rights of the Hungarian minority was not in fact an expression of support for Vladimir Putin's aggressive policy. Even the President of the European Council, Donald Tusk, deemed the repeated Hungarian demands 'unfortunate', given that Ukraine had been attacked by Russia from both inside and outside.²³

This episode leads us to Prime Minister Orbán's key initiative – the so called 'opening to the East' (*keleti nyitás*), which means a search for alternative solutions to European integration. Orbán has criticised the European Union and the entire West on several occasions, taking advantage of the fact that Hungarians are very receptive to criticism about the 'diktat of great powers'. Thus at a rally held on the national holiday of 15 March he shouted out: 'We will not be a colony!'; to which the crowd enthusiastically applauded.²⁴

Orbán has adopted this tone on many occasions. Once he spoke plainly of the diktat of great powers, even going so far as to compare present-day Brussels to old Vienna and more recently Moscow, both of which ordered

²¹ Orbán, who once again had a qualified majority in the parliament (only by a single vote, however, and he lost it a year later), spoke at that time of increasing the rights of the 200,000-strong Hungarian minority living there; see http://karpatalja.blog.hu/2014/05/18/karpatalja_autonomia_orban_viktor_nyilatkozata (last visited 21.10. 2015).

²² Matters went beyond the issue of increased autonomy. Even earlier, before the prime minister's statement, government-controlled Hungarian media openly speculated whether or not Carpathian Ruthenia would return to the homeland and again become an integral part of Hungary. See the television programme *Panoráma* of 28 February 2014: https://www.youtube.com/watch?v=-Tz_mFvGm7o (last visited 21.10.2015).

²³ Cf. <http://natemat.pl/102633,viktor-orban-nie-odpuszcza-ukrainie-znow-zada-autonomii-dla-mniejszosci-wegierskiej> (last visited 21.10.2015).

²⁴ *Nem leszünk gyarmat!* He also said that foreigners would not govern over Hungarians and harshly criticised bureaucrats from Brussels. This took place at a rally held in front of the parliament building on 15 March 2012. The speech is available as a video at: http://index.hu/video/2012/03/15/orban_nem_leszunk_gyarmat/ (last visited 21.10. 2015).

the Hungarians around,²⁵ adding that the new post-2010 system the Hungarians would not let others rule over them or, as he put it, 'let others dictate to us what we are to do in our own homeland'. These statements were declared at a rally in front of the Parliament building on 23 October 2012, on the anniversary of the beginning of the 1956 Hungarian Revolution.²⁶ As part of this 'struggle for freedom' (*szabadságharc*), as it was officially defined, in different circumstances Orbán has compared the decision-makers in Brussels 'in their well-cut suits' to Hungary's former oppressors 'in well-cut uniforms'. The same narrative was used in the fight over the debt taken over by the former socialist governments in line with their 'non-orthodox economic policy'.

Over time the criticism of the Bretton Woods institutions, especially the IMF, and even more so the much-repeated criticism of European institutions and their functioning has given rise to even more dangerous theses. At a meeting with Hungarian youth in Tusnádfürdő on 27 July 2013, Orbán stated that over the previous three years he had arrived at the conclusion that European institutions – understood as the Commission, the European Parliament and the Council composed of prime ministers and leaders of member states – were unable to deal with the historical challenges Europe was facing.²⁷ A year later this thinking gave rise to the aforementioned concept of building an illiberal order (*illiberalis rendszer*) as well as to the search – quite understandably, given such views – of alternatives to Western markets, especially in the East.

The saying 'the East Wind prevails over the West Wind', which was in fact popularised a long time ago (already in 1957, by Mao Zedong), early on became a part of Orbán's speeches; already in November 2010 he spoke about Hungary sailing under the Western banner while the wind in the world economy blowing from the East.²⁸ On 24 October 2011, in turn,

²⁵ In a once much discussed speech delivered on the occasion of the national holiday of 15 March 2011, see http://index.hu/belfold/2011/03/15/a_nemzeti_egyuttmukudes_kiment_az_utcara/ (last visited 21.10.2015).

²⁶ Full text in video available at: <https://www.youtube.com/watch?v=BibDOeaFoF8> (last visited 21.10.2015).

²⁷ *A kormány nemzeti gazdaság politikát folytat (The Government Continues the National Economic Policy)*, www.miniszterelnok.hu (last visited 21.10.2015).

²⁸ http://index.hu/belfold/2010/11/05/orban_keleti_szel_fuj/ (last visited 21.10.2015). This issue is elaborated on and interpreted by P. Sárközy, who knows Fidesz and Viktor Orbán very well. In his opinion – and not only his – Fidesz is guided by a sense of mission: 'It is us who will be the most competitive country in Central Europe. It is us who will be an example to the decomposing, decadent Western Europe... we will show those impotents and eggheads constantly demanding human rights that we follow the path of Turul, that we turn to the East because this is where the wind blows now'. *Kétharmados...*, op.cit., p. 63. Turul is a mythical Hungarian bird from the beliefs of the ancestors of modern Hungarians.

he held a speech in the parliament in the context of the emerging crisis in Greece and the other Mediterranean countries, saying that Hungary should not count on Europe to solve its domestic problems, and that it needed to seek its own solutions and avoid the crisis area.²⁹

In time this concept evolved into a more mature idea of looking for role models in the East, in China, Kazakhstan, Azerbaijan, or Russia. Particular consternation in the Western world was once again roused by Hungary's rapprochement with Russia, manifested by Putin's visit to Budapest in February 2015, in spite of the crisis in Ukraine and the Western sanctions, as well as the agreements on gas supply signed with Russia and the modernisation and expansion of the post-Soviet nuclear power plant in Paks.³⁰ At the same time, this effectively undermined unity in the Visegrad Group.³¹ Although Prague had long been strongly eurosceptical under President Václav Klaus, and in this sense partially shared the views officially promoted in Budapest, following the outbreak of the Ukrainian crisis the division within the Group became more pronounced: only Warsaw maintained an anti-Russian position, while Prague and Bratislava leaned towards Budapest in this regard.

