



## BROKEN DEMOCRACY, PREDATORY STATE AND NATIONALIST POPULISM (PART 2)

### ZEPSUTA DEMOKRACJA, PAŃSTWO DRAPIEŻCZE I NACJONALISTYCZNY POPULIZM (CZĘŚĆ 2)

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— ABSTRACT —

The main aim of the article is to try to analyze the functioning of Victor Orbán's regime in Hungary in the period from 2010. Analyses oscillate between considering issues such as the development of democracy in Hungary after 1990, history and background of functioning of the Fidesz party, and the course of Orbán's exercise of power. In the paper, the reasons behind the taking of power by Fidesz party were analyzed by taking into account the specifics of Hungarian democratic experience after 1989, processes of state's reforms and economic crises. The article ends with the analysis of five pillars of Victor Orbán's policies.

**Keywords:** system transition, political parties, Hungary, Victor Orbán, Fidesz, democracy

— ABSTRAKT —

Głównym celem artykułu jest próba analizy funkcjonowania „reżimu” Victora Orbana na Węgrzech w okresie od 2010 roku. Rozważania oscylują wokół takich zagadnień, jak: rozwój demokracji na Węgrzech od 1990 roku, historia i tło funkcjonowania partii Fidesz oraz przebieg sprawowania władzy przez Orbana. W tekście podjęto analizę przyczyn przejścia władzy przez Fidesz, odwołując się do doświadczeń węgierskiej demokracji od 1989 roku, procesów reformowania kraju i kryzysów ekonomicznych. Artykuł wieńczy analiza pięciu filarów władzy Victora Orbana.

**Słowa kluczowe:** tranzycja systemowa, partie polityczne, Węgry, Viktor Orban, Fidesz, demokracja

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## THE BUILDING BLOCKS OF THE SYSTEM

As a result of events described in the first part of the article, Hungary, a member state of the European Union, which used to be a consolidated democracy, has suddenly found itself skating on thin ice. The uniqueness of the situation lies in the fact that there is no example for a reverse transition within the European Union so far. No EU member state has ever returned from democracy to autocracy. Perhaps the most troublesome development of this reverse trend was the constitutional *coup d'état* which created a one-party constitution in April 2011 (Basic Law) that went into effect on January 1st, 2012. Quoting Kim Lane Scheppele, the “revolutionary” legislation went through the following way: “[Fidesz] won two-thirds of the seats in Parliament in a system where a single two-thirds vote is enough to change the constitution. Twelve times in a year in office, it amended the constitution it inherited. Those amendments removed most of the institutional checks that could have stopped what the government did next – which was to install a new constitution. The new Fidesz constitution was drafted in secret, presented to Parliament with only one month for debate, passed by the votes of only the Fidesz parliamentary bloc, and signed by a president that Fidesz had named. Neither the opposition parties nor civil society organizations nor the general public had any influence in the constitutional process. There was no popular ratification. [...] By James Madison’s definition, Hungary is on the verge of tyranny. [...] Fidesz political party has gathered all the powers of the Hungarian government into its own hands, without checks from any other political quarter and without any limits on what it can do” (Scheppele, 2013).

The new Basic Law approved by the governmental majority was the result of a unilateral governmental process which did not reflect a national consensus. The new text kept several portions of the 1989 Constitution. However, it “protects” individual freedoms by lumping them together with communal interests, and as such, it does not in fact value individual freedoms. The Basic Law openly refers to Hungary as a country based on Christian values, which is not only an exception for Europe, but also unusual among the neighboring Visegrád countries. Though the Basic Law (in one sentence only) formally maintains the form of a republic, it breaks with the essential notion of a republic, by changing the name from “Republic of Hungary” to simply “Hungary”. The text increases the role of religion, traditions and national values. It speaks of a unified nation, yet certain social minorities are not mentioned with the same degree of importance.

In its definition of equality before the law, it mentions gender, ethnicity, and religion, but it does not extend this definition to include legal protection against discrimination based on sexual orientation.

The 1989 democratic constitution was inclusive and consensual. By contrast, the new Basic Law serves as an expression of a “national religious belief system” – paganized Christianity – it is a vow, in which Hungarians list all of their sources of pride and hope, and pledge to join hands and build a better future, parallel to Orbán’s “system of national cooperation”. The Basic Law was signed on the first anniversary of the electoral victory of Fidesz on Easter Monday, April 25th, 2011, which blasphemously claimed to symbolize the alleged rise of Christianity in Hungary. All of this drew bizarre parallels between the rise of Jesus and the new Fidesz constitution, which also made it clear how one is to interpret the “separation” of church and state in Hungary today.

The shortcomings of liberal democracy discussed above, the global economic crisis, and the determined anti-liberal democratic policies of the Fidesz government have together produced a perfect political storm.

Though Fidesz was silent during its 2010 campaign about the most important tasks that it would need to carry out after its anticipated victory, once in power, Orbán began constructing a new system to replace, as he called, the “turbulent decades” of liberal democracy. As a first step, he issued the “declaration of national cooperation”, making it obligatory to post this declaration on the walls of all public institutions. In fact, the essence of the new system is that anyone can be a part of “national cooperation” provided they agree with the government. However, those who disagree cannot be a part of the system, because the system is based on submission to the ruling party.

