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## The Decline of Liberal Democracy: The Case of Hungary

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# **The Decline of Liberal Democracy**

## The Case of Hungary

Senior Project submitted to  
The Division of Social Studies  
Of Bard College

By

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Annandale-On-Hudson, New York

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## Introduction

Since the third wave of democratization, coined by Samuel Huntington, began in the mid 1970's till the mid 90's it was believed that democracy was generally on the rise. First with the fall of Francisco Franco's authoritarian regime in Spain in 1975 to the fall of the Soviet Union in 1991 and of apartheid in South Africa it was believed that there was no longer an ideology that could compete with democracy as well as capitalism as the undisputed champions of the Cold War. Following the overthrow of the previous regimes the new governments that emerged sought to solidify their commitment to democracy by creating constitutions that created systems of checks and balances, that protected human rights, and mandated the independence of institutions meant to govern. The belief that these constitutions would enable the protection of liberal democracy has since been shattered however with the introduction of so called 'illiberal democracies' who still follow a capitalist model, but whose main political attribute is the accumulation of executive power through the democratic process, normally elections, whereby opposition parties are sidelined and the dominant political party begins to monopolize and erode the independence of institutions that were meant to be independent, namely the judicial system and the media. They have also sought, and in Hungary's case succeeded, in amending their constitutions in order to legitimate their hold onto power and by making it difficult to change if they were to ever be voted out of office. The distortion of constitutions in order to favor one political party at the expense of all the others and to solidify their power represents a grave risk to liberal democracy as a whole.



This paper will focus on Hungary's turn into one of these illiberal democracies and will be split up into four chapters. The first will be an overview of liberal democracy, what it is, why it is important, and in the role that constitutions have played in its development. There will also be a discussion of the threat liberal democracy now faces and how the rise of populism has affected this trend. The second chapter will focus on the specific case of Hungary in particular the role the transition played in the establishment of democracy and the creation of the institutions, including the constitution, that was in place from 1990-2010. The third chapter will focus on the rise of the Fidesz party and Viktor Orban during the 2002-2010 Socialist-Liberal led government's. There will also be a discussion of Hungarian political and social culture in general and how that enabled Fidesz rise following successive government failures in the economic sphere. The fourth chapter will deal with how the Hungarian government of Viktor Orban since 2010 has been systematically taking control and solidifying his power over the various institutions of government including the judiciary, the parliament, as well his control over the press and civil society through amendments to the constitution that have eroded the previous multi-party liberal democratic system into a virtual one party state.

The purpose of this paper is to illuminate the internal causes for Hungary's turn away from liberal democracy and whether or not this slide towards illiberalism will be emulated by other countries in the region. An important lesson that can be learned from Hungary's case is that liberal democracy is never guaranteed and that threats to it are inherent in a democracy, it should never be assumed that the people themselves will flock to democracy just for democracy's sake. The legitimacy of an ideology rests primarily in the results it can deliver for a people as well how deeply imbedded that ideology is in the mindset of the population, if those results are not

forthcoming and if, in Hungary's case, the values of the ideology have not been ingrained previously then looking to Hungary might give a better glimpse as to what can happen when institutions do not live up to their population's expectations.

## Chapter 1. Threats to Liberal Constitutional Democracy?

Liberal constitutional democracy can best be described as having, “first, a democratic electoral system, most importantly periodic free and fair elections in which the modal adult can vote, the second comprises the liberal rights to speech and association that are closely linked to democracy in practice. Finally, a level integrity of law and legal institutions- that is, the rule of law- sufficient to allow democratic engagement without fear of coercion.”<sup>1</sup> Those attributes are enshrined in a constitution that is created through a democratic process by representatives of the people, open to judicial review, and able to be amended through parliamentary procedures. In this form of government respect for individual rights is paramount as opposed to the rights of a certain demographic group or class. The independence of other institutions in the state such as the media and the school system are also very important since equal access to information is crucial for rival political parties to voice their opinions and school systems need to be free from a biased education that could be used as propaganda by a government.

Liberal Constitutional Democracy has come under sustained attack recently by the rise of right wing populism. Populism can be described as “a thin centered ideology that considers society to be ultimately separated into two homogenous and antagonistic camps, ‘the pure people’ versus ‘the corrupt elite,’ and which argues that politics should be an expression of the general will of the people”.<sup>2</sup> This brand of populism has been present in most countries, both in

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<sup>1</sup> Tom Ginsberg, Aziz Z. Huq, *Constitutional Democracy in Crisis?: Defining and Tracking the Trajectory of Liberal Constitutional Democracy*. (Oxford University Press, New York, 2018). Pg. 36

<sup>2</sup> Cristobal Kaltwasser, *Explaining the Emergence of Populism in Europe and the America's*, (University of Kentucky, 2015) pg. 191

Europe and the America's, with varying degrees of success depending on the social, cultural, and economic situations in each individual country. Although populism is apparent both on the left and the right, it is right wing populism that poses the greatest risk to liberal democracies due to their anti-pluralistic undertones they employ that seek to demonize one or several groups in society and through expulsion or marginalizing of that community to achieve a degree of social harmony. Parties such as Alternative for Germany, Jobbik in Hungary, and the National Front in France have achieved a remarkable degree of electoral success due to their opposition to Muslim migrants and attacks on supranational organizations such as the EU and UN who are seen to be run for bureaucrats in foreign capitals that are taking control of policy away from the nation state.

Identity has been a crucial aspect to populists electoral success. Appealing to voters fears and anxieties of rapid social change can be very effective if government's are seen to be incapable or unwilling to stop or slow the number of immigrants arriving in a country. Trump's description of caravans coming from Central America as an 'invasion' are case in point. Likewise in Europe the invocation of a Christian identity by populist parties has been used to differentiate themselves from the mostly Muslim migrants arriving in large numbers since 2015. In Western Europe where church attendance has been steadily decreasing, especially among the youth, Christianity has been front and center in the populists platforms, "it is a matter of belonging not of believing, a way of defining "us" in relation to "them". If "they" are Muslim then "we" the Europeans, must in some sense be Christian. The ongoing erosion of Christianity as a religion makes it easier to invoke Christianity as a cultural and civilizational identity, understood in terms of shared values that have little or nothing to do with religious doctrine or

ritual.”<sup>3</sup> Populists therefore paint Christianity as being under attack and that they alone can be the shields to protect it from an encroaching enemy that seeks to undermine and destroy the civilization in which they live in. However due to the fact that it is seen more as an identity rather than a religion populists can twist the teachings of Christianity, which include welcoming strangers and goodwill towards men and being charitable, and use the word without invoking those practices.

In several countries, including Denmark, Belgium, France and the Netherlands bans on Muslim face veils have had support from large segments of the population and been touted by populist parties as necessary in order to liberate women from an oppressive male society in their home countries. In 2017 The European Court of Human Rights upheld Belgium's ban on face veils, other countries in Europe have similarly followed suit with their own bans as a way of both protecting their secular identity and to appease the more conservative part of the population. Bans like this are indicative of a situation in which mainstream political parties in Europe are trying to co-opt issues that right wing populist parties have championed as an attempt to keep them from gaining more electoral success which could lead to them to potentially leading a government in the future. Figures like Marine Le Pen, the leader of the National Front in France, which has a history of anti-semitism, have attempted to portray themselves as the defenders of the Jewish people in France which are very outnumbered by the number of Muslim immigrants, Le Pen stated that she was the best protection Jewish people from the threat of Islamic fundamentalism, a bold statement from a political party that was previously very anti-semitic

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<sup>3</sup> Brubaker, Rogers, “The New Language of European Populism: Why “Civilization” is Replacing the Nation” *Foreign Affairs*, 2017, <https://www.foreignaffairs.com/articles/europe/2017-12-06/new-language-european-populism>

itself. Recent attacks by Muslim terrorists, including those targeting Jews, have only heightened the fear which populists like Le Pen have attempted to capitalize on.

In Hungary Prime Minister Orban delivered a speech on the occasion of the 170th anniversary of the 1848 revolution in March of 2018, which celebrates when Hungary tried to gain its independence but was quashed by Russian troops, and laid out a similarly populist message, “The situation is that there are those who want to take our country from us. Not with a stroke of a pen, now they want us to voluntarily hand our country over to others. They want us to hand it over to foreigners coming from other continents, who do not speak our language, and who do not respect our culture, our laws or are way of life: People who want to replace what is ours with what is theirs.”<sup>4</sup> Unlike in Western Europe where there is more of an open, secular atmosphere that respects different cultures and is viewed as more tolerant of issues like homosexuality and abortion the post-communist countries of Central Europe, Hungary, Slovakia, Czech Republic, and Poland have more conservative views and view Christian culture as centered around the traditional family. The Church still has a significant degree of power and influence although attendance is similarly on the decline among the youth. Hungary is unique among the European countries in that it is the one country where the language spoken, Hungarian, cannot be understood by other Europeans. That commonality makes it even easier for populist parties to frame the arrival of Muslim immigrants as an “us” versus “them” scenario. It is a culturally homogenous country where the vast majority of people are Christian and white. So the notion of being the protector of Europe has a lot more credence there.

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<sup>4</sup> Orban Viktor’s ceremonial speech on the 170th anniversary of the Hungarian Revolution of 1848, March 16, 2018

A further area in which right wing populist's attempt to gain more popularity with the people is through attempting to cast themselves as destroying system's that have been seen to have failed and to associate them as traitors who are unfit to lead a country. In the past typically periods of a high volume of corruption and decreased physical security can lead to the arrive of right wing populists who claim they can save the people from the failings of the previous regime. An example of this can be found with the election of Jair Bolsonaro in Brazil who was a little known politician from a far right political party who used the previous government's engulfment in corruption scandals and low voter confidence in the governmental system to his advantage. He managed to be elected President even though he had previously denigrated female politicians and called for an end to homosexuality in the country. In Hungary trust was eroded after the Socialist prime minister Ferenc Gyurcsany was elected prime minister in 2006, the Socialists had led the government since 2002, he was caught on video addressing a party congress where he openly admitted that he lied to the people during the election about the state of the economy and the about the promises that the government could not fulfill. Even though his speech was meant to rouse his party's members into action the frankness of his deception caused a large majority of the population to lose trust in his government and in the party he represented as well and played into the hands of Orban and his Fidesz party who utilized that speech to describe them as unpatriotic and illegitimate.