The unity of the Visegrad Group cracked even further when Europe was faced with yet another crisis, this time taking the form of a huge wave of migration to Europe, to which Prime Minister Orbán reacted in a fairly typical (for him) way. Motivated in this case by internal policy calculations, he ordered the erection of a wall, or rather a barber-wired fence, initially only at the border with Serbia but later also with Croatia and Romania, which are EU Member States. This time, Orbán's 'unorthodox policy' divided not only the Hungarian political stage and the countries of the region but in fact the whole of Europe. More than two decades after the fall of the Iron Curtain and the end of the Cold-War division, Europe was now faced with the spectre of a new division into eastern and the western parts of the continent. Even the President of the European Council, Donald Tusk, warned against this.³²

²⁹ http://www.miniszterelnok.hu/cikk/el_kell_rugaszkodni_a_valsagzonatol_es_ragaszkodni_kell_sajat_megoldasainkhoz (last visited 21.10.2015).

³⁰ Cf. <http://www.independent.co.uk/news/world/europe/hungarians-protest-against-vladimir-putin-visit-to-budapest-10051839.html> A good analysis is available at: <http://www.osw.waw.pl/en/publikacje/analyses/2015-02-18/putin-budapest-overcoming-isolation> (last visited 21.10.2015).

³¹ B. Góralczyk, *Co dalej Europo Środkowa? (What Now, Central Europe?)*. <http://www.institutobywatelski.pl/23341/komentarze/co-dalej-srodkowa-europo> (last visited 21.10.2015).

³² Cf. <http://wiadomosci.onet.pl/swiat/tusk-przestrzega-przed-podzialem-wschod-zachod-ue-w-sprawie-migracji/sqrzl7> (last visited 21.10.2015).

However, so far the flagship of the Hungarian ‘struggle for (economic) freedom’ and the ‘unorthodox policy’ in the form of ‘opening to the East’³³ has not brought the success and effects Budapest expected. On the contrary, in early 2015 increasing numbers of critical analyses began to emerge,³⁴ which spurred the prime minister to open yet another direction of expansion – to the south. He announced this new policy in March 2015 at a special conference of Hungarian ambassadors, dedicated to the country’s economic policy.³⁵ In Autumn 2015 (as this paper is being written), it is still hard to judge what this might eventually result in, but one issue seems to be more than clear: Budapest is still searching for solutions beyond the West and European integration, in accordance with Orbán’s most recent interpretation – and at the same time a directive to his subordinate agencies – that illiberal systems such as China, Russia, Turkey, or Singapore are ‘more effective’ than democracies, which are ‘engaged in words rather than actions’. As the Hungarian prime minister put it: ‘While Europe debates, the East works hard’.³⁶

3. External reaction

The first serious controversy concerning the emerging new legal and institutional order in Hungary arose already in early 2011, when Hungary held the Presidency of the European Union. The source of the controversy was the newly adopted law governing the media and the new media order the government was developing under this law – one that was highly

³³ Theoretical justification was provided to the prime minister by two intellectuals, András Láncki and Gyula Tellér, and especially by the latter. Their views and justification of the opening to the East can be found at: http://mandiner.hu/cikk/20150702_orban_viktor_valositja_meg_a_rendszervaltast_interju_lanczi_andras_teller_gyula (last visited 21.10.2015).

³⁴ Cf. http://www.portfolio.hu/gazdasag/ezert_lett_bukas_a_keleti_nyitas.211635.html (last visited 21.10.2015). This opinion is fully shared by Károly Banai, an expert in Hungarian foreign policy, in the publication: *Hungary’s Path...*, op.cit., p. 242. A good collection of materials on this policy was compiled by the popular economic weekly “Heti Világgazdaság” (HVG) at: http://hvg.hu/cimke/keleti_nyit%C3%A1s (last visited 21.10.2015).

³⁵ Its justification can be seen on the website of the Hungarian Ministry of Foreign Affairs: <http://www.kormany.hu/hu/kulgaszdasagi-es-kulugyminiszterium/hirek/a-keleti-es-deli-nyitas-mellett-a-nyugati-integracio-megtartasa-is-kulcsfontossagu> (last visited 21.10.2015).

³⁶ These words were spoken on 9 May 2015 at a meeting with representatives of the Friends of Hungary Foundation. Cf. www.hvg.hu/itthon/20150509_Orban_Az_autokratikus_rendszerek_cseleked. It is interesting that they have not been cited on the official government website: <http://www.kormany.hu/hu/a-miniszterelnok/hirek/egyetlen-kerdest-sem-szabad-tabukent-kezelnunk> (last visited 21.10.2015).

centralised and subordinated to the government, obviously violating media pluralism and severely restricting it, which in turn undermined many rules of democracy and fair play.

3.1. The European Union and other European institutions

This issue became the subject of debates in the European Parliament, which referred it to special commissions. It was also discussed by the Council of Europe, an organisation that specialises in controlling the observance of democratic rules and principles. In addition it was also heavily criticised by politicians and the media in many EU Member States.

Eventually, the matter was addressed by the Venice Commission (the European Commission for Democracy Through Law), an advisory body of the Council of Europe, and next by the European Parliament as well. In both cases harsh discussions ensued, which became even more harsh, or even passionate, once the Hungarian parliament agreed on the wording of the new Constitution. Already in March 2011, the Venice Commission criticised the text of the new Constitution, claiming that it in fact restricted the functioning of political opposition and its ability to participate in the political struggle (see Opinion of the Venice Commission No. 621/2011). In January 2011 the first large debate on the new legal and institutional reality in Hungary was held in the European Parliament. During the debate, the President of the European Parliament Martin Schulz did not exclude the possibility of using Article 7 of the Treaty on European Union (TUE) against Hungary, under which a Member State might lose its voice in the Council of the EU for violating fundamental and human rights. The then President of the European Commission, José Manuel Barroso, also spoke critically of Hungary on many occasions.