The government majority, upon Orbán’s recommendation, chose not to reappoint László Sólyom as President of the Republic, who – while previously making significant pro-Fidesz moves – nevertheless guarded the autonomy of the presidency. Servile Pál Schmitt, a former presidential member of Fidesz and European Parliament representative, was appointed instead. In addition, the new government saw the 1989 Constitution as a heap of purely technical rules, which Orbán had since shaped to fit the needs of his current political agenda. If any of his new laws proved to be unconstitutional, it was not the law, but the Constitution that had to be changed. An extreme example of this was when the parliamentary majority enshrined the concept of “decent morality” into the Constitution in July 2010, and then the provision was removed in November. Meanwhile, it cited “decent morality” only when it suited its interests. As such,

this amendment sent the message that in the name of the “majority” the concept of “decent morality” can be modified at any time.

When, in the autumn of 2010, the Constitutional Court repealed a statute that had retroactive effects which it found to be unconstitutional, Fidesz immediately retaliated by amending the Constitution and limiting the Constitutional Court’s jurisdiction. Thus, the Constitutional Court turned from being a controlling body, a real check of the legislature, into a feeble controller of the application of the law overnight. The chairperson of the Constitutional Court hitherto had been chosen by the members from within their own rank. However, according to the new rules, it was the parliament that was to appoint him or her. In addition, the number of judges was increased from eleven to fifteen, and the Court was packed with right-wing personalities and former politicians known to be close to Fidesz. The governmental majority did not (despite the long-standing criticism of the rule) do away with the possibility of re-appointing the judges, and hence they may continue to be kept under check politically.

The propaganda of the government aimed to equate Fidesz voters with “people”. Thus, it justified the arbitrary decisions of the government by referring to the “mandate” it has from voters. Public institutions, for instance, have been renamed “government” institutions. Furthermore, the Orbán administration has introduced laws which make it possible to dismiss public employees immediately without justification, and, in this way, to cleanse the entire government apparatus. As a result, central and local public administration has quickly become politicized, riddled with conflicts of interest. All important positions, including those in the independent institutions, have been filled with Fidesz cadres. For the position of the attorney general, they appointed an official who had previously been a Fidesz political candidate, and who subsequently, during the first Orbán government, was the “trusted candidate” for the job. As the President of the Court of Auditors they appointed a person who, until May 2010, had worked as a Fidesz parliamentary representative. Another former Fidesz representative became the President of the Media Authority, and the spouse of an influential Fidesz representative was appointed the head of the newly-created National Judicial Office, which serves as the administrative body of the judicial branch. Similarly, the Hungarian Financial Supervisory Authority and the Budgetary Council came under political party influence. A Fidesz politician became the President of the National Cultural Fund, who simultaneously served as the President of the Parliamentary Cultural Committee, and, for this reason, the person oversaw his own job. A right-leaning government official took charge of the ombudsman

office, thus forever doing away with the independence of the institution. Most of the above-listed cadres have been appointed for nine to twelve years. Therefore, they can stall or indeed prevent subsequent governments from implementing policies that go against those of the current one.

The members of the executive and President Pál Schmitt competed over who would become the most effective “engine” of legislation. They imposed a retroactive, 98% punitive tax on individuals linked to the previous governments. Moreover, they launched a central campaign against certain former politicians, members of the government or office-holders, as well as left-wing and liberal intellectuals, with the aim of criminalizing them. The state-sponsored television news reports increasingly started to resemble criminal shows. Instead of political debates, for example, they broadcast news of denunciations. Furthermore, the attorney general accused former Prime Minister Ferenc Gyurcsány (2004) of influence-peddling (a statutory crime)<sup>1</sup>. Another example is the smear campaign that was launched against the philosophers and employees of the former Budapest School, who were accused of having received too much support for their research<sup>2</sup>. These latter accusations had anti-Semitic undertones.

State-backed media replaced public radio and television channels. Their programs heavily underrepresented opposition politicians and intellectuals leaning towards the opposition. The media laws of 2010 created a media supervisory authority, and the individuals who are in the decision-making positions of this body are all close to Fidesz. The media authority can issue financial penalties at its discretion for failing to abide by the media laws not only to radio or television programs, but also to print or electronic media, and even to bloggers. The sum of penalties can be so high that media may become completely silenced. The government can apply all sorts of measures to influence the media, ranging from personnel policies to state-led advertising. Its actions are facilitated by the fact that the Hungarian language media market is relatively small and can be fairly easily shaped by financial means. Measures aimed to curtail press freedom

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<sup>1</sup> The official accusation was later dropped due to the lack of evidence.

<sup>2</sup> There was a public accusation and a police investigation against Ágnes Heller and other left-liberal philosophers in Hungary regarding the alleged misuse of public funds. A politically-motivated attack (those allegations that have been tried in court to date have ruled in Heller's favor), the charge against the philosophers has been challenged by intellectuals across the world, including Jürgen Habermas and Julian Nida-Rümelin, who published a letter in *Süddeutsche Zeitung* on January 25th, 2011. An English translation of the letter is available at: [http://www.newappsblog.com/2011/01/translation-of-habermas-and-nida-r%C3%BCmelin-on-the-hungarian-situation.html#\\_ftn1](http://www.newappsblog.com/2011/01/translation-of-habermas-and-nida-r%C3%BCmelin-on-the-hungarian-situation.html#_ftn1).