That delegitimizing of the previous system is part of the populist playbook as they attempt to show that they alone have the right to lead the nation. In the same speech as the 170th anniversary of the 1848 revolution Orban said of the opposition parties against him, "Let's not distract ourselves: we do not need to fight the anaemic little opposition parties, but an

international network which is organized into an empire. We are up against media outlets maintained by foreign concerns and domestic oligarchs, professional hired activists, troublemaking protest organisers, and NGOs financed by an international speculator, summed up and embodied in the name “George Soros”.<sup>5</sup> By deliberately associating the opposition parties, civil society activists, and the media as being subservient to an outside individual Orban is discrediting his opponents without even naming them. As with the immigration issue Orban is shown as the shield against those who would want to destabilize Hungary from within and has attempted to heighten the anxieties of the population into being mistrustful of outsiders intrusion into a uniquely Hungarian culture. By shifting blame away from themselves populists have tried to showcase their own innocence and to in a way exude weakness in the face of overwhelming odds against them.

The resulting success of right wing populist parties in elections have had several outcomes in the political sphere. Where populist parties have garnered success in parliamentary races but do not have the numbers needed to form a government there has been a scramble by other political parties to keep them from being a part of ant governmental coalition. In Germany following the success of Alternative for Germany (AFD) in claiming nearly 13% of the vote the Social Democrats and the Christian Democrats, the center left and center right parties respectively who suffered huge electoral losses, were forced to join into another grand coalition in order to deny AFD the ability to join in the government. Although this process succeeds in keeping right wing populists out of government in can be seen as playing into their hands as Jan-Werner Mueller points out in his book *What is Populism?*, “ Less obviously, the fact that all

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<sup>5</sup> Orban Viktor’s ceremonial speech on the 170th anniversary of the Hungarian Revolution of 1848, March 16, 2018



political actors other than the populists collude to exclude the latter immediately strengthens the credibility of populists claiming that the established parties are forming a “cartel”; populists delight in pointing out that their competitors are ultimately the same, despite their professed ideological differences which reinforces the sense that only the populists offer a genuine alternative.”<sup>6</sup>

Similarly in Sweden it took 133 days following the parliamentary elections to actually create a government, in January 2019, which included both the Social Democratic and center right political parties that had very divergent political views. Not unlike Germany this was done in order to exclude the Sweden Democrats, who are a right wing anti-immigrant and populist party, from having any say in the making or joining of the agenda of the government. They had garnered 62 seats in a parliament with 349 members, which is a significant amount. A consequence of deals such as this one and the one in Germany could be to erode good governance and therefore to further erode trust in the mainstream political parties. Two parties who have had divergent ideologies and who have perhaps had acrimonious relationships with one another in the past cannot be expected to govern effectively without some serious disagreements. This also will lessen popularity among the voters who voted for those parties who are seen to be compromising on many of their core issues, like the Social Democrats in Sweden did. This could have the consequences of shifting voters away from center right and center left parties and more to the ideological extremes which will make it increasingly unlikely that future elections will lead to parties able to form stable governments without extensive and time consuming negotiations. That in turn might actually enable populists to potentially garner more

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<sup>6</sup> Mueller, Jan-Werner, “What is Populism?”, (Penguin Books, University of Pennsylvania Press, 2016), pg. 83

support in the end. Since populist parties are not in government they can point to any failures of the government on both sides of the political spectrum as opposed to if they were in actually in government where they would have to answer for any potential failures that might occur.

When right wing populists have become leaders in governments often times, in the cases of Poland and Hungary especially, they have moved towards becoming illiberal democracies. Illiberal democracies have sought to erode the checks and balances system that liberal democracies operate under as well as to monopolize power in the hands of the state in an attempt to centralize power within their own party both to expedite governing but also to remove any obstacles to their power to prevent them being removed in the future. Those obstacles include the judiciary, parliament, and the media. That is to say that populists seek to be in control of any changes that may happen but do not want others to be making those changes. An example of this can be seen in Hungary where after winning a parliamentary majority in 2010 prime minister Viktor Orban changed parliamentary rules in order to amend the constitution in order for him to cement his and his party's rule by taking power away from the constitutional court and sidelining the oppositional parties by utilizing his party's 2/3's majority in Parliament.

The rise of of right wing populism and the establishment of illiberal democracies, especially in countries in post-communist Europe where democracy was until recently thought to have been relatively successful, points to the dissatisfaction and mistrust that many people in a given population feel towards their political elites, political parties and institutions. Partly this can be traced back to the pace of globalization that has often been celebrated as opening countries up to investment, new cultures, and increasing trade but has also disadvantaged other people, especially those in rural areas, who have been left out due to the movement of jobs to

lower wage countries by companies and businesses. Therefore, “It must be recognized that the pace of change can move too fast for society to digest. The ideas of destruction and creative disruption have been celebrated so much that it is easy to forget that they look very different to the people being disrupted.”<sup>7</sup> The failure of politicians to explain and more importantly to help those who have been displaced due to globalization but also due to automation is one reason why populist politicians have been so successful in framing the negative aspects of the economic situation on immigrants. That is especially true in countries like Hungary and Poland where, “In societies without strong traditions of multiethnic groups or assimilation, it is easiest to organize support along racial, ethnic, or religious lines. Once an ethnic group is in power, it tends to exclude other ethnic groups.”<sup>8</sup> This is not only the case in post-communist countries, it is evident with the election of Donald Trump and Brexit as well the recent success of the National Front in France and should be heeded as a call for traditional parties to become more responsive to the demands of their people in order to offset the appeal of right wing populist parties at the ballot box. Increasing polarization of political parties and rising inequality and falling living standards, especially in countries who were until recently were seeing sustained growth, like the United States, have damaged the image of liberal democracy as the only alternative to authoritarianism and dictatorship. The most important tool to combat the right wing populists therefore is to engage in compromise to uphold the welfare state and social security benefits that a population has come to expect as well as to raise living standards in countries where it has fallen in order to regain the trust of the population, in short good governance.

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<sup>7</sup> Zakaria, Fareed. “Populism on the March: Why the West is in Trouble” *Foreign Affairs*, November/December 2016, pg. 15

<sup>8</sup> Zakaria, Fareed. “The Rise of Illiberal Democracy”. *Foreign Affairs*, Vol. 76. No. 6, Nov.-Dec. 1997, pg. 35

## **Chapter 2: The Case of Hungary: The Transition from Communism**

### **1989-1991.**

Before we begin the discussion of Hungary's transition from communism it is important to understand a little of the history behind how Hungary became how it is today since it matters a great deal to how the current government of Viktor Orban frames his and his party's policies and rhetoric. Hungary, which had been part of the Austro-Hungarian empire since 1867, joined World War I on the side of the Central Powers with Germany and the Ottoman Empire. Following the defeat of Germany the Austro-Hungarian Empire was split up into different countries by the allied powers. The Treaty of Trianon in 1920 split apart the Hungarian population, "Hungary's 283,000 square kilometers was reduced to 93,000 square kilometers, its population dropped from 18.2 million to 7.6 million. In all 3,425,000 Magyars (Hungarians) including sizeable homogenous communities-found themselves separated from their motherland in territories given to the monarchy's successor states."<sup>9</sup> Those successor states included Romania, Austria, then Czechoslovakia, the Serb-Croat-Slovene Kingdom, and Ukraine. The separation of so many of the Hungarian people from Hungary has often been repeated as an example of external oppression by more powerful states, not uncommon in Hungarian history, and has been used in a way to justify not being dictated to and to portray Hungary as being victimized. Following the start of World War II Hungary allied itself with Germany yet still

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<sup>9</sup> Molnar, Miklos. *A Concise History of Hungary*. (Cambridge University Press. 2001. United Kingdom.) Pg. 262

managed to maintain a certain degree of autonomy until March 1944 when a Hungarian fascist movement called the Arrow Cross came to power, and with it a Nazi occupation force that departed hundreds of thousands of Jews, with the aid of the Hungarian military and the population, to concentration camps.

The defeat of Germany brought about the introduction of Soviet rule which lasted openly from 1948-1989. The Revolution of 1956, one of the most widely celebrated since many Hungarians are still alive who lived and fought in it, is used by politicians as well as an example of Hungarian resistance to outside rule. The revolution was brutally crushed and the leaders were put on show trials and hung, including the then prime minister Imre Nagy. Following the failure of the uprising and the re-imposition of Soviet domination in Hungarian affairs under the rule of Janos Kadar, who was chosen by Moscow to be in charge, there began a softening of communist rule. This softening was referred to as goulash communism which was an understanding that the government would avoid the harsh measures it had imposed on the population before 1956 and provide a reasonable standard of living in exchange for the population's acquiescence under communist rule and the giving up of their political rights. This situation remained in place throughout the remainder of the communist era until the beginning of the transition in 1989.

The reasons for the collapse of communism had a great deal to do with the defeat of the Soviet Union in the Cold War. As Mikhail Gorbachev's economic reforms were hurting the Soviet economy it was becoming increasingly difficult for them to give money to their Soviet client states and it was increasingly unlikely that the Soviet Union would intervene militarily in Hungary's internal affairs. In Hungary itself there were several reasons including "the impact of the 1956 revolution, the diminishing performance of the economy, the exhaustion of the regime's

social services, disintegration of ideology, and a willingness to compromise on the part of both the new and the old elite.”<sup>10</sup> Two highly symbolic events are considered to show the end of communist rule. One was the reburial of Imre Nagy, the communist prime minister who had died at the hands of the Soviet Union when he tried to steer on Hungary away from the Soviet’s form of communism. His re-burial was attended by a quarter million people, the fact that the communist authorities had allowed it when before the 1956 revolution was considered a counter-revolutionary assault on Hungary was a sign that the communist rulers could see the writing on the wall. The other event was the destruction of the border fence with Austria to allow East Germans to cross into West Germany, getting rid of their Iron Curtain.