In the end, in a vote held on 25 June 2011, the European Parliament rejected the possibility of applying Article 7 against Hungary, but the document adopted at that time contained recommendations which were to lead to the restoration of the 'checks and balances' system upset by the laws Hungary had passed. Then, on 5 July, the European Parliament adopted a resolution stating that under Article 2 TUE, the actions of Hungary were at variance with the fundamental values of the EU.³⁷

Hungarian authorities pretended to comply with all the documents produced by the EU, but in fact they only implemented minor amendments,

³⁷ European Parliament, *Resolution on the Revised Hungarian Constitution*, 5 July 2011, Article 1(d), <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2011-0315&language=EN&ring=P7-RC-2011-0379> (last visited 21.10.2015).

leaving the bulk and core of their new legislation essentially unchanged. Prime Minister Orbán, in turn, firmly and consistently defended his views, accusing the EU alternately of hypocrisy and double standards and/or lack of imagination.

Since, contrary to the recommendations and expectations of the EU institutions, no real changes were being implemented, in February 2012 the European Parliament adopted another resolution; an even stronger one which urged the European Commission to monitor the further course of events in Hungary in order to:

- Ensure that the judiciary enjoys full independence and especially that the National Judicial Authority, the Prosecutor's Office, and courts in general are managed in a manner that is free from political influence and ensure that the term of office of independently-appointed judges is not arbitrarily shortened;
- Ensure that the regulations concerning the Hungarian National Bank comply with European law;
- Restore and guarantee institutional independence of data protection and freedom of information through the wording and implementation of relevant legal provisions;
- Fully restore the right of the Hungarian Constitutional Court to review all legislation, including the right to examine budgetary and tax laws;
- Ensure the freedom and pluralism of the media through changes to the wording and implementation of the Hungarian Media Law, especially to include representatives of civil society and the opposition in the Hungarian Media Council;
- Ensure that the decision on the registration of churches is no longer subject to approval by a two-thirds majority in the Hungarian Parliament.³⁸

As we can see, the document addressed in detail all the major issues raised by experts about the state of Hungarian law. However, the tug-of-war between the Budapest authorities and EU institutions continued, with neither side wanting to budge. As a result, the European Parliament issued a special document, which criticised the new system in Hungary more broadly and in more detail than any document adopted previously. Not only did it repeat the arguments from February 2012 but also expanded them by adding, for example, that the Constitution was passed

³⁸ Full text: *European Parliament resolution of 16 February 2012 on the recent political developments in Hungary*, available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2012-0053+0+DOC+XML+V0//EN> (last visited 21.10.2015).

only by the votes of the governing majority, that too many cardinal laws were adopted, that the system of checks and balances was upset in favour of the executive, and that the role of the Constitutional Court had been diminished. It was once again stressed that the fundamental values of the EU (included in the so-called ‘Copenhagen Criteria’) had been violated. Consequently, in accordance with Article 2 TEU, all EU institutions were advised to pay special attention to this ‘Copenhagen dilemma’ that emerged in Hungary.³⁹

However, the vote on the Tavares Report, as it has been commonly referred to ever since, also exposed differences existing within the EU in this regard. There were 31 ayes, mostly of social democrats and liberals, and 19 nays, chiefly from the European People’s Party, of which Fidesz is a member, while 8 EMPs abstained. This allowed Prime Minister Orbán to once again openly attack the document, presented to the Hungarian public as another example of ‘interference in Hungarian internal affairs’, yet another attempt to impose a diktat by the larger and stronger powers. Although Hungary amended its constitution, both sides have continued to maintain their respective positions. In Spring 2015, when the refugee crisis broke out, Orbán’s position, challenging European values and solutions, grew even more vociferous – and not only in the Hungarian internal arena.

3.2. The United States

Hungary is not only an EU Member State, but also a member of NATO. NATO’s most important and powerful country, the United States, has been watching Hungary closely since the latter initiated its version of systemic reforms in 2010, and has occasionally even intervened. For instance, following Barroso’s special letter to Hungary, the then Secretary of State Hillary Clinton dispatched a special letter to Orbán in which she expressed the United States’ concern with the systemic changes being implemented in Hungary. In the letter she repeated all the major charges previously formulated by the Venice Commission and the European Parliament. The letter – and this is key – was published literally the day before the entry into force of the new Hungarian Constitution.⁴⁰ In response to what he called ‘external attacks’, Orbán organised mass rallies

³⁹ Full text: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A7-2013-0229+0+DOC+XML+V0//EN> (last visited 21.10.2015).