(such as controlling the policies of news agencies and state television, the new editing practice of outright forgery and manipulation, and the mass dismissal of employees) created the atmosphere of fear and self-censorship among journalists and television reporters. As a response to the introduction of the media law, the European Parliament stated that these laws violated press freedom. Widespread European protests ensued. Under the pressure from the European Commission, the Hungarian government withdrew some of the provisions of the media law, and the Constitutional Court repealed some of the other provisions. However, the possibility of limiting the freedom of the press remains on the books. The broadcasting operations of Budapest's last opposition radio station, *Klubrádió*, were suspended<sup>3</sup>. In its aftermath, television reporters carried out a hunger strike, calling for honest and transparent public media to be restored.

The minimal requirement of every democracy is to hold free and fair elections, which makes a peaceful change of a government possible. This in turn enables an incoming government to implement policies that are very different from the ones of its predecessor. After coming to power, the Fidesz government filled the National Electoral Commission, the body which is responsible for conducting transparent and smooth elections, with its own people. The government majority, shortly before the municipal elections of the autumn of 2010, changed the electoral laws to make it more difficult for smaller parties to gain seats in local governments. New laws have been passed to govern the parliamentary elections. This means – under the pretext of aiming to reduce the differences between the numbers of voters among electoral districts – a change to a one-round system and a complete redrawing of electoral districts according to partisan interests (i.e., gerrymandering). That said, the boundaries of electoral districts were drawn to make the left-wing districts more populous than those of the right, to ensure that the votes from the left count for less. Until 2014, only the parties who lost an election could receive compensation for the votes cast for the losing candidates; however, from now on, winning parties will also receive additional parliamentary seats as “compensation”. The mixed system in place since the 1989 Hungarian

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<sup>3</sup> The attack on *Klubrádió* represents the last phase of a long lasting tendency, in which, since 2006, Fidesz systematically has occupied countryside media outlets and created their own newspapers, radio and television channels. Among newspapers one can mention *Helyi Téma*, *Metropol*, *Magyar Nemzet*, *Magyar Hírlap*, *Heti Válasz*. As regards radio stations: *Lánchíd Rádió*, *Class FM*, *Mária Rádió*, and television channels: *Hír TV*, *Echo TV*. Since 2010, public radio and television channels have become strongly influenced by government propaganda (the channels of *Magyar Rádió* and *Magyar Televízió*).

Electoral Law largely remained<sup>4</sup>, but the proportionality of the system further decreased. The total number of parliamentary representatives radically decreased (from 386 to 199), so there are fewer electoral districts and they are generally larger.

Overall, the new electoral law aimed to filter out smaller parties and political opponents. Meanwhile, Hungary became one of Europe's least proportionate electoral systems, by maintaining the 5% threshold to enter the parliament, and by increasing the number of representatives to be elected in the individual districts to the detriment of the spots to be gained for the votes cast to party lists. The goal of the new law was to increase the chances of Fidesz to win an election, to be achieved by reducing the electoral campaign period, removing policy issues from elections, banning campaign advertisements in the commercial media, and by mobilizing voters to keep presumably opposition voters away from polling stations. The electoral procedures in the law tied the participation in an election to previous permanent addresses, which affects the lower tiers of society, especially the Roma and the poor, diminishing their opportunities to participate in elections.

## A SNAPSHOT OF THE SOCIETY AND POLITICAL CULTURE

By introducing a flat tax system, the government made it clear that its social policies are intended to support the upper middle classes rather than the lower middle classes and the poor. The original goal of the government was to make Hungary competitive amongst other Central European countries that have lower tax rates (Todor, 2013). However, the result of all of this was a substantial budgetary deficit, which the government tried to reduce by levying "crisis" taxes on banks and telecommunications companies, alongside a 98% penal tax, which was levied on severance payments and which cannot be reconciled with the concept of the rule of law. In addition, the government increased sales taxes (VAT) to

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<sup>4</sup> The Hungarian electoral system at the time of the 2010 elections was a mix of a direct election of representatives in a single-seat constituencies (176 members in the National Assembly), proportional representation (152) and 58 "compensation" seats, which were determined through a complex system in connection with voter turnout and votes that in each electoral round did not get counted because they did not go to the winning member. The aim of this mixed system was to try to optimally capture voter preference in the actual numbers of representations of each party in the parliament.

27%, the highest rate in Europe, nationalized private pension funds, and cut spending in the areas of culture, healthcare, education, and welfare significantly.