## **2.1 Hungarian Round Table Talks**

The last elections that occurred during the pre-transition era had been in 1985 and with the beginning of the discussions between the opposition and the communist party it was decided that the current parliament lacked the legitimacy to continue to rule. Therefore the parties had to come to an agreement on what the new institutions would look like and how they would operate. The communist party, known as the Hungarian Socialist Workers Party (MSZMP) before it’s dissolution to form the Hungarian Socialist Party (MSZP) had two competing wings, the reform minded politicians who realized that it was necessary to undergo a degree of change in order to be more electorally successful and the more hardline members who wanted to hold on to more of its power. The reform communists “Also wanted to hang out to power in the new system, firstly with the help of Pozsgay as President, and later, as members of a government coalition with their

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<sup>10</sup> Bozoki, Andras. *The Roundtable Talks of 1989 The Genesis of Hungarian Democracy*. (Central European University Press. Budapest, Hungary. 2002) pg. 19

radically transformed party.”<sup>11</sup> Imre Pozsgay, a reform communist and one of the more well known politicians in the country due to the lack of any other political parties at the time sought to keep the communist party in control through utilizing an alliance with some of the parties of the opposition in order to form a qualifying parliamentary majority. To that end they sought to split the opposition alliance in order to force the other political parties to bend to their demands to facilitate a speedy transition. The belief was a lack of political loyalty on the part of the population and the socialist party’s great advantage in organization that they would be able to prevail in the elections. However the opposition parties had agreed beforehand to not negotiate separately with the communists in order not to give them the upper hand in the negotiations.

The major parties in the Round Table Discussions, the name given to the talks that between June-September 1989 decided upon the makeup of the democratic institutions and led the transition away from communism, included parties that had no history in Hungary before the roundtable discussions. There were others who had been formed post World War II, the so called historical parties, such as the Independent Smallholders Party (ISP), the Christian Democrat People’s Party, and the Hungarian People’s Party. These political parties represented a threat to the newer parties since it was thought that due to their name recognition, and their hostility and resistance to the communist party in the past that they would draw more votes. The other political parties included the Hungarian Democratic Forum which “began as an organization of populist writers and intellectuals critical of the Kadar regime’s management of the economy and its hands off approach to the mistreatment of the Hungarian minority in Romania. The MDF (Hungarian Democratic Forum) owed its existence in no small part to the tacit support of the

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<sup>11</sup> Bozoki, *The Roundtable Talks*, pg. 27

reformist wing of the MSZMP, whose leader, Imre Pozsgay, attended the founding meeting of the MDF in Lakitelek in September 1987.”<sup>12</sup> This political party was more center right in its ideology and was more nationalistic. Since they had been closer to the MSZMP it was with this party that the communist’s sought an alliance with. The Alliance of Free Democrats (SZDSZ) had a more leftists ideology, its membership made up mainly with intellectuals and academics. The Alliance of Young Democrats (AYD), Fidesz, of which Viktor Orban was a member had a leadership that was based primarily with university students. One of the main differences between these two was that “The leading Free Democrat politicians were overwhelmingly left wing intellectuals-philosophers, sociologists, economists, who had broken with Marxism and often came from ex-communist, bourgeois, sometimes Jewish families. They were well read, open to the world and fluent in foreign languages, in contrast to the first generation of Fidesz intellectuals, who were mostly from a rural or small town background.”<sup>13</sup> The AYD was also one of the more outspoken parties that called for no collaboration with the reformist wing of the communist party in order not to concede anything. The growing resentment that some members of Fidesz felt towards the AFD leadership, about a certain degree of elite membership, would come to matter more as time went on. For now though these political parties were united in a desire to bring about a democratic transition as well as to remove Russian soldiers from Hungarian soil.

One of the major sticking points that resulted from the Round Table Discussions included the ways in which the President of the Republic should elected and what powers they should

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<sup>12</sup> Bartlett, L. David. *The Political Economy of Dual Transformations: Market Reform and Democratization in Hungary*. (University of Michigan Press. 1997. Pg. 148)

<sup>13</sup> Lendvai, Paul. *Orban: Europe’s New Strongman*. ( C. Hurst and Company Publishers Ltd, London, 2017, pg. 28)



have. The HSWP wanted to hold the presidential elections before the election of the president by popular vote while the opposition, particularly the AYD and AFD wanted the elections to be held after the parliamentary elections. The reasoning of the HSWP was that if Imre Pozsgay ran for the Presidency that he would win due to the better organizing capabilities and name recognition before any other candidates could truly develop their campaigns. Initially the Opposition Roundtable agreed to the HSWP proposal provided that the direct election of the president would only happen once and after that would be decided by parliament. The MDF, led by a man named Jozsef Antall, pushed strongly for this proposal. The AYD and AFD however strongly opposed this since they feared losing to the revamped socialist party. They therefore pushed for a referendum, to be held on November 26 November 1989, which was to ask the people several questions, "These included:

1. Should the HSWP's (party activity) in work places be banned?
2. Should the Workers militia be dissolved?
3. Should the HSWP's party property be liquidated?
4. Should the Presidential be held after the Parliamentary election?"<sup>14</sup>

The AFD and AYD lobbied for the people to vote for yes's to all of the questions while the HSWP, now referred to as the HSP lobbied for three yes's and one no. Ultimately the vast majority, over 90%, voted for the first three questions but the last question only passed with a 0.2% majority. Still this succeeded in denying the communists a further hold on to power and prevented them from occupying the office of the President.

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<sup>14</sup> Kim. *The Transition to Democracy in Hungary*. Pgs. 93-94

The results of the first parliamentary elections of 1990, with 386 seats and a minimum threshold of over 5% to attain representation brought the HDF, the center right nationalist political party, to power along with its leader Jozsef Antall. The full results are shown below:

## HUNGARY

### Parliamentary Chamber: Orszaggyules ELECTIONS HELD IN 1990

#### Distribution of seats<sup>15</sup>

<b>Political Group</b>	<b>Total</b>
Hungarian Democratic Forum (MDF)	165
Alliance of Free Democrats (SzDSz)	92
Independent Smallholders' Party (FKgP)	43
Hungarian Socialist Party (MSZP)	33
League of Young Democrats (FIDESZ)	21
Christian Democratic People's Party (KDNP)	21
Independents	6
Others	5

One of the main issues that the Opposition Roundtable worried about when it came to electoral law was the inability of the parties to come together and form majority coalitions that would facilitate a stable government. That was deemed crucial as the rapid and monumental changes to the economic system would require consensus on a wide variety of issues. It would also inspire confidence in foreign investors, foreign governments, and in their own people. In order to make sure that they wouldn't be an issue, "the framers opted for an election law that put

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<sup>15</sup> [http://archive.ipu.org/parline/reports/arc/2141\\_90.htm](http://archive.ipu.org/parline/reports/arc/2141_90.htm)

its thumb on the scale in favor of larger parties-effectively using extra seat bonuses as a means of ensuring stable government.”<sup>16</sup> Although in the short term this allowed for political parties with similar ideologies to come and form coalitions, this same electoral law with its  $\frac{2}{3}$  majority needed to pass legislation, is what Viktor Orban used when he came to power in 2010 and used it in order to radically alter the constitution and expand his party’s power.

Antall decided, following his election victory, to form an alliance with two of the historical parties the Christian Democratic People’s Party and the Independent Smallholders Party. That enabled him to have a majority in the parliament. However due to legislative rules regarding the necessity of a  $\frac{2}{3}$ ’s majority needed to pass legislation Antal formed a political pact with the Alliance of Free Democrats. Part of this had to do with the fact that even though they had different political ideologies that there was simply no alternative to a technocratic, liberal democratic model that encouraged consensus which at the time was seen to be on the rise. Having a stable transition away from a command economy to a market economy was seen as crucial to economic growth which also meant that there would need to be agreement with most of the political parties.

## **2.2 Powers of the President of the Hungarian Republic**

The Presidency of the Republic of Hungary went to Arpad Goncz, a member of the Free Democrats, who had previously fought in the 1956 revolution and been jailed under the Kadarist regime before being released in 1963. The Constitution of 1989 provided that “the Head of State of Hungary is the President of the Republic, who expresses the unity of the nation and

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<sup>16</sup> Banukti, Miklos. “*The Hungarian Patient: Social Opposition to Illiberal Democracy: Hungary’s Illiberal Turn: Disabling the Constitution*”, (Central European University Press. 2015, pg. 37)

who safeguards the democratic operation of the organs of the state.”<sup>17</sup> This meant practically that the office of the President was meant to be more ceremonial and that the real power in the country was vested with the parliament and the Prime Minister. This was due to the fact that the Parliament was the branch of government that had the most direct contact with the people. The President was further weakened by the fact that almost all of his decisions needed the co-signature of the Prime Minister. One of the few areas where the President could influence legislation, rather than just being a moral voice, is when he can refer issues related to the constitutionality of a particular piece of legislation to the constitutional court for review. Even in those circumstances when Góncz did do that however his options were still limited as “ In the event that the Court finds the legislation is unconstitutional, the president returns it to Parliament. In the opposite case-if the Court upholds the legality of legislation-the president must sign the contested legislation into law and promulgate it within five days.”<sup>18</sup> So even if the President was trying to act as a check on the legislative branch of government, the real authority on the matter was the constitutional court, and in the event of a ruling that went against his beliefs he would have to pass the legislation anyway. The President was also not directly elected by the people and instead was chosen by parliament for a term of five years. Although there needed to be a supermajority in order to elect the President if in fact a party succeeded in gaining that amount it would be in a position to place a loyalist in place and guarantee smooth passage of legislation.