⁴⁰ http://www.seemo.org/hungary/files/Clinton_letter_to_Orban.pdf (last visited 22.10.2015).

of support for his policy and made it clear that Barroso's and Clinton's interventions were nothing more than an attempt to remove the legally-elected government from power, a theme which was quickly picked up by Hungarian⁴¹ and European rightists, including those in Poland.⁴²

Neither this letter – which widely discussed beyond Hungary as well – nor the earlier visit Hillary Clinton paid to Budapest in June 2011 had the expected effect.⁴³ It seems, however, that the United States genuinely reacted to the situation in Hungary only after Orbán announced he was building an 'illiberal democracy'. There was a harsh reaction to these plans not only from scholars – such as the Hungarian-born and influential political scientist Charles Gati⁴⁴ or Kim Lane Scheppele, a professor of law at Princeton University and a staunch and consistent critic of Orbán's actions – but even from top-ranking US politicians. Even Barack Obama voiced indirect criticism of Hungary, mentioning it in one breath with illiberal regimes such as Egypt, while former US president Bill Clinton made fun of Hungary in a satirical television show. The influential Republican senator John McCain, in turn, minced no words in criticising Orbán during a Congressional hearing with the new ambassador to Hungary (Colleen Bell), calling Orbán: 'a neo-fascist dictator, getting in bed with Vladimir Putin'.⁴⁵

Indeed it was precisely in the context of Orbán's rapprochement with Putin that in Autumn 2014 a 'new cold war' broke out in the relations between Hungary and the US.⁴⁶ It started with the US authorities'

⁴¹ See the rightist text, including the thesis that such a threat was clearly present between November 2011 and February 2012: F.P. Zárug, op.cit., p. 108.

⁴² See the article in "Fronda" available at: <http://www.fronda.pl/a/gorny-piec-scenariuszy-obalenia-victora-orbana,17568.html> (last visited 22.10.2015).

⁴³ This initial, turbulent period in the relations between the United States and Hungary, when the latter was departing from liberal democracy, is described perceptively, emphatically, and with much criticism of the Budapest government by the then US Ambassador Eleni T. Kounalakis in her memoirs: E.T. Kounalakis, *Three Years of Diplomacy, Dinner Parties, and Democracy in Budapest*. The volume was immediately translated into Hungarian and published as: *Nagykövet asszony. Három év diplomácia, disz vacsorák és demokrácia Budapesten*, Budapest 2015. The former ambassador criticises particularly harshly the manifestations of Hungarian nationalism (pp. 120–135) and anti-Semitism (pp. 262–265).

⁴⁴ His major criticism of Orbán's regime was published on 7 August 2014 in the journal "The American Interest": <http://www.the-american-interest.com/2014/08/07/the-mask-is-off/> (last visited 22.10.2015). The author stated: 'Orbán has openly renounced Western-style democracy for the nationalist authoritarianism of Putin's Russia'.

⁴⁵ <http://www.bbc.com/news/world-europe-30318898> (last visited 22.10.2015).

⁴⁶ <http://wpolityce.pl/swiat/225310-zimna-wojna-miedzy-wegrami-a-stanami-zjednoczonymi> (last visited 22.10.2015).

decision to withhold issuing visas to a number of high-ranking members of the Hungarian administration (not named publically) involved in a corruption scandal (later it turned out that Ildikó Vida, head of the Hungarian National Tax and Customs Office, was one of these officials). This was an unprecedented decision in relations with a fellow NATO country and an EU Member State. For some time André Goodfriend, the then charge d'affaires of the US embassy in Budapest, became famous in the Hungarian media (at least according to the opposition – the regime considered him rather infamous). The situation only calmed down once he left the country, but Washington continued to stress that what it was concerned or even worried about were not only the systemic changes implemented in Hungary, but also the rapprochement between Budapest and Moscow.

This was confirmed – and very strongly at that – by US Ambassador Colleen Bell. Having held her office for 10 months in peace and quiet, on 29 October 2015 she delivered a remarkable speech at Budapest's Corvinus University. Referring to Clinton's letter and the *aide memoire* presented in Washington in 2014 to Péter Sijjártó, Hungarian Minister of Foreign Affairs, she not only repeated all the previous American accusations against the Hungarian authorities, but even broadened the array of charges: 'Corruption in Hungary is a serious concern [...] Constitutional Court justices are constrained from ruling on the merits of amendments to the Fundamental Law [...]. Hungarian politicians, intellectuals, and members of civil society speak of a marked decline in press freedom. [...] Freedom House now categorizes Hungary as only partly free in the area of press freedom following a five-year decline'. Furthermore, the speech conveyed the message that the checks and balances system, the bread and butter of every well-functioning economy, had been overturned in Hungary in the previous five years.⁴⁷

The speech, unprecedented in public diplomacy, was a sensation in the Hungarian opposition media (the government media chose not to mention it). Even László Kovács, who was Minister of Foreign Affairs in the socialist government for many years, commented on the speech, saying that never before had any Hungarian government been criticised to such an extent, not only after 1990 but even in the last decade of Kádár's system, before the systemic transformation. He also added his own opinion about what

⁴⁷ Full text available here: "We Will Build a Stronger Bridge" – Ambassador Colleen Bell's speech at the Corvinus University: <http://budapestbeacon.com/public-policy/we-will-build-a-stronger-bridge-ambassador-colleen-bells-speech-at-corvinus-university/28702> (last visited 5.11.2015).

was going on Hungary: a consistent implementation of the project from Kötse – the development of the central political force, which dismantled the foundations of democracy in the form of the system of checks and balances, gave Orbán unlimited and unchecked power.⁴⁸ The significance of this extremely strong and meaningful assessment was even greater as it was uttered by an experienced former Minister of Foreign Affairs.

3.3. The Visegrad Group

The latter issue was also crucial in the context of cooperation between the members of the Visegrad Group. For years, this cooperation had not been developing well, although ties were maintained and the Group could even boast of some achievements.⁴⁹ The Group's significance grew after Russia's forced annexation of Crimea and then again after the outbreak of the migration crisis in Europe when Orbán started erecting barbed wire fences along the Hungarian border.