Fidesz's sweeping electoral victory in 2010 was at first sight seen as a populist reaction to previous weak governments. After all, Fidesz promoted economic nationalism and "unorthodox" economic policies by imposing taxes on banks, launching anti-bank campaigns, and attacking foreign investors and multinational financial institutions. In an effort to balance the budget, the government levied "crisis taxes" on banks and primarily foreign-owned large companies. At first sight, these measures may appear as typically "left wing" economic policies. However, this is a misleading interpretation, because Fidesz's "unorthodox" economic policies were complemented with distinctly "anti-welfare" social policies, as it were. For example, the government now grants tax benefits to families of working parents with children, which means that by definition families where the parents are unemployed and who live in deep poverty (most notably the Roma) are excluded. Social spending on the homeless and the unemployed has been decreased, homelessness has been criminalized. The time frame for disbursing aid has been reduced, meaning that recipients should receive aid more quickly. On the other hand, more money has been allocated to those mothers who temporarily leave the job market to remain at home with their child. These measures have been justified with the notion of a traditional, patriarchal family values. The Orbán cabinet openly defended its anti-welfare policies, which were rare in continental Europe, where, since World War II, the majority of countries have aimed foremost to establish a social market economy, which they have since labored to protect.

In the meantime, the government nationalized the reliable private pension insurance system in such a speedy way that people were left with no other rational choice but to move back into the state-supported pension system. By absorbing these pension funds, the government was able to meet the Maastricht criterion of 3% annual budget deficit for 2011. One year later, the government forced even those who had chosen to remain in the private system to join the state pension system. By this point, there was no question of a "freedom of choice": the government behaved like a cop turned thief: it put its hands on the wealth of people. Thus, in Hungary, the basic principles of the constitutional law, such as the respect of private property, the freedom of contract and legal certainty, came into question. Whilst the government's propaganda played anti-EU tunes, it designed measures to reduce costs, following EU directives, all in the name of the economic crisis. The leaders of the government launched a verbal crusade,



lambasting the sins of economic neo-liberalism, by promising a “national rebirth”. However, in reality, the government itself was carrying out neoliberal policies, and the sole purpose of these policies was to protect and benefit its own elites and a narrow class of people.

The government took several steps to prevent people from expressing opposition or dissatisfaction in a formal and organized fashion: it made the Labor Code stricter, which hurt workers, and it abolished traditional forms of dialogue between employers and employees. Moreover, trade unions were forced to merge with an emerging corporate structure. Limiting union rights curtailed the rights of workers to call for a strike. Furthermore, government-supported media outlets launched a smear campaign against the new generation of union leaders.

Shortly after coming to power, the government established a new, so-called “Counter-terrorist Center”, partly to guarantee the personal safety of the prime minister himself. The annual budget of the organization exceeds the amount set aside for the National Cultural Fund. One year after, it seems that the strengthened security services cannot sufficiently guarantee the safety of those in power, either. The Minister of Internal Affairs has proposed to establish a new secret service, though this is still under debate in the cabinet; as those in power could keep each other parties in check via this service, this measure has (understandably) aroused controversy.

The new law ensured that public education was managed and controlled by the central government. Local government and foundation schools have been nationalized, and a significant number of these schools have been placed in the hands of churches. Moreover, through these new laws the government has been homogenizing the curriculum of public schools, and it has reduced the age until which students must attend school from 18 to 16 years. The law on public education merged the anti-liberal traditions enshrined in the dogmas of Communism and Catholicism; it was no longer about education, but about discipline, and it declared that the state had the right to intervene in the lives of children and parents. The self-proclaimed “family-friendly” government strives to “re-educate” families for them to become “worthy” of participating in the system of national cooperation. Similar patterns can be observed in higher education. The bill on higher education aimed to limit the number of students that could be accepted to universities and colleges with financial aid from the state. The new laws even required that students retroactively repay tuition fees should they choose to live abroad after completing their studies. On top of it all, the government proposed that some university degrees can only be pursued

upon payment of full tuition, which would make the more lucrative professions available to only the wealthy. It was the unspoken goal of the government to reduce social mobility, to bring the process of change of the elite to a close, and to “finally” entrench the social hierarchy that emerged through a “revolutionary” process in the post-Communist era.

Though the government stressed that it did not wish to return to the past, it nonetheless fed nostalgia for the period between 1920 and 1944, characterized by Admiral Miklós Horthy’s nationalist and revanchist policies. Prime Minister Orbán has proclaimed the day of the Trianon Peace Treaty that concluded World War I as the “day of national unity”. Moreover, the government ordered to erect a statue of German occupation of 1944 in the heart of Budapest, suggesting that all Hungarians had been victims of German Nazism<sup>5</sup>. The government was politically absolving individuals extolled during the Horthy regime by conferring new awards upon them. Under the guise of “national unification”, the government granted citizenship and voting rights to Hungarian minorities living outside Hungary to increase the number of right-wing voters, given that the majority living in diasporas tended to vote for the right-wing parties (and would perhaps return the favor for receiving the automatic right to Hungarian citizenship). Orbán declared that he wished to politically deal with the extreme right party, *Jobbik*, the same way that Horthy dealt with Nazi “*nyilas*” (Arrow Cross) movements back in the day: “give them two slaps on the face and send them home”. Meanwhile, various extremist right, paramilitary organizations have appeared in villages across Hungary, bearing a range of eerie names, such as “*Magyar Gárda*” (“Hungarian Guard”), “*Véderő*” (“Protective Force”), and “*Betyársereg*” (“Outlaw’s Army”). These organizations take away the government’s monopoly on force and launch racist campaigns aimed to intimidate the Roma. Courts that banned these extremist paramilitary groups were unable to prevent them from reorganizing under different banners.