One of the first acts that Góncz did as President was attempt to showcase the powers he did have and to act in the interests of the ‘unity of the nation’ as prescribed in the constitution. In

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<sup>17</sup> Pogany, Istvan. “Constitutional Reform in Central and Eastern Europe: Hungary’s Transition to Democracy”. *The International and Comparative Law Quarterly*. Vol 42. No.2, April 1993) Cambridge University Press. Pg. 343

<sup>18</sup> Dae Soon Kim. *The Transition to Democracy in Hungary*.(Routledge Press, Oxfordshire, 2013) Pg. 106

the summer of 1990 as the government stopped subsidizing petrol prices the price was now made by the international market. That led to an increase of 65 percent to the price of petrol and led to a strike by taxi drivers in order to force the government to reconsider. Initially prime minister Antall and the government were steadfast and refused to give in but Goncz in his role as declared, “In a letter sent to the ministry of interior, made his position clear, stating that, as commander in chief, he would not allow the forces of public order to be employed in order to tackle the crisis. Additionally, on the same day, in a televised public statement, he called on the government to enter into negotiations with the protestors.”<sup>19</sup> This put the government and especially the prime minister in an awkward position since it put him at odds with the head of state who is suppose to collaborate with him. In order to avoid a collision the government acquiesced to the protesters demands and lowered the increase but not to the price where it was before. This was a victory for Goncz as he showcased his ability not to be sidelined and used as a as a rubber stamp for the government, Goncz believed that he was meant to act as one of the checks on governmental overreach.

The President’s signature was also required in the removal or dismissal of high level governmental officials. During the summer of 1991 Prime Minister Antall decided that he was going to replace the vice presidents of the state media with people whom Goncz viewed as more pro-government than the previous office holders. Goncz refused to give his signature to their replacement and a standoff ensued whereby the President’s powers were curtailed even further. The constitutional court ruled that the president can only block nominees, “If there are sound reasons for concluding that the implementation of the recommendations would gravely disturb

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<sup>19</sup> Kim, *The Transition to Democracy in Hungary*, Pg. 111

‘the democratic operation of the state organisation’. However, in the absence of such exceptional circumstance, it may be inferred that the President cannot block the Prime Minister’s nominations.”<sup>20</sup> The Court further ruled that, “The President of the Republic must exercise his authority to make appointments within a reasonable date of submission; he must either sign the certificate of appointment, or decide to reject the nomination.”<sup>21</sup> This was done in order to limit the ability of the President to delay signing the Prime Minister’s nominees indefinitely and to choose either to oppose them or to accept them. Although this ruling was meant to increase the functionality of the government by being able to replace and fire individuals it deemed unfit for service they did severely curtail the powers of the Presidency.

### **2.3 The Hungarian Constitutional Court**

The previous infighting between the President and Prime Minister not only highlighted the difference of opinion and political ideology of the two leaders but also heightened the power of the constitutional court. The court had a very wide purview and, “not only had the power to nullify any unconstitutional law upon request, but it had the power to review any law for its constitutionality at multiple stages of the legislative process. Once a law was enacted, *anyone* could challenge the constitutionality in the abstract proceeding, which meant that virtually all major laws were reviewed by the Constitutional Court.”<sup>22</sup> The members of the court were also chosen in a way that opposition parties would still have a voice in their nominations as a way to counteract the fact that in Hungary the unicameral legislature put most of the power in that body. The nomination process required that nominees gain a majority vote on by a committee where

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<sup>20</sup> Istvan, “Constitutional Reform in Central and Eastern Europe”, Pg. 344

<sup>21</sup> Istvan, “Constitutional Reform in Central and Eastern Europe”, Pg. 344

<sup>22</sup> Toth, Gabor Attila, “*Constitution for a Disunited Nation: On Hungary’s 2011 Fundamental Law*”, (Central European University Press, New York, USA, 2012) Pg. 243

each party, regardless of size of their political faction, be given one vote and then being elected by a 2/3's majority. This was done with the expectation that due to the 2/3's necessity it would be impossible for government to just stack the court with those who shared their ideological views. A major flaw in this system was that there wasn't sufficient safeguards against a political party or parties who gained that majority and would simply utilize their votes to push through their candidates. A large aspect of this system was based on the presumption that the consensualist, compromise attitude would endure within the political establishment. Although this acted as a virtual check to the powers of the legislative branch it also meant that at times the view of the people through the legislature was not followed through on. For example, "Between 1990-1993, the Constitutional Court annulled 35 percent of the normative acts it reviewed that were passed before May 1990 and 31 percent of the normative acts it reviewed that were passed after May 1990."<sup>23</sup> To an extent this was to be expected, especially in a newly formed democracy where laws and regulations, up until that point decided upon by a centrally controlled party apparatus, were now being opened up to change. However this did provoke the ire of the political parties, especially those in power at the time, and led to charges that they were still members of the old communist class. This idea was further solidified when in 1990 the court ruled against a legislative programme that would have taken land back from agricultural cooperatives, that were utilized by the former communist rulers as a tool through which to control the population and increase agricultural output, and give it back to the original inhabitants or their descendents as a way of righting the wrongs of the former system and of placating their electoral allies. The court ruled against the government saying it would be discriminatory to reprivatize the land to their

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<sup>23</sup> *The Constitutional Court of Hungary* (Budapest: Constitutional Court, 1996)

previous owners while not doing the same to other forms of property that were stolen during the communist era. The Court's ruling solidified its opposition against any forms of discrimination, even if they were supported by the voters and the government. Istvan Csurka, a former vice president of the MDF stated on the constitutional court "The Constitution does not permit the granting of preferential treatment to Hungarian peasants. Of course, even the blind can see, feel, comprehend that such treatment is just and necessary. But because a few judges think that this would infringe the Constitution it cannot be done. The question is, will the majority of the Government be capable of sticking to the path of legality and of constitutionality, or will the Constitutional Court force them off the rails?"<sup>24</sup> This differentiation that he is making, between the government on one side represented the people in the form of the peasants and the courts who in his mind are acting against their interests is one of the first cases of populist rhetoric against the institutions of the post-communist era. The fact that following the introduction of democracy there were no trials for those communist era officials who could have been brought to court, an economic recession that saw unemployment increase and wages go down and some of the old elites still retaining control over their homes and in some cases still being in governmental positions in the civil service meant that there was resentment over what the population saw as just a transfer of some elites out of power and new elites into it. The Constitutional Court, although acting in accordance with their duties to uphold the constitution in an objective way, through their early ruling's opened the door to accusations that they were against change.

## **2.4 The Re-Making of the Hungarian Constitution**

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<sup>24</sup> Heiti Vilaggazdasag, 21 March, 1992, pg. 76



One of the most contentious issues related to the development of the post-communist democratic institutions was the restoration of the constitution from 1949 that was made during the Stalinist era by during the roundtable talks and the ensuing agreement with the HSWP. The reason why they decided to go this route was “they felt they did not have enough legitimacy to make the final arrangements to the democratic polity. A series of modifications to the old constitution (only some sentences were preserved of the original text) seemed the best way to guarantee the democratic transition without constraining the freedom of action of the future democratic legislation.”<sup>25</sup> Once elections were held it was the belief that the political parties, who were democratically elected, would come together and decide on a new constitution. The 2/3’s majority needed to pass legislation was found in this document, as was the necessity for the same number necessary to amend the constitution, later expanded to 1/2’s of the legislature in 1995. This was done to ensure that smaller parties would be represented and that the vast majority of the population would have a say in the wording of the text. The preamble to the constitutionally testified to it’s transitory nature, it said “For the sake of promoting the peaceful transition into state of the rule of law that would realize political pluralism, parliamentary democracy, and social market economy, the parliament established the text of the Constitution of the Hungarian Republic as follows.”<sup>26</sup>

During the ensuing negotiations the government embarked upon a consensualist constitution making enterprise, where working with the opposition as well as with constitutional lawyers and experts it was believed that they could come up with a document that could be

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<sup>25</sup> Szules, Gabor Zoltan. *“Thinking Through Transition: The Abortion of a “Conservative” Constitution-Making: A Discourse Analysis of the 1994-1998 Failed Hungarian Constitution-making Enterprise.* (Central European University Press, 2015, pgs. 238-239)

<sup>26</sup> 1989 Constitution of the Republic of Hungary

agreed to by all parties and be accepted by a majority of the population. Due to political infighting and a deteriorating relationship between the different parties during the 1994-1998 legislative session where a socialist-liberal government had been in power, specifically between Fidesz and the Socialist/SZDSZ alliance no draft of a new constitution came to pass. In 1998 when a Fidesz led right wing coalition came to power the constitution making process ground to a halt due partly to the fact that the “rhetoric of Fidesz from the early 1990’s to now always emphasized the insurmountable differences between the Hungarian Left and Right, it also presented parliamentary elections as an ultimate choice between two worlds, past and future, (post-) communists and patriots”<sup>27</sup>. This more confrontational and adversarial attitude characterizes the way Fidesz continues to act today which is against compromise and the consensualist politics that was around during the first decade of the post-communist political era. The failure to come to create a new constitution during the 1994-1998 period was that Fidesz could now use that as a way of painting the current constitution, with its protections for human and civil rights, as a continuation of the communist past even though it bore little resemblance to the initial document written in 1949.

## **2.4 Social Aspects of the Transition to Democracy**

The transition that occurred in Hungary during these few years was important not only because of the way institutions changed but who was instituting that change. Unlike in Poland and the then Czechoslovakia there was no mass movement or political figures that led protests and inspired individuals to take to the streets to demand change. Figures like Lech Walesa and

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<sup>27</sup> Szules, *“Thinking Through Transition”*, Pg. 249

Vaclav Havel did not exist as there were no mass movements that advocated for such radical change. Imre Pozsgay, the reform communist politician who was popular with the population for advocating for the change of the label of the 1956 revolution from a counterrevolution to a popular uprising and for advocating for the opposition roundtable talks, was still associated with the communist past and therefore could not be used as a suitable figure for a break from the system. This was an elite led transition where the people at the top of the communist party structure understood that their legitimacy had fallen apart and therefore accepted the inevitability of democratic change as they saw the communist system falling apart in countries surrounding them. The reasons for this relative passivity however were mostly economic, "Society never considered the communist system to be legitimate, but tolerated it as long as it succeeded economically. When the economic successes ran out, so did public tolerance, and the Communist leadership class soon found itself badly undercut."<sup>28</sup> The fact that society equated economic success to political success meant that the new government coming into power would be at a severe disadvantage at the outset due to the radical changes that would have to be implemented in order to move from a state run command economy to a market economy. Therefore, "only leaders who can demonstrate or convincingly promise immediate success can count on popularity. There are no reserves of confidence. The parties and their leaders are at the mercy of an ever impatient public opinion."<sup>29</sup> The fact there was not the same sense of solidarity due to the majority of the populations lack of involvement in the political transition and not knowing and therefore not having as much confidence in the new political parties emerging meant there was even going to be a short window for politicians to prove themselves. That was going to put

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<sup>28</sup> Kis, Janos. "Post Communist Politics in Hungary". *Journal of Democracy*. Vol. 2, No. 3, Summer 1991. Published by Johns Hopkins University Press. Pg. 4

<sup>29</sup> Kis. "Post Communist Politics". Pg. 4

liberal democracy to the test as most Hungarians associated liberal democracy with economic success and valued it more than political pluralism.