As regards the Ukrainian crisis, the culmination (in terms of Visegrad group's cohesion) was related to President Putin's visit to Budapest, who was invited there despite the EU and transatlantic sanctions imposed on Russia. It turned out at that time that Bratislava and Prague had also arrived at a similar conclusion as Budapest (albeit the starting point of their calculations was a bit different): that one should talk with Moscow. Warsaw, however, had an entirely different view, which was made clear during Orbán's visit to Warsaw, which took place – unfortunately for Orbán – only a day-and-a-half after Putin's visit to Budapest. As one of the advisers to prime minister Ewa Kopacz observed, the Hungarian guest was given a lesson on what Russia's presence in the region of East-Central Europe meant.⁵⁰

⁴⁸ L. Kovács, *Az orbáni centrális erő tér hatéves mérlegről (An Evaluation of the Six Years of Orbán's Central Political Force)*, available at: <http://www.168ora.hu/velemenyo/orbani-centralis-eroter-hat-eves-merlegerol-140297.html> (last visited 5.11.2015).

⁴⁹ For more on this subject see, for example: G. Túry (ed.), *Prospects of the Visegrad Cooperation. Identifying Converging and Diverging Factors*, Budapest 2015.

⁵⁰ This refers to the statement of V.J. Rostowski, who knows Hungary well, having spent years there delivering lectures in economics at the Central European University in Budapest. For more on this visit of Viktor Orbán in Warsaw see *Chłodne przyjęcie Orbana w Warszawie (The Cold Welcome for Orbán in Warsaw)*, available at: <http://www.euractiv.pl/rozszerzenie/artykul/chodne-przyjcie-orbana-w-warszawie-006613> (last visited 23.10.2015). As noted in that report, the head of the Polish government took pride in the fact that after years of enslavement the two countries were now members of the EU and added that in the countries' common history, both Poland and Hungary always lost when force replaced law in international relations.

The atmosphere within the Visegrad Group became even more tense in the context of the migration crisis. Both Orbán and the Slovak prime minister, Robert Fico, who very much shared Orbán's views on the issue, began openly criticising and challenging the policy towards refugees pursued by Berlin and Brussels. This highly important issue goes somewhat beyond the main scope of these deliberations, but what is important from the point of view of this article is that, given the scepticism about the future of the common migration and asylum policy, clearly very much missed in Brussels, even the future of the policy of open borders under the Schengen Agreement has been threatened.⁵¹

4. An axiological challenge for the EU

Naturally, the opinions of various political groups and media on the current situation in Hungary differ a great deal. Like every charismatic politician, Orbán divides people more than he unites them, even though he announced a program of national cooperation (NER) in his country. There is no agreement in academic circles either, where clear – undoubtedly politically and ideologically-motivated - divisions can be found as well.

The proponents of Orbán, both inside and outside Hungary, claim that his course is the most appropriate one. The valuable and meaningful publication *Węgry. Co tam się dzieje* (*Hungary, What is Going on There*), which begins with an interview with Orbán and ends with his annual 'Report on the state of the country' of 22 February 2013, contains a number of theses inspired naturally by the prime minister himself, for example: that Hungarians have stopped listening to the council of unwanted petty advocates; that Hungary has entered a new era; and that the government is building a country where no one can force Hungarians to serve the interests of others.⁵² One of the legal experts whose opinions are included in this book, László Csizmadia, like all of its authors having links to the governing coalition, notes that one could now say that separation of powers and its classical format are no longer valid. He then argues that what is most important is teamwork and, naturally, that the key person is the prime minister, who passed the test of leadership with flying colours.⁵³ It has not been explained, however, how these theses are to be viewed in

⁵¹ B. Góralczyk, *Nowa wędrówka ludów* (*The New Migration of People*), available at: <http://www.institutobywatelski.pl/24058/komentarze/nowa-wedrowka-ludow> (last visited 23.10.2015). See also <http://www.polskatimes.pl/artykul/6565540,trzeba-zawiesic-uklad-z-schengen-to-da-unii-europejskiej-oddech,id,t.html> (last visited 23.10.2015).

⁵² *Węgry, co tam...*, op.cit., pp. 276, 277.

⁵³ *Ibidem*, pp. 260, 263.

light of the opinion expressed by another of the volume's authors, Zsolt Semjén, who noted that Orbán's government had set itself the primary goal of restoring trust in the institutions of democratic rule of law.⁵⁴ In light of the substantive assessments and opinions of external lawyers, this seems more like history laughing at us.

Orbán and his administration obviously do not care about what the West thinks of them, and they reply to criticism with even louder counter-criticism. They use a propaganda of success and promote official optimism. The catchphrase 'Hungary does it better!' (*Magyarország jobban teljesít!*), coined on the verge of victory in the second parliamentary elections in Spring 2014, has been an important element of the official state policy and state propaganda ever since. The prime minister, in turn, is always bursting with energy and optimism, but this does not prevent him from continuing his severe criticism of the West. In the latest report on the state of the country, of 27 February 2015, he noted that Hungary had rejected the neoliberal economic policy and that it was high time to do so, and that it had also rejected the policy of belt-tightening, thus avoiding at the last moment a fate similar to Greece's, and finally he also rejected the false idea of a multicultural society before it turned Hungary into a refugee camp. He added that in return Hungary's flag was flying high, based upon the foundation of national and Christian values. In the new system no individual or group interests can be above the interest of the homeland, and all this will soon return Hungary to the position of leader of Central Europe.⁵⁵

It is this narrative – strongly nationalist and strongly critical – that dominates in all publications connected to the governing party, because this is also the group's logic: only what the leader says is important. Their goal is a strongly centralised political system, entirely subordinated to the executive, and specifically to the prime minister. These characteristics of the system are ironically precisely the same as what the critics point out, both those from Hungary and those from abroad (of course primarily from the West).

We could even venture further and declare that an 'Orbán system' was born after 2010 in Hungary, which is a *sui generis* solution due to the specificity of the state (its hermetical language, large diaspora, and the 'Trianon syndrome'). However – and this needs to be stressed – the system can be duplicated to a greater or lesser extent elsewhere. It seems that the 'system' consists of:

⁵⁴ Ibidem, p. 245.