The central propaganda rose to protect nationalism, patriarchal family values, power politics and “law and order”. The Criminal Code has also been modified so that teenagers can now be thrown behind bars for minor retail theft or painting graffiti. The independence of the justice system has also suffered: the government is making the Office of the Attorney General dependent upon personal loyal-

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<sup>5</sup> By doing so, the Orbán cabinet disregarded the fact that Hungary was an ally of Nazi Germany in World War II. Moreover, the Hungarian authorities effectively helped Eichmann and his squad to transport most Hungarian Jews to extermination camps.

ties; it is curbing the rights of lawyers in criminal proceedings; and by forcing early retirement upon Supreme Court judges, it is launching a siege against the courts. When it created the “Kúria” (i.e., the Supreme Court in Hungary before the judicial system was reorganized after World War II), it did not extend the term of the chairman of the Supreme Court (though his mandate had not yet expired). Instead, the government replaced him with an official loyal to the ruling party. In 2010, the Fidesz majority in Parliament changed the Constitution nine times in a six month period. Thus, the government itself placed the principle of legal uncertainty under doubt, shaking its own credibility.

The government paid special attention to the members of the national bourgeoisie and placed high expectations on these individuals to carry out certain functions. The Orbán system created incentives through tax breaks for popular team sports, such as football, the prime minister’s favorite. Sándor Csányi, the CEO of OTP Bank, became the President of the Hungarian Football Association. The government announced its plans for building a state stadium and several others. It has spent hundreds of millions of forints<sup>6</sup> on football academies, such as the Ferenc Puskás Academy, which has ties to Orbán. Due to this forced, “generous” support of different agencies, the local football team of the prime minister’s village managed to rocket up to the first league within two years<sup>7</sup>.

In the area of culture, the policies of Fidesz and Jobbik overlap: both have an exclusionary interpretation of the idea of “national values”. Under this label, both parties go against the equal opportunities policy of recent years. Though the government protected the National Theater’s director against homophobic and extreme-right attacks, it finally replaced him with a new, pro-Fidesz director. Moreover, the mayor of Budapest appointed an extreme-right wing actor as the director of the New Theater – a person who had worked alongside István Csurka, the ex-President of *Magyar Igazság és Élet Pártja* (Hungarian Truth and Life Party, MIÉP), a former extreme-right party. To the helm of the Hungarian State Opera, Orbán (deceiving his own minister) placed a government commissioner, who through his deeds and declarations would within a few weeks come into confrontation with the major representatives of Europe’s cultural scene. Within a year and a half, all theater directors across Hungary were replaced. In many

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<sup>6</sup> 1 EUR equals approximately 300 Hungarian Forints.

<sup>7</sup> The village where Orbán lives, Felcsút (near Budapest), has slightly more than 1,700 inhabitants. However, a small stadium has been constructed there to host 3,500 viewers at the home games of the football team of the village.

towns, relatives of the Fidesz clientele have become the directors of theaters. Cultural programs that aimed to decrease social and cultural inequalities were terminated. By stopping the activities of the public foundation for film, the government in effect halted one of the most successful branches of Hungarian cultural life, film production<sup>8</sup>, for three years. The government even decided which religion could be regarded as “established” (Islam and Mormonism, for instance, were not), and it still has the authority to conduct a complete data search on all “non-established” congregations.

The Orbán regime considered some of the most outstanding artists and scholars to be its enemies<sup>9</sup> (Bozóki, 2012). The government had requested some of its artist friends to create illustrations for the new basic law, so that it may leave visual footprints of the historical periods of its preference next to the text, displayed on the mandatory “basic law tables” in government offices. They redesigned Kossuth Square, the large area just in front of the Parliament, to remove certain statues and restore the “conditions of 1944”. Their actions were full of contradictions: they simultaneously lauded Chinese Communism and the anti-Communist neo-conservatism in the United States; they banned pro-Tibet protests during the Chinese Communist Party Chairman’s visit and at the same time put up a statue of President Ronald Reagan, who had called Communism the “Evil Empire”. They turned away from previous symbolic figures of Hungarian democracy, such as István Bibó<sup>10</sup> (Bibó, 1991) and Imre Nagy<sup>11</sup>, turning instead towards the successors of Li Peng, with whom they “forged an alliance”. In addition, not only did they declare that the Communist Party of the past was a “criminal organization”, but they put its predecessor and successor organizations in the same category. On the other hand, they welcomed some of the former members of the Communist party in the government; what is more, they had these former members write parts of the basic law.

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<sup>8</sup> Film producers dependent on the government have secured the “right to the last cut”, and as such, censorship in filmmaking has become institutionalized yet again. No wonder that the new Hungarian cinema follows Hollywood-type comedies and none of the film touches upon social problems.

<sup>9</sup> The list includes the pianist András Schiff, the Nobel Prize winner writer Imre Kertész, conductors Ádám Fischer and Iván Fischer, filmmaker Béla Tarr, economist János Kornai, sociologist Zsuzsa Ferge, philosophers Ágnes Heller, Mihály Vajda, Sándor Radnóti, and many others.