The economic jolt that occurred following the transition cannot be overstated. The “major corollaries of economic restructuring were declining output (in Hungary’s case about 20 percent of the GDP between 1989 and 1994), declining incomes (about 8-10 percent in real incomes between 1990-1994), and pronounced shifts in the occupational structure.”<sup>30</sup> The fact that the state could no longer afford to be one of the main employers of individuals, especially in the more rural areas, came as a negative shock. One aspect of this shock was that it was precipitated by the economic mismanagement of the communist rulers that had brought the country into more indebtedness and had overblown the state budget, a large part of it on the pension system. As inflation and unemployment went up the changes “were simply blamed upon the new regime by a significant part of society, without recognition of the fact that the economic difficulties were not triggered by democracy the market economy, but actually these problems had actually led to the change of the regime.”<sup>31</sup> The economic changes also brought about winners and losers of the new system. The majority of the winners, who benefited from an expanded private economy, were those who were the most highly educated and were mainly located in the urban centers. The losers were mainly those semi-skilled and unskilled workers from more rural areas who had benefited from the communist era guarantees of employment but who had to be let go when the privatization of industries began. These changes expanded the inequality gap that had been ongoing but that the sudden jolt from the transition exacerbated greatly. Who the transition

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<sup>30</sup> Tokes, Rudolf. “Political Transition and Social Transformation in Hungary”. *Revista CIDOB d’Afers Internacionals*, No. 34/35. 1996. CIDOB. Pg. 88

<sup>31</sup> Magyar, Balint. “*Post-Communist Mafia State: The Case of Hungary*”, (Central European University Press. 2016. Pg. 25)

benefited, the highly educated, mostly younger, urban dwellers is who the SZDSZ party mostly represented as they were the political party formed from the intelligentsia and academia. They were also for more pro-European integration which at the time of the transition from communism most of the political parties were in favor of and viewed as essential. However as time went on and the initial consensual approach to politics went away it was Fidesz and the right wing parties who began to utilize this divide in order to their advantage by claiming that the left wing parties weren't looking out for the benefits of the Hungarian people. The introduction of multinational companies into Hungary now that the country had opened up to privatization and was getting rid of state owned property caused a backlash as well from people who felt like the new rulers did not sufficiently represent their interests and were selling out to foreigners. That, combined with ruling's from the constitutional court that went against the redistribution of property to peasants among other cases that prevented the legislature from passing bills, as well as the lack of accountability on communist era officials bred a resentment that would be exploited by Fidesz and Orban, who assumed control over the party in 1993, in their populist message that sought to blame all of the country's ills on traitors and elites who had sold the country out.

To the point about a lack of interest in politics that was characterized by a low political party affiliation. That was due in part by the emergence of political parties that did not necessarily have the organizational infrastructure to campaign right away but it was also due to the fact that since the second world war the communist party had been such a dominant force in society and had been involved intimately in people's lives that there was deep seated resentment about joining political parties again. The corrupt nature of the communist system, beginning especially during the limited economic liberalization of the country which began in the 1960's,

had furthermore bred what has been called the dual value system which is, “an incentive not for the adherence to the official rules of the law and the state, but for their violation and evasion. The dual value system involves not only the breach of norms and corruption that leaks into public office, but also *political cynicism* and alienation from the political community.”<sup>32</sup> This creation of a sort of second economy brought about more of an individualistic attitude among the population due to the severe mistrust they had of the system where in fact people tried their best to work around it for greater material gain. This goulash communism where the population feigned ritual support for the communist party was able to sustain itself due to a lack of a truly brutal nature on the part of Janos Kadar's regime and relative economic sustainability. It also made evident that, “The high levels of individualism and atomization, the weakness of solidarity, the alienation from the political community and the political cynicism- the *pessimistic mentality* is, for example, a feature of the Hungarian character that has been observed and described for more than a century.”<sup>33</sup> This pessimism is not only rooted in the lack of legitimacy that the population had for the communist party but was rooted in long standing grievances in the sorrowful nature of Hungary's past. The very high degrees of individualism within society meant that people relied more on their family and turned inward since organizations outside of the family, such as civil society groups, were controlled by the communist party so people were naturally distrustful of them. The population's support for political parties and in the system itself therefore was weak, even though the vast majority supported the idea of liberal democracy it was more for economic reasons. These feeling's have mostly persisted as the first

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<sup>32</sup> Korosenyi. “*Government and Politics in Hungary*”, Pgs. 13-14

<sup>33</sup> Kosenyi, *Government and Politics in Hungary*, pg. 16

democratically elected parliament couldn't deliver rapid economic growth in a short period of time and fed into this belief that the institutions couldn't be trusted.

The roots of the current right wing populist ideology that is being espoused by Orban and the Fidesz party as well the far right Jobbik party today have their roots in the Hungarian Democratic Forum, the political party that won the elections in 1990 and led the government from 1990-94. It's core base of supporters resided in the Christian and national middle class and espoused more nationalistic overtones. In 1993 a group of former MDF lawmakers led by Istvan Csurka, the former vice president of the MDF, who spoke disparagingly about the constitutional court after it blocked a bill that would have reprivatised land and given it back to the descendents of the former peasants who had owned it, broke off and formed a new political party called The Hungarian Party of Justice and Life (MIEP). The party's ideology is built around representing Hungarian interests over those seen as foreigners, including bankers, and is anti-capitalistic. They also want to purge the government of communist era officials who they view as working against Hungarian interests. The party also had grander plans of one day unifying the Hungarian people and reclaiming the lands that it sees as being stolen from them in the Treaty of Trianon in 1920 following WWI. At the time these ideas were seen as too extreme for the MDF and therefore they were pushed out of the party or left. The policy positions though have been taken up by Fidesz and are evident in certain policies such as Orban granting native Hungarians who are members of living in neighboring countries the right to Hungarian citizenship as well as the right to vote in Hungarian elections. It is also seen in the attack on immigrants and civil society groups as well as individuals such as George Soros as working against the interests of the Hungarian nation. During this time however it was believed that parties such as these were

dangerous to the liberal democratic principles that the post-transition era was supposed to have brought on and could end up leading to international condemnation if they were allowed to remain in the governing party.

One other aspect of Hungarian post-communist society has been the lack of a coherent civil society to challenge the government. There has been many debates as to what kinds of groups constitute civil society, whether they should encompass all groups that fall outside of the state like bowling clubs or bird watching groups, or whether they specifically have to do with groups that lobby a government on behalf of a certain group or cause. For this paper the term civil society means, “the realm of organized social life that is open, voluntary, self generating, autonomous from the state, and which involves citizens acting collectively in the public sphere to express their interests, passions, preferences, and ideas, to achieve collective goals, and to make demands on the state, to improve the structure and functioning of the state, and to hold the state accountable.”<sup>34</sup> The reason for the absence of these groups, much like the absence of a large party affiliation, is that the communist regimes made the population join state sponsored organizations which imbued a legacy of resentment in the population against having to join similar groups once communism had ended.

Although low levels of civil society activity can correspond with a decline of liberal democracy there has been others who have pointed at that a hyperactive civil society in a society can lead to a *decline* of liberal democracy. This is because if a state is perceived to be ineffectual than civil society groups can actually be seen by a population to be more legitimate actors to air their grievances to than the actual authorities who are vested with that power. This could lead to

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<sup>34</sup> Krause, Deegan Kevin, “*Central and East European Politics: From Communism to Democracy*”, (Rowman and Littlefield, Maryland US, 2018) pg. 89



a very destabilizing situation where competing authorities are vying for power, as in Weimar Germany before the Nazis came to power and could result in civil conflict. It is up to the political institutions and political parties themselves to generate trust within the population in their ability to bring about positive change. Civil society then, while it can have positive effects such as engaging the population in issues that they care about and generating knowledge about certain subjects, it is no replacement for concrete political actions taken by a government.

While that is true a lack of civil society involvement in the population does not necessarily mean people are involving themselves in politics and could point to high levels of alienation and mistrust which was the case in Hungary. A lack of civil society groups, “Does not necessarily mean that post communist democracy is in danger of collapse or breakdown, it also ensures that many postcommunist citizens lack the institutional representation and political “leverage” that could be provided by active voluntary organizations.”<sup>35</sup> A generation of Hungarians that have grown up without being exposed to a vibrant civil society have instead been found to be increasingly isolated from one another and from the political institutions since there are not the same types of groups challenging the government, other than other political parties, to represent their interests. That has led to increasing apathy and pessimism among the population which has aided the right wing populists. To put that in perspective, in a survey conducted in 2011 it was found that, “Excepting contact with neighbors, Hungarians are isolated from political life and meaning-58 percent report little interest in politics; a whopping 41 percent (three times higher than in other countries) report no interest in solving social problems, an 83

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<sup>35</sup> Howard, Marc, Morje. “The Weakness of Postcommunist Civil Society”, *Journal of Democracy*, Vol. 13, No. 1, January 2002, pg 158

percent report that politicians are not interested in their views.”<sup>36</sup> This poll was taken very soon after Fidesz and Orban came to power a second time and began to take over the checks and balances system which had been in place since the transition. These feelings of isolation could help explain why there were no real mass demonstrations against Fidesz since its return to power, that is concerted efforts to protest the government’s actions.