⁵⁵ The original is available at: http://www.miniszterelnok.hu/cikk/a_kemenyen_dolgozo_emberekrol_szolnak_a_kovetkezo_evek (last visited 25.10.2015).

- Replacing the system of checks and balances with the rule of the executive and even a single party and single person – the prime minister;
- Centralisation of literally all spheres of life, including the economy, the judiciary, education, and the media;
- Linking political power with economic power, which leads to clientelism and development of a national oligarchy;
- Fuelling nationalism, populism and demagoguery, as well as the sense of injustice deeply ingrained in the Hungarian soul (the ‘foreign diktat’, ‘the Trianon syndrome’), which in turn leads to revisionism.⁵⁶

The harshest critic of the ‘Orbán system’ in Hungary is Bálint Magyar, the former Minister of Education in the socialist/liberal government (2002–2008), is promoting the concept which he formulated already in 2001, according to which an ‘organised overworld’ (*szervezett felvilág* – a word play on the common phrase ‘organised underworld’) was formed in Hungary, creating the ‘Hungarian octopus’ (*magyar polip*) (any associations with organised crime and the Italian mafia are by all means warranted – B.G.). He gathered a group of specialists critical of the new regime and published two extensive volumes of scientific analyses titled *Magyar polip*. Then, on this basis, in May 2015 he published an essay with the telling title: *A Magyar máffia állam anatómiája (The Anatomy of the Hungarian Mafia State)*, where he accuses the ruling party of not only dismantling the democratic rule of law and liberal democracy in Hungary after 2010, but also of creating a criminal state based on financial pyramids and governed by a web of Orbán’s cronies.⁵⁷

This latter, i.e. financial, issue is relatively unknown outside Hungary, but it even further exacerbates the existing divisions within the country – in contradiction to the officially declared social solidarity under the NER. The government-controlled media does not discuss these issues. It is, however, telling that in February 2015, following a conflict and a split-up between Viktor Orbán and Lajos Simicska – the prime minister’s friend from school times and the person who (Hungary is in exceptional agreement in this regard) effectively created the Fidesz’s financial and media base and who formed his own empire as well – Simicska’s media quickly began criticising the ‘Orbán system’, including in economic and financial terms.⁵⁸

⁵⁶ B. Góralczyk, *Poland and Hungary...*, op.cit., p. 332.

⁵⁷ B. Magyar (ed.), op.cit., Vol. 1, p. 127.

⁵⁸ I. Debreczeni wrote broadly on this subject in *Viktor Orbán...*, op.cit. See especially the chapter titled *Simicskizm*, pp. 89–110.

The publications that can tell us the most about the development of the financial background of the 'Orbán system' and about the growth of the prime minister's personal and family wealth are two books written by investigative journalist Krisztina Ferenczi, who passed away in the summer of 2015.⁵⁹ Ferenczi proved that a special Football Academy had been created in the village of Felcsút, where Orbán was born, followed by a modern football stadium, and that the great wealth of the Orbán family had been constantly growing. No less attention was paid to this issue by József Debreczeni, presently a staunch opponent of Orbán's and a current opposition politician, although formerly he was Orbán's associate and biographer. One of Debreczeni's works says it all in the title: *A Fideszesz rabló gazdaság (Fidesz's Predatory Economy)*,⁶⁰ while in a highly critical biography of Orbán published in 2009, he criticises the prime minister for cementing his power, for sanctioning autocracy in the new constitution, and for conducting a 'struggle for freedom' against Europe and the West, while cooperating closely with Eastern regimes – Russia, China, Kazakhstan, Azerbaijan, and even Jordan and Saudi Arabia. In the end, however, Debreczeni states that in the long run the regime, which politically, socially and economically resembles a financial pyramid, is bound to fail.⁶¹ As usual in such cases, only history will tell.

The new post-2010 Hungarian reality is, of course, subject to diverse interpretations. Staying within the bounds of assessing the functioning of the Hungarian political system and leaving the economy aside, it is worth highlighting the two indicators that are most often cited in academic literature: quality of governance and governance effectiveness. In its annual reports on freedom in the world, the American NGO Freedom House has been constantly reducing Hungary's rating since 2010 and,

⁵⁹ K. Ferenczi, *Szüret. Az Orbán-vagyonok nyomában (Vintage. Tracking down Orbán's Wealth)*. Budapest 2015. The first edition of this book was published in 2006 but did not spark such interest as its reissue of February 2015, right after Orbán's much commented 'divorce' with Lajos Simicska. Another important volume of her was published under the title *Narancsbőr. Az Orbán-vagyonok nyomában (Orange Peel. Tracking down Orbán's Wealth)*, Budapest 2014. In the two works, Ferenczi proved that Orbán's family obtained its now considerable wealth in shady circumstances, taking advantage on a large scale of public procurement and a large group of people working for them, including the clans of Mészáros, Fleier and Tiborcz from Orbán's home village of Felcsút. A representative of the Tiborcz clan, István, became Orbán's first son-in-law (Orbán has five children in all) and despite his young age (below 30), he has already become one of the wealthiest people in Hungary.

⁶⁰ *A Fideszesz rabló gazdaság*, Miskolc 2013. Especially worth recommending is the chapter on how Orbán's family has been gaining wealth, pp. 81–90.

⁶¹ J. Debreczeni, *Viktor Orbán...*, op.cit., p. 617.

at the same time, ever more strongly criticising the Hungarian reality. In its latest report, for 2015, Hungary was criticised for the state of affairs where 'Judicial independence has become a concern' and where 'Hungary's political rights rating declined from 1 to 2 due to an election campaign that demonstrated the diminished space for fair competition given legislative and other advantages accrued by the ruling party'.⁶² This means that, in terms of freedom, the country's rating fell from 1 to 2 (1 = best, 7 = worst), compared to 2010.