<sup>10</sup> István Bibó was a major democratic political thinker in the post-World War II Hungary.

<sup>11</sup> Imre Nagy was a reformist Communist leader, who served as Prime Minister during the 1956 revolution. He was executed by the Kádár regime in 1958.

It was surprising that – despite its qualified majority in parliament – the steps of the Fidesz government could be characterized as *Blitzkrieg* tactics, especially as regards legislation. If a government announcement of a new law was expected, parts of it were leaked days before, and thus the government could “prepare” public opinion for its receipt. Thereafter, the party’s parliamentary group leader, or the prime minister’s spokespersons, duly delivered the announcement, which was then immediately submitted to the parliament, and, by way of an individual representative’s motion, the bill was voted into law. Consequently, the Minister of Justice, who in theory should be responsible for legislation, had no say in the legislative process. There was no society-wide debate, no professional talks, no impact assessments, and there was no need for other such procedures considered “orthodox” in democracy. The opposition’s voice was divided and it did not filter through the state-sponsored media. Furthermore, a modification of house rules limited parliamentary debate explicitly: proposals deemed important by Fidesz passed through parliament smoothly. This clearly contradicts the notion of parliamentary democracy, which is based on the idea of holding public debates. Since 2010, analysts, journalists and commentators have hopelessly chased after events as they unfolded; they could barely keep track of this chaotic pace of legislation, which had been intentionally accelerated. By the time the involved parties and non-state controlled media outlets realized what happened, the event had already concluded.

At first sight, this raid tactics gave the impression of a government determined to govern. Yet, what has become clear is the fact the government is determined to centralize power. When criticized, the government has regularly responded by saying that the “most important talks” with the society had already taken place, namely at the polling stations in 2010. Thus, the government claims that its policies reflected on the „will of the people”. Work, home, order, and family have become the regime’s catchwords. The popularity of the Orbán regime can partly be explained by the coordinated governmental communication about the advantages of a “strong man rule”, and by the socially “unorthodox” policies of the government. The Orbán regime offered favorable neoliberal policies for the rich, a corporatist and clientele system for the middle class, a mix of ethno-nationalist, anti-capitalist and anticommunist rhetoric for the lower middle classes, the policies of social exclusion and demobilization against the Roma and the poor, and finally, the familiar Kádárist paternalism to pensioners.

Yet what is not clear is the following: if it is true that the majority stands behind the government, why did the government have to govern in a coup-like

fashion? Because there is no denying that between 2010 and 2012, a constitutional coup unfolded in Hungary, and the speed of this coup was dictated by Viktor Orbán and his close political circle.

## POWER AND SOCIETY

During his first administration between 1998 and 2002, Prime Minister Orbán was more *primus inter pares* in his leadership. After 2010, by contrast, the informal center of power, composed of the Prime Minister, his advisors and Fidesz cronies, was simply in agreement with the decisions of the “system’s founding father”. For Fidesz, the idea of the “center of power” served the purpose of limiting the possibility of fair elections. Regarding the government’s mandate, it was Orbán’s explicit goal to create additional qualified majority rules, which killed off the possibility for a change of government. And even if a change in government did take place, the administration strives to ensure that the would-be new government cannot carry out policies that contradict its own. Furthermore, the government has restricted the right to strike and the rights of employees; it has reduced the rights to assembly, religious freedoms, educational freedoms, and social rights. Rather than maintaining the system of local government, the Orbán administration, after restricting the resources of local governments, placed the majority of their functions under the jurisdiction of the central government.

The Fidesz government promised that after gaining its exceptional majority in government it would take on the fight against poverty and the social crisis. It promised jobs, homes, order and security. It suggested that although some of its measures would be controversial from a rule of law perspective, it would in turn guarantee economic and social development. Millions believed this promise. Perhaps they thought that certain democratic practices could be sacrificed in exchange for economic well-being. However, the government has dismantled the limits on the rule of law and it has bid farewell to liberal democracy; yet in return, not only did it fail to lessen the social burden of the Hungarian population, but it also sent a message that it has (and had) no intention of doing this. Thus, it opened the avenue for the rise of the extreme-right party Jobbik.

To guarantee a return towards liberal democracy, strong opposition parties are needed that are willing to cooperate, along with social movements and independent press, civic organizations and heightened international attention. In 2011, the main points of opposition began to appear, including independent

unions and increasingly active civic groups that overshadowed the dispersed opposition parties, which today remain unable to join forces.