Since civil society groups are meant to embody the interests of the people within a certain country it can be harmful when a group receives a large amount of outside funding. As happened just recently with the closure of the Open Society Foundation’s office in Budapest, as the government clamps down on the civil society groups that have emerged it is often with the troupe that they were acting on behalf of foreign agents, in that case George Soros, who the government claimed was trying to flood the country with immigrants. The government then passed a law, dubbed the Stop Soros law, targeting civil society groups that aided asylum seekers in order to ensure the continued dominance of country’s ethnic, religious, and cultural character that fined organizations deemed to be threatening to that goal, the proposal declared, “ The rate of the immigration financing duty is 25% of the financial or property benefit originating abroad. If the migration supporting organization fails to meet its duty payment obligations, the tax authority may impose a fine that will be equivalent to double the amount of the unpaid duty.”<sup>37</sup> That means that since there is not a robust organizational structure to fundraise from within Hungary, those groups would likely have to cease their activities which could put the human rights of those asylum seekers already in the country at worse risk due to the discriminatory nature of the Hungarian system. It was hoped that the fact that there was such low levels of civil

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<sup>36</sup> Andrea Zick, *Intolerance, Prejudice, and Discrimination: A European Report*, (Berlin: Friedrich-Ebert Stiftung, 2011).

<sup>37</sup> The Hungarian Government’s Proposal on the Stop Soros Legislative Package.

activity that it could go both ways, that there be no anti-democratic movements to arise.

Unfortunately that mantle has been taken up by the government itself, with the complacency of the vast majority of the public.

### Chapter 3: The Rise of the Right Wing and Fidesz under Orban

During the 1998-2002 conservative government led by Fidesz and Viktor Orban the political atmosphere became increasingly polarized as Orban sought to create a clear delineation between his political party which he likened to more of a movement led by the rightful representatives of the Hungarian nation and the opposition, the SZDSZ and the Socialists. There was also a turn towards a more personal style of politics in which, “Most people prefer parties that transform politics into a visual experience as opposed to those that convey their policies using the classic devices of verbal debates and programs. Feelings become more important than a conscious understanding and acceptance. These feelings are most accessible through those charismatic personalities who communicate the message of the party. The personality that conveys the message becomes the message itself”.<sup>38</sup> Orban’s charismatic personality aided him in developing this national narrative that instilled a sense of nationalism and identity into his base of supporters and moved away from the consensual style of politics that had prioritized pragmatism and expertise as well as cooperation with the opposition parties. The move towards a politics based more on personality developed to a certain degree into a religion where Orban was not merely a member or the leader of the Fidesz party but was the party. This reliance on a charismatic leader is also typical of populist politicians who attempt to create a personality cult surrounding them. Following his defeat in the 2002 elections to the Socialists and the SZDSZ

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<sup>38</sup> Bozoki, Andras. *Thinking Through Transition: The Illusion of Inclusion: Configurations of Populism in Hungary*. (Central European University Press. 2015. Pg. 296)

Orban declared, “Perhaps, our parties and representatives will be in opposition in the Parliament, but we, here in this square, cannot and will not be in opposition, because the nation cannot be in opposition.”<sup>39</sup> This speech, given to a large group of his supporters in front of Kossuth Lajos square in front of the parliament was meant to further separate Fidesz, the party of the nation, to the political parties of the left which were viewed as prioritizing further integration into Europe over representing Hungarian interests. The Socialist party in particular was further tied to the communist past and was a reminder of the transitional period which the right did not consider to be truly finished due to the fact that many communist civil servants and functionaries still held their positions and no one was actually brought to trial or punished for their roles during the communist regime.

In 2002 Peter Medgyessy, a Socialist politician came to power promising the population expanding social welfare benefits including, “salaries of public sector employees (about 800,000 people) were raised by 50 percent, scholarships and grants by 30 percent, taxes on the minimum wage (already raised by Orban in his conservative led government from 1998-2002) were abolished and from January 2003 the country’s 3 million pensioners received a thirteenth monthly pension”.<sup>40</sup> These programs, including an expanded highway construction plan, were embarked upon when there was no money to fund them and merely aided in increasing the budget deficit. In 2004 Hungary joined the European Union which was widely popular among the population as it signified Hungary’s rejoining of the European community after so long under communist rule. Also in 2004 as Medgyessy was falling in popularity a new Prime Minister

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<sup>39</sup> Speech by Viktor Orban after lost elections. Budapest, May 7, 2002.

<sup>40</sup> Lendvai, *Europe’s New Strongman*, Pg. 55

came to power, Ferenc Gyurcsany, who would do probably the most damage to the standing of the socialist/liberal government.

Arguably the most and definitely the most vivid of his failings was, after the Socialists victory in the 2006 elections against Fidesz, Gyurcsany was caught on tape in May of that year talking to a conference of other Socialist politicians where he assailed them for lying to the public about the benefits promised and of not speaking the truth about the economic mismanagement plaguing the country. He implored his party members to agree to economic reforms saying “We had almost no other choice (than the package of cuts) because we fucked up. Not just a little bit but totally. No other country in Europe has committed such stupidities as we have. Obviously we have been lying our heads off for the past one half-two years. You can’t name one single important government measure we can be proud of.”<sup>41</sup> This profanity laced speech was taken and made public after which the prime minister’s credibility was destroyed. The “lie speech” as it was called was called was played over and over by conservative politicians who rejoiced in the proof they had of the Socialists duplicity. This also caused an increase in attacks by Fidesz and by Orban in particular who questioned the continued legitimacy of the government entirely and demanded that the prime minister should step. In a speech in July of 2006 Orban stated, “The Gyurcsany package (of budget cuts) is not a democratically elected government program but an arbitrary diktat- not legitimate. The government has no right to implement the Gyurcsany package.”<sup>42</sup> This marked the beginning of the erosion of trust that Hungarians had in their own political institutions. By questioning the legitimacy of the

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<sup>41</sup> Lendva, *Europe’s New Strongman*, Pg. 65

<sup>42</sup> Orban, *Magyar Nemzet*, 11 September 2006

government to continue and by using rhetoric that was trying to pit the government as against the people Orban was attempting to frame himself as the true representative of the people's interests.

A further defeat for the government was in a referendum called by Fidesz in 2008 during which the population was asked whether to abolish university fees (about \$350) as well as fees for visiting the doctor (about \$1 per visit). The government, already in a dismal economic situation, lost the referendum and the fees were abolished, thereby portraying Fidesz in a positive light as lightening the load of the working and middle classes while also taking away another revenue source for the government. In 2009 Ferenc Gyurcsany, who had this point had lost the complete trust of the population, stepped down in favor of Gordon Bajnai. Bajnai took it upon himself to implement a host of austerity measures that sought to ease the country out of the dire economic situation that had been exacerbated by the 2008 market crisis that had laid bare the Socialist government's incompetence. The ensuing cuts included "the cancellation of the thirteenth monthly salary, the raising of the retirement age from sixty-two to sixty-five, the reduction of numerous welfare payments and an increase in VAT (consumption tax on EU goods and services) from 20 to 25 percent."<sup>43</sup> Although in the long term this was beneficial to the country's economic situation in the short term it destroyed any chance of the left wing alliance winning in elections in 2010, and benefited Fidesz even more since it was in their interests for the left to institute those changes and take the blame even though most likely they would have had to implement some of those measures if Bajnai had not. According to a poll conducted in 2009, "72 percent of respondents said they had been better off under communism. Only 46 percent of respondents in the 2009 poll believed that the transition to capitalism after 1989 had

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<sup>43</sup> Lendvai, *Europe's New Strongman*, pg. 79

been the correct course; in 1991 this figure had been about 80 percent. 74 percent had found the multi-party system desirable in 1991, this figure fell by 56 percent by 2009.”<sup>44</sup> The failure of the free market capitalist economy left people yearning for the predictability of the communist system that had at least given people employment and welfare benefits. The benefits of globalization and democracy in particular that Hungarians saw in the western European countries in the form of increased prosperity were not materializing and allowed the right wing populists room to maneuver. They could now lay the failures of the country at the doorsteps of opposition parties tied to the communist past who had no concern for the Hungarian middle class, gypsies, Jews, multinational companies, and the EU.

### **3.1 The Jobbik Party and the Hungarian Far Right.**

As stated in the first chapter the beginning of the Hungarian Far Right began with Istvan Csurka MIEP (Hungarian Justice and Life) Party, founded in 1993 that espoused a anti-globalist, anti-communist ideology that sought to purge the political institutions of any of members of the former regime. The party also had a very anti-semitic element to it as they derided those groups who they saw as exploiting Hungary’s economic weaknesses following the transition. The assumption being that Hungarians were being pushed out of their homeland by foreign forces. During the first decade after the transition however these ideologies did not gain too much traction with the population. This can be attributed to the technocratic, consensualist form government that sought to tie Hungary more closely to the EU to ensure economic advancement and a clear desire from the population to allow that process to continue.

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<sup>44</sup> Lendvai, *Europe’s New Strongman*, Pg. 77



The Jobbik party, which translates to Movement for a Better Hungary, was founded in 2003 following the Socialist-SZDSZ victory in the elections. The party's ideology centered around opposition to the political establishment, both left and right, which they viewed as being similar in their approaches to globalism and integration. The party's economic platform centers on economic nationalism, "it rejects free-competition capitalism and evisions a closed national market economy restricted to small producers within a national framework. The essence of this vision is localism-local self-sustaining economies and societies-instead of globalism"<sup>45</sup> The effects of multinational corporations entering Hungary had, in their eyes, only benefited a small number of people at the very top of the economic ladder who had access to education and financial capital. By focusing their efforts on prioritizing Hungarian businesses it was hoped that that could increase employment, especially in the rural areas, and maintain a homogeneous Hungarian nation. A lot of their rhetoric also focused on the historical wrong's committed against Hungary by outside powers, particularly the Treaty of Trianon which split up ethnic Hungarian's into the surrounding countries and the crimes committed during the Kadar era that were never answered for.