Another important NGO critical of the Hungarian political reality is the German Bertelsmann Foundation, which has been constantly decreasing Hungary's rating (Transformation Index) in its highly valued annual reports on the transformation process in post-communist areas. The index for 2014 was 8.05, which gave Hungary the 16th place on the list, which was not only a worse result than in the previous years but also puts Hungary below Bulgaria (14th), Latvia (12th), Slovakia (9th), and Poland (5th), among others.⁶³ In other words, contrary to the claims of the Budapest government, the Hungarian transformation is not blooming, but rather wilting.

These assessments are also confirmed by one of the best-known Hungarian political scientists, Attila Ágh. He is an opponent of Fidesz and in a number of studies, including one dedicated to a comparative analysis of the political systems in post-communist countries of East-Central Europe, he cites opinions that there has been a 'populist turn' in many of them and that the possibility of departure from a well-functioning democracy is greatest in Hungary and Romania.⁶⁴ Furthermore, in his analysis of the political system in Hungary he arrives at the conclusion that there is an 'electoral autocracy' and that the country has entered a period of 'semi-democratic governance'.⁶⁵ In a broad study on governance quality in Hungary between 2010 and 2014, prepared in cooperation with Hungarian authors, he puts forward the thesis that the current Hungarian system is actually the worst system in East-Central Europe.⁶⁶ This,

⁶² <https://freedomhouse.org/report/freedom-world/2015/hungary> (last visited 25.11.2015).

⁶³ Cf. <http://www.bti-project.org/bti-home/> (last visited 25.10.2015).

⁶⁴ A. Ágh, *Alternative European Futures in the Post-Crisis World: Perspectives for the New Member States in: European Futures: The Perspectives of the New Member States in the New Europe*, A. Ágh (ed.), Budapest 2013, p. 50.

⁶⁵ A. Ágh, *The Transformation of the Hungarian Party System. From Democratic Chaos to Electoral Autocracy in: Hungary's Path...*, op.cit., p. 220.

⁶⁶ A. Ágh, T. Kaiser, and B. Koller, *New Forms of Multilevel Governance in the European Union and Hungary. Conceptual framework and theoretical summary of research (2010–14) in: 10 Years After. Multi-level governance and differentiated integration in the EU*, A. Ágh, and T. Kaiser, B. Koller (eds.), Budapest 2014, p. 50.

of course, is absolutely unacceptable to any group supporting Fidesz, including scientific circles, be they in Hungary or anywhere else.

5. A new European order?

As a result of the migration crisis that broke out in Europe in Summer 2015, EU institutions and the Member States are faced with entirely new challenges and objectives, as proven by the fact that a total of four EU summits, including two extraordinary summits, have been dedicated to this issue (as of Autumn 2015, when this text is being written). However, despite all these meetings, the EU still seems more divided than united. It is thus small wonder that at a summit of the European People's Party, that is of the central-rightist and Christian parties in the European Parliament, the President of the European Council Donald Tusk called strongly for solidarity, arguing that if Europe is naïve, helpless and disorganised, it will be unable to maintain long-term solidarity and that Europe needs to immediately end the unnecessary conflict between the proponents of protecting borders and advocates of solidarity and openness. At the same time, he also arrived at the dramatic conclusion that the European Union had lost the ability to protect its borders.⁶⁷

Orbán also spoke at this meeting. In the opinion of many, he was the one to take the most consistent and firm position on the issue by erecting barbed-wire fences on Hungary's borders. He made it clear that Europe needs to find the courage to reject political correctness and that there is a need to initiate a grand debate on the EU's intentions, but without hypocrisy, in order to answer the questions of what we think about our civilisational heritage, whether a change of cultural patterns can be externally forced, and whether we agree to parallel societies and/or whether we should defend our tolerant lifestyle as well as law and order. He further added that Europe was both wealthy and weak, which is a very dangerous combination.⁶⁸

We can fancy ourselves defenders of Christianity and revive the notion of *Antemurale Christianitatis*,⁶⁹ as Orbán and his government in Hungary do,

⁶⁷ Cf. <http://wiadomosci.wp.pl/kat,1356,title,Tusk-stracilismy-zdolnosc-do-ochrony-granic-UE,wid,17926843,wiadomosc.html> (last visited 26.10.2015).

⁶⁸ Cf. <http://wiadomosci.onet.pl/swiat/donald-tusk-stracilismy-zdolnosc-do-ochrony-granic-ue/fql45n> (last visited 26.10.2015).

⁶⁹ For an excellent study of this factor in the history of Hungary and Poland, see L. Hopp, *Az 'antemurale' és 'conformitas' humanista eszméje a magyar-lengyel hagyományban (The Humanist Ideas of 'Antemurale' and 'Conformitas' in the Hungarian-Polish Tradition)*, Budapest 1992. In the opinion of the author, who cites a whole host of documents to support

but then the following question arises: What kind of EU would we build in this way? One divided by walls and fences? A Europe of nation-states separated by barbed wire entanglements? What direction is European integration heading toward? What new order will it shape?

Already the two previous major potholes in the path of integration – the rejection of the Constitutional Treaty in Spring 2005 by the citizens of France and the Netherlands and the global crisis of 2008 – have caused a collapse of federalist concepts, and a whole wave of ‘renationalisation’ thereafter,⁷⁰ which the migration crisis of 2015 has only further exacerbated. Meanwhile, in 2014, with the Ukrainian crisis and later the emergence of the Islamic State (ISIS, Daesh), the EU found itself facing challenges that were no longer solely structural, institutional and economic, but also security-related. Fighting is taking place at its borders – in Libya, Syria and Ukraine – and the EU not only has no own armed forces but, as consecutive summits devoted to migration have proven, it has no common position on key issues either. In these circumstances, Orbán, a politician who is charismatic, consistent and firm as well as strongly nationalist, populist and even xenophobic, has risen to become a true European leader. Are politicians like him, with such views, to shape the future European order? Will systems modelled after the Hungarian ‘Orbán system’ emerge in other EU Member States, in each case bearing the trappings of severe nationalism, as in Poland after the recent elections of 25 October 2015?