In January 2011, a group named “One million people for the freedom of the press!” (this name was later shortened as “*Milla*”) sent ten thousand protestors to the streets; by March 15th, and October 23rd, two of Hungary’s most important national holidays, their numbers had swollen to 30,000 and 70,000, respectively. Labor unions organized larger gatherings in April and June in the same year. In October 2011, the Hungarian Solidarity Movement was formed. It organized a demonstration of 30,000 people in front of parliament, and in December, it announced that it would become a countrywide organization. A day before Christmas of 2011, representatives and activists of opposition Green party (LMP) chained themselves around the parliament building to prevent parliamentarians from entering. They aimed to draw attention to the legislation that the parliament was considering and which threatened the rule of law. The police, acting in the Ukrainian and Belorussian style, accused the protestors of “restricting personal freedoms”. On January 2nd, 2012, about one hundred thousand people protested against the new Constitution and the rise of autocracy in the streets of Budapest. Further protests occurred on March 10<sup>th</sup> and March 15th, 2012, with the attendance of tens of thousands. The Orbán government aimed to counter this series of protests by creating its own government-sponsored “civic” movement, the so-called Forum of Civic Union (*Civil Összefogás Fóruma*, CÖF), which organized counter-protests in defense of the regime. Flash mobs, scattered protests, new movements by civilians (university students and artists) emerged in the period of 2011–2012, challenging the political monopolization of power increasingly seen as mafia state.

The biggest rally of the democratic opposition movements occurred in Budapest on October 23rd, 2012, when the leaders of three civic organizations – Gordon Bajnai (former Prime Minister, leader of *Haza és Haladás*, Patriotism and Progress, a technocratic think tank), Péter Kónya (*Szolidaritás*, Solidarity, an employees’ organization with nationwide network), and Péter Juhász (*Milla*, a broad political platform of the urban youth) – declared their decision to form an umbrella organization, called *Együtt* (Together), inviting other parties of the democratic opposition to create a united electoral bloc for the 2014 elections. With this public announcement, these movements started walking on the long way of party-formation. Since 2012, former civic organizations within *Együtt* have made several attempts to collaborate with other Parties (MSZP, LMP) for an electoral coalition, but internal rivalry between leaders, the growing distrust

towards politicians in the society, and the strong negative campaign of Fidesz did not allow them to make a strong alliance early. The green party named *Lehet Más a Politika* (Politics Can Be Different, LMP) broke up on this issue: a segment of the party joined the opposition alliance as a new party, *Párbeszéd Magyarországért* (Dialogue for Hungary, PM), while others, staying at LMP, decided to let their party run alone in the elections.

Despite the efforts of the government, Hungary has still retained a few of the basic characteristics of a multiparty democracy. Liberal democracy, however, has been replaced with a wrecked version of “majority” rule, where the freedom of speech is limited by self-censorship (people do not speak up, for fear of losing their jobs) and press freedom is clearly being reduced to the blogosphere. State-run television channels have taken a turn towards the tabloid. The aim is to depoliticize the news or remove political issues from media reports. State-sponsored media outlets, for instance, either did not report or underreported mass protest rallies and demonstrations. The country arrived at the 2014 general elections with Fidesz having a clear advantage.

The period of mass protests (2011–2012) had been followed by a long and increasingly self-destructing set of negotiations among the leftist opposition parties (2013). The momentum, offered by the civic initiatives, was lost when still unpopular leaders took over the political process in the opposition. In the meantime, the government introduced its policy of utility-cost cut to regain the support of lower class voters. Finally, in January 2014, a leftist electoral alliance was created, just three months before the April 2014 elections. It was far too late. The influence of civil initiatives was not strong enough to promote new leaders to the democratic opposition, which was still dominated by the ones who had lost credibility before 2010. Among several other factors, weak organization, poor capacity for innovation, and the lack of imagination resulted in an electoral defeat in 2014.

#### FREE AND UNFAIR: THE ELECTIONS OF 2014

Hungary’s parliamentary elections in April 2014 saw a 61% turnout, the lowest since 1998. The high abstention rate was a sign of disaffection with Hungarian politics: four-tenths of the electorate believed it was left without a genuine political choice.

Fidesz, the right-wing populist party led by Viktor Orbán, received 44.5% of the votes, giving it a strong mandate to continue to govern. Thanks to the more



disproportional voting system introduced by Fidesz, the party retained its two-thirds parliamentary majority. However, of a total of 8 million citizens eligible to vote, only 2.1 million cast their ballot for Fidesz; this was 8% (or 600,000 voters) less than in 2010. Although this result was far from representing “national unity”, Orbán’s charismatic leadership and his anti-EU, Christian-nationalist rhetoric managed to forge an alliance between conservative voters and the lower middle class, which expected the state to halt its existential decline. In 2002 and 2006 – when the previous election system was still in place – this solid, two million-strong voter base did not suffice for a Fidesz victory. This time, it secured the party a supermajority.

The alliance of leftist opposition parties came second with 26% of the vote. Led by the socialist leader, Attila Mesterházy, the alliance is made up of the Hungarian Socialist Party (MSZP), Together (*Együtt*), Dialogue for Hungary (PM), the Democratic Coalition (DK), and the Hungarian Liberal Party (MLP). Since the previous elections, the alliance managed to increase its vote by nearly 300,000, receiving a total of 1.2 million votes. Nevertheless, its performance at the polls was rightly seen as a crushing defeat. In the last four years, the left has been unable to reinvent itself from the ground up. It has failed to communicate a clear identity or program; its leaders, who are engaged in constant rivalry, decided to field a joint list only at the last minute. The primary message of the alliance was a desire to run Viktor Orbán out of office; it had nothing to offer in terms of a genuine and positive vision. The list was dominated by MSZP politicians, held responsible by voters for the policy failures in the period up to 2010. Following their defeat, the leaders of the coalition parties announced that they would be running separately in the European parliamentary elections in May.