Although founded in 2003 the rapid rise in Jobbik's popularity only began in 2006 following the appointment of a new leader, Gabor Vona, and the re-election of the Socialist led government. The leaking of the 'lie speech' by prime minister Gyurcsany was a major boost for Jobbik as well as Fidesz since it decreased trust in the government and the increasingly dire position of the Hungarian economy also helped erode what patience was left within the population in liberal democracy which was failing in its promise to bring about economic growth

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<sup>45</sup> Toth, *Radical Right in Hungary*, pg. 144

in society. The failure of those parties was in not articulating why economic reform was necessary to the population and also how it was going to better their lives.

The other major issue that Jobbik became well known for is for its introduction of the term “Gypsy crime” in Hungarian political discourse. In 2006 in a town called Olaszliszka in northeast Hungary, a poorer area, a Hungarian teacher swerved to avoid hitting a young Roma girl in their car, and although the car didn’t hit her a mob of other Roma individuals arrived, including the girl’s family members, and beat the teacher to death. This contributed to an increasing amount of alienation and increased the divide of ‘us versus them’ in Hungarian society. Even though Roma are Hungarian citizens, they are a group that are not considered part of the Hungarian nation by right wing populists. Their perceived laziness and physical separation from society made them an easy target to being labelled criminals. The reason for those stereotypes, besides that tragic incident was the way in which Roma, who were mostly low-skilled workers were hurt by the transition to a market economy, where the unemployment rate for them was much higher than in the rest of the population. This has caused increasing social stigmatization and has severely hurt their chances for advancement in the economy. It has also bred resentment by Roma against the majority of the population. The Socialists and the other social democratic parties have been averse to tackling this issue for fear of angering voters. The attacks made by Jobbik against welfare given to Roma aim to satisfy their base of supporters who do not want their tax money going to perceived shirkers.

Jobbik, similar to Fidesz, has sought to craft a Hungarian identity that excludes both those below, the Roma, the homeless, and those at the top, the political elite, multinational companies, and bankers. The typical Jobbik voter is younger, male, not necessarily uneducated,

and has anxiety over his place in a future society. Jobbik has sought to maximize the fear that their future in Hungary is being put in jeopardy by groups either trying to live off the state or those that are dictating from the top and are controlling the economy from above, the anti-semitic element, and that the only hope lies in banishing both groups from society. This reliance on the importance of identity was made in a speech given by Gabor Vona during which he said, “The crisis of the economy, the disappearance of public security, the termination of agriculture; the agony of domestic businesses; the crippled conditions of employees; the looting by multinational banks and capital, the shrinking population; and all the rest of our problems are only affects. The cause-the real cause- is the loss of national identity.”<sup>46</sup> This is the reason why, with the influx of immigrants throughout Europe from Muslim majority countries beginning in 2015, Jobbik could lean on this desire to preserve national identity to attract further support. The terrorist attacks that accompanied migrants in France, Germany, Belgium, and other Western European countries further solidified its point.

In the 2010 elections Jobbik won 16.67 percent of the vote, only three percentage points less than the Socialist party, which indicated an increase willingness from Hungarians to accept this far right ideology as part of mainstream politics. In 2014 Jobbik won 20.02 percent and in the most recent parliamentary elections in 2018 Jobbik gained 19 percent, making it the leading opposition party to Fidesz. The MSZP party had shrunk to a mere 11 percent in the 2018 elections and opposition parties that had formed after 2010 had also received between 5-7 percent each. This has meant that Fidesz has had to react by co-opting several of Jobbik’s views regarding migrants and the Roma population by banning immigrants from entering the country

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<sup>46</sup> Gábor Vona, “Ökoszociális nemzetgazdaság” [Eco-social national economy], Barikád, September 29, 2009, <http://barikad.hu/node/37351>

and not abiding by EU requirements to accept a quota of migrants to be re-settled. As Fidesz has drifted further to the right and has begun to monopolize more and more power in its institutions Jobbik has targeted Fidesz in terms of the corrupt nature of the way the government is run, that oligarchs close to Orban have taken control over much of the media and therefore have a monopoly on information given the population. That is one issue on which the left wing opposition parties and Jobbik have in common, the desire to get rid of Orban's tight grip on power, although their policy positions certainly clash.

## **Chapter 4: The Fundamental Law- Changes to the Hungarian**

### **Constitution**

Following the transition from communism the political parties had adopted the Hungarian constitution of 1949 as their basis for revising the new constitution. They need not completely redraft a new one due to the fact that at the Opposition Round Table the political actors and parties had not been elected yet and the previous Hungarian parliament was no longer considered legitimate. The fact that the 1949 constitution had been written at the time under Soviet domination made it an issue of deep contestation by the right wing political parties and they could look to the document and its transitory nature to proclaim that the political transition was truly complete. The failure of the political parties to agree on the draft of a new constitution, which was close to be completed during the 1994-1998 legislative session can be attributed to political infighting and a deterioration of the air of compromise during the initial years of the post-communist era.

After Fidesz's victory in the 2010 elections with a two-thirds majority in parliament they along with their ally the Christian Democratic People's Party which is basically a satellite party used by Fidesz decided to alter the parliamentary procedures in order to more easily control the constitution. In 1995 a law was passed that required four-fifths majority to alter the constitution, up from two-thirds. That law was changed by Fidesz, as they merely utilized their two-thirds majority in order to change the law back to mandating only a two-thirds majority. Coined the Fundamental Law the new constitution, which came into effect on January 1, 2012 with no opposition parliamentary support and very little debate in parliament on the makeup of the draft,

this document has completely altered the political system away from liberal democracy and into an illiberal democracy ruled by Orban.

Turning now to the Fundamental Law's preamble there is an immediate harkoning to populist rhetoric that seeks to portray the Hungarian government as the representatives of all true Hungarians, "We, the members of the Hungarian Nation, at the beginning of the new millenium, with a sense of responsibility for every Hungarian hereby proclaim the following".<sup>47</sup> The fact that the preamble doesn't use the words "republic" or "citizen" is fairly significant. A citizen does not have to be tied to any particular ethnic group and citizenship can be attained by a number of years residing in one state. Furthermore a nation doesn't necessarily have to conform to any state boundaries and in the preamble the responsibility to every Hungarian is not limited to those that are residing within its own borders. The fact that ethnic Hungarians residing in neighboring countries ex. Serbia, Ukraine are given the right to vote in Hungarian elections, which was only brought about after the 2010 elections reflects what the Fidesz government sees as its duty to speak on behalf of all ethnic Hungarians. This is further evident in the Hungarian government's hostility to an education law passed by Ukraine in order to increase the fluency of Ukrainian in the country. Following the passage of the law Hungary has held up any discussions about a possible entry of Ukraine into NATO as a way of forcing Ukraine to amend the law to allow ethnic Hungarians the choice of being taught Hungarian in schools. In a speech Orban gave in November 2018 he declared, "We shall make it clear that Ukraine's path to NATO and the European Union can lead through Hungary and Budapest. End of Story."<sup>48</sup> That was in direct

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<sup>47</sup> [Constituteproject.org](http://Constituteproject.org), *Hungary's Constitution 2011 with Amendments through 2013*

<sup>48</sup> Orban, Viktor. Speech by Prime Minister Viktor Orban at the 17th session of the Hungarian Standing Conference, November 30, 2018.

relation to the Ukrainian government's, as Orban calls it, discriminatory policies against Hungarians living in Ukraine.

The term nation is also important in that it blends in a degree of history that is seen in later Article D of the constitution explicitly states that, “ There is one single Hungarian Nation that belongs together. Hungary shall bear responsibility for the fate of Hungarians living beyond its borders, and shall facilitate the survival and development of their communities; the establishment of their community self-governments, and shall promote their cooperation with each other and Hungary.”<sup>49</sup> This article was made in reference to the multiple times in history, but particularly after WWI when the signing of the Treaty at Trianon in 1920 deprived Hungary, which was then part of the Austria-Hungarian Empire, of much of its land and millions of its citizens who were separated by borders drawn up by the allied victors.

The fact that the constitution portrays itself as the protector of the Hungarian nation could lead credence to the idea that it is opposed to others residing in Hungary who are not a part of that nation of acquiring the same rights and privileges accorded in the Fundamental Law. Going back to the preamble it states that, “We proclaim that the nationalities living with us form a part of the Hungarian political community”<sup>50</sup>. The difference between being a member of the political community and being a member of the nation is that the members of the community aren't necessarily the ones who enacted the constitution since the preamble specifically references the Hungarian Nation. This aspect of the constitution therefore could possibly be seen as a way of dividing the population into whom the government truly wants to represent and who just happen to reside in the geographic area in which they happen to reside. The exclusivity nature of this

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<sup>49</sup> Hungary's Constitution 2011

<sup>50</sup> Hungary's Constitution 2011

aspect of the constitution also highlights the way populist rhetoric has managed to find its way into the document.

The religious aspects of the preamble also show the way in which the Fidesz party, since they were the party who could by themselves change the constitution, chose to view the Hungarian nation. It states, “We recognize the role of Christianity in preserving nationhood. We value the various religious traditions of our country. We honour the Holy Crown, which embodies the constitutional continuity of Hungary’s statehood and unity of the nation.”<sup>51</sup> This move towards solely Christian values, although most of the population is predominantly Christian, excludes those who might not be a part of that faith. As is being witnessed by the influx of Muslim refugees into Europe Fidesz has taken it upon themselves to decide who is truly worthy of being a member of the nation and to formulate, by themselves, what a Hungarian should be and who should encompass it.

The Orban government have used their broad constitutional powers in order to shape the political landscape in which they operate. They do this in direct violation of the norms of liberal democracy which are that people from different cultural and political communities can co-exist next to each other peacefully. One of the ways in which Orban has done this is through his co-option of the constitutional court which since its formation after the fall of communism had been very active in reaching decisions on laws that were passed in parliament. To Orban the court represented a clear challenge to his desire to implement changes that he believed were the responsibility of Fidesz since they had won a clear  $\frac{2}{3}$ ’s majority and therefore had a clear mandate to operate independently of any checks to their power. The broad powers that were

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<sup>51</sup> Hungary’s constitution 2011



given to the court in the early years of democracy are indicative of a desire to be seen, especially by the European community, as a country that respected the rule of law and of checks and balances. To weaken the court Orban would have to minimize the court's purview over the legislative process.