Or maybe – just as the course of the migration crisis would suggest and given that at the time of writing this paper the crisis is far from over – we will witness a re-emergence of the division into the East and the West of Europe, where some countries will be less tolerant and some more tolerant, but where in fact their paths will be diverging ever more greatly. Or perhaps a European hard core will emerge around Germany, with countries following Orbán’s path becoming once again peripherals, second-rate, proud of their national values, but strategically, politically and economically weak?

The ‘Orbán system’, inconsistent with the principles of liberal democracy yet already fairly mature and well-defined,⁷¹ forces us to ask

his view, the two countries were much more willing to take the position of ‘Antemurale Christianitatis’.

⁷⁰ The quarterly “Aspen Review. Central Europe” dedicated its leading cycle of articles to this issue: *Renationalization*, No. 1/2013.

⁷¹ For a solid evaluation on a previous stage: B. Pająk-Patkowska and K. Patkowski, *Węgierska droga do i od demokracji (Hungarian Road towards Democracy and Departure from It)*, available at: <https://repozytorium.amu.edu.pl/jspui/bitstream/10593/12211/3/Patkowska.pdf> (last visited 26.10.2015).

fundamental and cardinal questions about European integration. If it is impossible for it to culminate in the supranational entity envisioned by neo-functionalists (among others), what will it evolve into instead? A weak, loose confederation of nation-states, their differences being played out by the great powers? Or maybe there will be disintegration and chaos instead of integration?

Conclusions

It is still too early to clearly decide whether Hungary has turned permanently into an 'Orbán system' since 2010 – a disputable and much discussed thesis – because the situation there remains fluid and dynamic. However, I lean towards supporting the thesis I formulated for the first time in 2012⁷² and later elaborated upon: that Prime Minister Orbán turned his country into 'his own patch'⁷³ and taken it further and further away from European values of liberal democracy.⁷⁴

While it is indisputable that a new political system was born in Hungary after 2010 - one entirely different to the liberal democracy which had come from the West after 1990 – there is an ongoing heated discussion on what kind of system it really is, as well as its effectiveness. There are even solemn theses that a new state Leviathan⁷⁵ or a praetorian state⁷⁶ was born in Hungary. As this article has shown, while there is an ongoing fierce political struggle and ideological dispute, there is no agreement among analysts and observers, neither in Hungary nor abroad. At the same time, there is another dispute, no less heated, on whether the current Hungarian political system is already an autocracy or even the rule of a single individual, or whether it is simply an 'illiberal' or 'conservative and Christian-democratic' regime.

⁷² B. Góralczyk, *System Orbána (Orbán's System)*, "Przegląd Polityczny", No. 111/2012, pp. 139–146. F.P. Zarug writes about 'Orbán's model': *Leviatán...*, op.cit., p. 70. The key publication on this subject is Gy. Tellér, *Született-e "Orbánrendszer"? (Has... 'Orbán's System' Been Born?)*, "Nagyvilág", Vol. 59, March 2014. The author, who is the key advisor of the Hungarian prime minister, did not exclude this thesis, although he attempted to minimise its significance.

⁷³ B. Góralczyk, *Orbán's Playground*, "Aspen Review. Central Europe", No. 1/2014, pp. 53–59.

⁷⁴ B. Góralczyk, *Further and Further Away from Brussels*, "Aspen Review. Central Europe", No. 2/2015, pp. 46–49.

⁷⁵ This is what F.P. Zarug wrote about, defining it as a legal construct completely subordinated to the political power, in his *Leviatán...*, op.cit., p. 143.

⁷⁶ This is how the eminent liberal feature writer L. Lengyel defined the present Hungarian reality in the volume *Pretoriánusok Kora (The Time of Praetorians)*, Bratislava 2011.

As the solemn Preamble to the new Constitution of 2012 indicates, Hungary is based on different values: national and Christian ones. It emphasises the sovereignty of local solutions, and the nation and family as the fundamental units of society. Altogether, this is a set of conservative and Christian values, but – as follows from the statements delivered by Hungarian politicians, including the omnipotent prime minister himself – it also has a strong nationalist undertone.

A detailed analysis of the course of events in Hungary between 2010 and 2015, as well as the conduct of the Hungarian administration in the domestic and external arena, leaves no doubt that a deep systemic change has taken place and that the country has left the canon of the Copenhagen criteria. All this took place within the confines of European Union, and while the EU has never agreed to this, there have been harsh disputes on this issue in EU institutions and among the Member States. In other words, Hungary has undermined the current axiology of the European Union, defined as a system of common values, and so far it has done so with relative impunity, giving rise to only more or less serious growls of discontent from the ideological and political opponents of the Hungarian prime minister. But could this serve as an example to others in the EU? Can the Hungarian example spread to other EU Member States, like to Poland in late Autumn 2015? If this happens (and the migration crisis of 2015 has raised Orbán's image to that of a strong and resolute politician), we need to start asking cardinal questions about the future of the EU: if not a federation and a supranational entity, then what? A Europe of nation-states separated by walls and fences? What's even worse, these are no longer purely academic deliberations, but actual challenges facing the entire European political class. Who – or what - will best pass this difficult test? Unfortunately, today we are unable to provide a satisfactory answer to these and many related questions, which only further raises the gravity of the debate on these issues. It is high time for Europe to focus not only on politics and the economy, but on axiology as well.

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