

Illiberal Democracy and Beyond in Hungary

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In his speech, delivered before an ethnic Hungarian audience at the 25th Bálványos Free Summer University and Youth Camp in Băile Tușnad (Tusnádfürdő), Romania, Hungarian Prime Minister Viktor Orbán proclaimed his intention to turn Hungary into a state that

will undertake the odium of expressing that in character it is not of liberal nature (...). We have abandoned liberal methods and principles of organizing society, as well as the liberal way to look at the world (...). Today, the stars of international analyses are Singapore, China, India, Turkey, Russia (...) and if we think back on what we did in the last four years, and what we are going to do in the following four years, then it really can be interpreted from this angle. We are (...) parting ways with Western European dogmas, making ourselves independent from them (...). If we look at civil organizations in Hungary, (...) we have to deal with paid political activists here. (...) [T]hey would like to exercise influence (...) on Hungarian public life. It is vital, therefore, that if we would like to reorganize our nation-state instead of the liberal state, that we should make it clear, that these are not civilians (...) opposing us, but political activists attempting to promote foreign interests (...). This is about the ongoing reorganization of the Hungarian state. Contrary to the liberal state organization logic of the past twenty years, this is a state organization originating from national interests.[1]

With this statement, Orbán revealed that his ultimate objective is to build his state not on the liberal democratic principles of the European Union, of which Hungary has been a member state since 2004, but rather on national foundations, citing as role models authoritarian regimes like Putin's Russia and dictatorial governments like China.

In the 2010 parliamentary elections Orbán's party, Fidesz received more than 50 percent of the popular votes. and due to the disproportional election system with this two-thirds of the seats, which made it possible for them to enact a new Fundamental Law without the votes of the weak opposition parties. Since then, many critics of this new, hybrid regime have referred to the system as an illiberal democracy, as it falls between a full-fledged democracy and a dictatorship.[2] What happened in Hungary is certainly less than a total breakdown of liberal democracy, but also more than just a transformation of the way that liberal democracy is functioning. In this illiberal democracy the institutions of a constitutional state (Constitutional Court, ombudsman, judicial or media councils) still exist, but their power is strongly limited. Also, as in many illiberal democracies, fundamental rights are listed in the new constitution, but the institutional guarantees of these rights are endangered due to the lack of an independent judiciary and Constitutional Court.

One can argue that, in his speech, Orbán expressed his intentions frankly for the first time, but in fact, there had been clear indications about these transitions in his prior speeches. Well before the 2010 elections, Orbán envisioned in a September 2009 speech,

a real chance that politics in Hungary will no longer be defined by a dualist power space. Instead, a large governing party will emerge in the center of the political stage [that] will be able to formulate national policy, not through constant debates, but through a natural representation of interests.[3]

Moreover, immediately following the elections he characterized the results as a "revolution of the ballot boxes." In 2013, responding to harsh criticism of the European Parliament regarding the new constitutional order, he admitted that his party did not aim to produce a liberal constitution:

In Europe the trend is for every constitution to be liberal, this is not one. Liberal constitutions are based on the freedom of the individual and subdue welfare and the interest of the community to this goal. When we created the constitution, we posed questions to the people. The first question was the following: what would you like; should the constitution regulate the rights of the individual and create other rules in accordance with this principle, or should it create a balance between the rights and duties of the individual? According to my recollection, more than 80 percent of the people responded by saying that they wanted to live in a world where freedom existed, but where welfare and the interest of the community could not be neglected and that these need to be balanced in the constitution. I received an order and mandate for this. For this reason, the Hungarian constitution is a constitution of balance, and not a side-leaning constitution, which is the fashion in Europe, as there are plenty of problems there.[4]

As in other illiberal democracies, a formally competitive election with competing parties was held in Hungary in April 2014. However, the disproportional election system, the introduction of the winner compensation, and gerrymandering favored the governing party to regain its two-thirds majority. As the report of the OSCE/ODIHR election observation report states,

The main governing party enjoyed an undue advantage because of restrictive campaign regulations, biased media coverage, and campaign activities that blurred the separation between political party and the State. The legal framework for these elections was amended substantially in recent years. While some changes were positive, a number of key amendments negatively affected the electoral process, including the removal of important checks and balances. A new constitution and a large number of cardinal laws, including electoral legislation, were adopted using procedures that circumvented the requirement for public consultation. This undermined support for and confidence in the reform process.[5]

We cannot argue that the outcome of this election was determined by questionable election rules alone, but the unfairness was enough for the government to secure the best possible result and attain a two-thirds majority of seats. In this respect the hybridity of Hungarian constitutionalism until now differed from the “managed democracy” of Putin’s Russia, where the results of parliamentary and presidential elections cannot be deemed as uncertain.

The upcoming October 2014 Budapest municipal elections, will be different because in order to guarantee their majority in the governing body of the capital would require more deceit of the election rules. Therefore, the Parliament adopted a new law on June 10 which eliminates separate city and district council elections in Budapest, and delegates elected district mayors to the city council. According to the original structure, besides the twenty-three district mayors, nine additional seats would have been distributed according to a compensation list. The new law abolishes the previous system whereby Budapest city council members were directly elected from party lists. Challenges to the new law submitted to the Constitutional Court by opposition party candidates claimed that the new system gives equal representation to fewer and more populated districts, thus favoring the governing Fidesz party. According to an 8:7 decision published by the Constitutional Court on July 16, Budapest district mayors’ election to the capital’s city council is in line with the Fundamental Law. All eight judges who were nominated and elected by Fidesz (without broader consensus) had voted in favor of the decision. Whereas the parliamentary election in April was characterized by the OSCE as free but not fair, the “election,” or rather the delegation of the Budapest City Council in October can no longer be considered as free. I am sure that if Orbán required additional tools to secure his party’s power in the future, he would not hesitate to use it. Therefore, this model reaches beyond illiberal democratic system; it approaches to an authoritarian regime.

The question regarding the future of Hungary is no longer whether democracy and liberalism should go hand in hand, as is the case in the Western world, including in the European Union. As with citizens in any other nation-state, Hungarians certainly have the right to oppose the development of a liberal political system, if they are

willing to accept certain consequences such as parting from the European Union and the wider community of liberal democracies. However, this conclusion must be reached through a democratic process, unlike the constitution making that took place in 2011, when Hungary's leaders neglected to consult the people on their opinions about the very nature of the constitution. Although the party was not authorized to amend the constitutional system, Fidesz was still reelected in a free (although unfair), parliamentary election. However, if the municipal or any other subsequent elections cease to be free due to manipulation by the governing party, there will no longer be an opportunity to ask the people whether they would rather live in an authoritarian system.

The lessons to be learned from the backsliding of liberal democracy, or democracy altogether in Hungary, are threefolds: 1) the very definition of democracy is changing and is not necessarily liberal; 2) the borders of democratic, authoritarian, or dictatorial regimes are blurred, and there are a lot of types of hybrid systems, such as the current Hungarian regime; 3) due to a new, nearly Cold-War situation in the world, with an aggressive Russia, attempting to collect allies even among member states of the European Union, political processes are not influenced exclusively by the liberal democratic West.

[1] For the full English translation of the speech, visit: <http://budapestbeacon.com/public-policy/full-text-of-viktor-orbans-speech-at-baile-tusnad-tusnadfurdo-of-26-july-2014/>. For foreign consumption the official English translation of the speech provided by the PM's Office tried to avoid the term 'illiberal' realizing that Orbán had gone too far. See <http://www.kormany.hu/en/the-prime-minister/news/the-era-of-the-work-based-state-is-approaching>

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