To do this Orban went about deconstructing the powers the court had from within. Before being placed on the court judges had to be nominated by a majority of the parties that were present in parliament. Now with the 2/3's majority in parliament the role of the oppositional parties was curtailed since Fidesz could nominate them on their own. Furthermore, "in order to achieve a pro-government majority on the court bench as quickly as possible, the prime minister increased the number of justices from eleven to fifteen. Their period of office was raised from nine to twelve years."<sup>52</sup> By enabling the introduction of allies on the court for such lengthy periods of time gave the possibility that they would be in place long after any new parliamentary majority would be brought to power thereby solidifying Fidesz control over the long term. At face value this could potentially be seen to mirror the US Supreme Court nominee process, whereby a candidate merely needs a 50 vote majority in the senate to be sworn in for life which gives a huge advantage to whichever party controls the senate. However judges in the US are subjected a lengthy review process by the opposition party, face intense scrutiny, and are expected not to be beholden to any political party. The court packing that Orban instituted is similar to what Franklin D. Roosevelt attempted to do during the great depression in order to pass his sweeping economic changes. That attempt was halted in the Congress. The Hungarian parliament has been unable since 2010 to influence much of anything since Orban has

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<sup>52</sup> Lendvai, *Orban: Europe's New Strongman* pg. 104

maintained his 2/3's majority and sidelined the opposition parties into irrelevance. The government also mandated the compulsory retirement of all judges who had reached the age of 62, which affected a total of 274 judges. This gave Fidesz a large advantage in being able to name judges at will who would be loyal to them and would in all likelihood vote in favor of views held by Fidesz if a group of parties managed to increase their vote share in order to reduce Fidesz influence. A similar bill was passed by the Law and Justice party in Poland this year that lowered the age of retirement and necessitated the removal of judges who had not yet completed their terms. These attacks on the independence of the judiciary are the result of part of the ruling party's attempt to rule single handedly, using their victory in parliamentary elections, to rule without oversight.

The court was also weakened in what it could rule on. Following a decision in October 2010 where the constitutional court found that parliament could not retroactively tax the compensation of state employees by 98 percent the parliament passed a constitutional amendment that stipulated that "the jurisdiction of the constitutional court was limited so that the justices could no longer review fiscal laws. By making it nearly impossible for the Court to second-guess budget and tax policy, the Fidesz government could act in the financial arena without having to pay attention to the usual constitutional constraints."<sup>53</sup> By consolidating control of state finances within the party, Fidesz is preventing any sort of discussion regarding where money should be flowing with regards to infrastructure, energy, as well social security benefits to the population. It is also severely hampering a large majority of the country who did not vote for Fidesz. The person whose responsibility to choose the judges, the head of the

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<sup>53</sup> Bankuti, "*Constitution for a Disunited Nation*", pg. 255

National Judicial Office, is likewise chosen by a  $\frac{2}{3}$ 's majority for another nine year term. The increasing vacancies made available by the forced retirement of hundreds of judges mean that all new judges will likely be Fidesz party loyalists or eventually be pressured into ruling in their favor. According to a further amendment, The Act on the Transitional Provisions of the Fundamental Law, “allows both the head of the National Judicial Office and the chief prosecutor to assign specific cases to specific courts according to their assessment of the relative workloads of these courts.”<sup>54</sup> Being allowed to merely choose which courts hear which cases is a further mockery of the judicial system and also serves to make them impotent to political interference that will decide which way cases sway before a verdict is officially issued. The previous work of the court was also undermined when in March 2013, “The fourth amendment to the Hungarian Fundamental Law means that any violation of the constitution identified as such by the constitutional court can have no practical consequences if the government simply incorporates the controversial law into the constitution by means of its two-thirds voting machine.”<sup>55</sup> The power of the courts have progressively been degraded to the point where it is illusory. The possession of the  $\frac{2}{3}$ 's majority is tantamount to rule by decree and even if a grouping of opposition parties were able to defeat Fidesz majority in 2022 it would have to face a antagonistic party apparatus that has encompassed all areas of government and institutions.

### **Conclusion: Why Hungary Matters.**

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<sup>54</sup> Article 11 of the Transitional Provisions of the Fundamental Law

<sup>55</sup> Lendvai, “*Europe’s New Strongman*”, pg. 110

Hungary, a landlocked nation with about ten million people, would not at first glance be thought of as very important on the world stage. It has lost much of its geo-strategic significance since the end of the Cold War and receives relatively scant attention by the world's press. However, Hungary does matter greatly due to the current threat it poses to the liberal democratic order that was created at the end of the second world war and was thought to reign dominant following the collapse of the Soviet Union. Since communism had proved to be unsustainable economically as well as politically there wasn't any other ideology, it was believed, that could challenge democracy. That has changed since the introduction of illiberal democracy and leaders like Orbán who have directly challenged the usefulness and necessity of adopting liberal democratic norms and practices as well upholding the values of human rights and the rule of law. This illiberal approach has seeped into other political parties all over Europe and indeed, all over the world. Jarosław Kaczyński, the leader of the governing Law and Justice Party in Poland, has begun to adopt some of Orbán's tactics such as mandating early retirement of judges to get rid of a check on his power. Matteo Salvini, leader of the anti-immigrant League party in Italy has come to power in this wave of right wing populism.

One of the most important lessons that can be taken from the rise of Viktor Orbán and Fidesz is that liberal democracy is never guaranteed and that right wing populism is a permanent fixture of any democratic country due to democracy's embrace of pluralism. The only solution to this problem is through effective governing and addressing the needs of the population by reducing inequality and providing opportunities to the population to reduce the allure of populists who seek to overturn the system. When Orbán came to power in 2010 he was elected democratically, through a system that had managed to maintain the checks and balances system

for the past twenty years. There was also no waves of migrants streaming over the borders for Orban to scare the population with. Instead he was elected because the previous Socialist-Liberal government had lost its legitimacy due to poor economic policies, the realization that they had openly lied to the population and could not deliver on the promises they had made to the people during the elections. This not only undermined the trust in the government and the political system in general, but when Orban did begin the process of monopolizing control over the countries judicial and legislative branches of government there was no sustained protest movement on the part of the population and there was no effective resistance from a disorganized and fragmented opposition which had been tainted by scandals. The path Hungary has gone down should be a wake up call to other countries, especially those post-communist countries who have seen a rise in right wing populism in the past few years, that without effective governance that speaks to the needs of the population political parties that advocate for greater pluralism, globalization and human rights could find themselves on the defensive and without sustained political activism on the part of the population it could be that illiberal regimes could be set up in other countries as well.

At the moment, Hungary's future as a democratic state looks very bleak. After elections in April 2018 where Fidesz again won a 2/3's majority of seats it doesn't look like there will be a change in the political system anytime soon. The opposition parties, divided and fractious, are unlikely to be able to mount a significant campaign against him. The EU has similarly been hobbled in its response to Orban's rise. The EPP (European People's Party) in the European Parliament, which Fidesz belongs to, has suspended Fidesz due to the deteriorating political situation and a smear campaign against the current President of the EU commission Jean Claude

Juncker (who at a EU meeting called Orban a dictator and slapped him on the face) but has not kicked the party out and has importantly allowed Fidesz MP's to remain in place so that they can add to the EPP's majority come the European Parliamentary elections this May. Interestingly enough a group of right wing populists parties, including Italy's League and Germany's Alternative for Germany, have formed a new party called the European Alliance for People's and Nations. It remains to be seen whether or not this new political party will include Fidesz, at the moment they are still in the EPP. If they do join it is unlikely that this new party, which has similar nationalistic ideologies to Orban, will seek to moderate his behavior. Even if the EU sought to punish Hungary by taking away its voting rights in the bloc under Article 7 of the EU charter it would need unanimous approval by all other members states. That is not likely to happen either due to Poland declaring it will stand by Hungary and vote against any such measure.

The issue that makes Hungary unique was that there was never a push from society as a whole in favor of liberal democracy unlike in Poland and the then Czechoslovakia which means that Hungarians were never attached to it the same ways other countries have become. Democracy legitimacy was never based on political freedom but on the economic prosperity it could bring. Therefore the ability of other leaders to emulate how Orban has gone about constructing this illiberal democracy will be limited by their population's degree of respect and want for democratic institutions to be a check on the power of the executive. This does mean that those countries might not one day become illiberal democracies but that Hungary has unique social and cultural aspects that made it even more susceptible to right wing populists.

The hope of Hungary moving away from illiberal democracy rests mainly on the shoulders of the Hungarian people themselves, as moves by external actors to punish Hungary, already difficult, for its behavior would fit the narrative that Orban has been spreading about being under siege by supranational institutions that seek to interfere in Hungary's internal affairs. The weak state of civil society as well the government's moves to weaken it and the overall pessimistic nature of Hungarian culture, as well as general feelings of distrust will make any concerted grassroots activism difficult. The option for younger Hungarian's who may not agree with the political direction their country is moving in to move freely within the EU to find employment already decreases the impetus to advocate for change. One potential reason to be cautiously optimistic however is that the personalistic rule that Orban has cultivated over the past decade in power is mainly centered around himself. If he was to be removed it is possible the population will refuse to accept the promises of his corrupt political system filled with his cronies. Increasing unemployment and an economic crisis could also cause an outbreak of anger towards the government. However getting rid of Orban and Fidesz in the parliamentary majority would just be the first step, next would come the dismantling the system of oligarchs and Fidesz domination of the institutions such as the judiciary and the press, which could take significantly longer due to the placement of his loyalists in top positions that range from between 9-12 years. Would automatically removing them be the right course of action given that Fidesz, when they nominated them was elected democratically? Or would it be a just course given that Fidesz likely put those people there to impede the ability of an opposition government to govern effectively? Importantly, getting rid of Orban will not automatically inspire a desire for liberal democracy among the population and will require a massive and long term effort over a course of decades to

convince the people of the benefits of liberal democracy and clear articulation of liberal democratic values. That will take time, and at the moment, seems a very distant goal.



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