The third place went to a far-right party Jobbik, with 20.5% of the vote. This represented some one million voters, 3% (100,000 votes) more than in the previous election. The results for individual constituencies show that in half the country Jobbik beat left-wing candidates. The elections were, in a way, a great victory for Jobbik, which promoted Hungarian nationalism, radicalism, anti-globalization, and racism. Analysts blamed Orbán for the growing support of right-wing extremists and said that Europe could no longer ignore the far-right. In the months before the elections, Jobbik assumed a more moderate tone, campaigning with the slogan of “livelihood, order and accountability” and muting its standard racist message. It not only ran successfully in the poorest, north-eastern region of the country, but also managed to gain new positions in counties in the west.

The green party, Politics Can Be Different (LMP), came last with 5.2% of the vote. Although this falls short of the party's 2010 performance, it may grant green policies a new lease on life. Keeping an equal distance from both the rightist and the leftist bloc, LMP sent middle-of-the-road, anti-establishment messages to its voters during the campaign.

The OSCE found that the elections themselves were effective and partly transparent, but it cast doubt on the legitimacy of Orbán's landslide victory, commenting on the "undue advantage" enjoyed by Fidesz and the lack of freedom for the opposition during the campaign. The European Parliament, the European Council, the United States, and several EU member states have also openly criticized this abuse. All of them pointed out that the act on electoral procedure was passed without meaningful public debate, in violation of both Hungarian and international practice. Constituency boundaries were shifted around to make left-wing districts more populous than right-wing districts, causing a left-wing vote to carry less weight. Different rules applied to Hungarian nationals working abroad and so-called "Trianon Hungarians" living beyond state borders. Moreover, under the new system, extra mandates were added to the list of the winning party, which made the regulation extremely disproportionate. These rules violated the principle of equal vote. There has also been a failure to properly regulate a number of important areas connected to campaign financing, such as the campaign activities of satellite organizations. Using public funds, Fidesz outsourced part of its campaign to an allegedly civic organization with close ties to the party, the Civil Alliance Forum (CÖF). Thanks to new financing regulations, the transparency of the system and its accountability has been compromised.

The Media Council set up by Fidesz has not been politically neutral. The acquisition of media companies by investors with close ties to Fidesz undermined the plurality of the media and forced journalists to self-censor. Regulations introduced by Fidesz prohibited commercial television stations from running financed promotions, which did not prevent government ads from being aired. The majority of television channels broadcast reports that were biased towards Fidesz. Together, these factors granted the government significant and unfair advantages and restrict citizens' access to proper information. The result has been a loss of public confidence in the electoral system. Not only did Fidesz as a party campaign, as it is usual in any multiparty democracy, but also the Fidesz-controlled state administration "campaigned" by using taxpayers' money and creating an uneven playing field. The boundaries between party and the

state became blurred. This violated the principles of fair competition laid down in OSCE's 1990 Copenhagen Document (Scheppel, 2014).

The lower middle classes and the poor, victims of the discriminative governmental social policies of the past four years, have been compensated with utility-cost cuts before the election year. While advertising on utility-cost cuts are delivered regularly to all Hungarian citizens, the burden of special taxes is borne by various segments of the population in isolation. The majority of the public has been convinced by the media that, despite a permanent economic stagnation, "Hungary has been performing better" over Fidesz's four-year term. Nationalist sentiments, paternalism, "strong man rule", and an overwhelming populist discourse captured the largest segments of the Hungarian voters. By carefully calculating the social impact of his policies, Orbán could effectively minimize the losses of his constituency and could keep the relative majority for his party. The victory of Fidesz can be metaphorically described as a successful "rebellion of the countryside" against the previous political setup widely perceived as "elitist democracy".

The Hungarian public has been constantly reminded by its current political leader of the importance of national pride. Individual rights and the democratic institutions that protect them have taken a backseat to constitutionally endorsed policies of collective identity and cultural uniformity. With government propaganda about "order", "home", "fatherland", and "family" drowning out all other voices, many are voting with their feet: in the past four years, half a million people have left the country.

If the society is unable to balance the system against governmental leadership, democracy is in danger. The proponents of autocratic measures, however, can hardly cement their power and they cannot stop the clock, adjusting the present moment – which is favorable for them – for eternity. It is an important lesson for those who believe in liberal democracy: they cannot pretend that everything is OK as they have in the past decades. History does not end with the transition to democracy, because democracy is never a complete condition; instead, it is a dynamic process, full of tension. In essence, it is but a fragile balance of forces and counter-forces.

If the Hungarian democracy survives the current challenge thanks to resistance from the society, there is a chance that it will subsequently be stronger than ever. However, the protest movements and the democratic opposition have proved to be too weak, fragile and fragmented to alter the dominant, illiberal trend in the past few years. The crisis of liberal democracy calls attention to the fact that democracy cannot be narrowed down only to institutions, because institutions can be easily hollowed out by leaders who do not respect freedom. Democracy can only be preserved if, along with its values, a plethora of dedicated people help it thrive.

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