

VIKTOR ORBÁN - FIRST AMONG ILLIBERALS? HUNGARIAN AND POLISH STEPS TOWARDS POPULIST DEMOCRACY

Dr. Bartosz M. Rydliński

Silesian University in Opava

bmr59@georgetown.edu

DOI:10.24193/OJMNE.2018.26.07

Abstract:

The main aim of the article is to examine a new phenomenon which we witness in Central Europe, namely the illiberal shift. The significant victory of Viktor Orbán in 2010 has determined a new era not only in Hungarian but also in European politics. Basic rules and principles of liberal democracy in Hungary have been deeply weakened. The attack on the separation of powers, the rights of the opposition, independence of public institutions are only few examples of the current illiberal matrix used by Fidesz's government in Hungary, but also Law and Justice in Poland. Importantly, this paper analyses the correlation between the transition process of the early 1990s and the current conservative and declarative anti-neoliberal revolution in the region. Readers of this article could also discover some links with even more illiberal political practices applied by the countries of the former Soviet bloc.

Keywords: illiberal democracy, populism, Hungary, Poland, Orbán

Poles and Hungarians have long shared a special relationship. The shared proverb: “Poles and Hungarians brothers be, good for the sabre as well as for the (drinking) glass” (in Polish “Polak, Węgier, dwa bratanki, i do szabli, i do szklanki”, in Hungarian “Lengyel, magyar – két jó barát, együtt harcol, s issza borát”) sums up the characteristics of the relations between the two societies revealing a centuries-long intimacy between them. The 20th century bears witness to many events that reveal the existence of friendship between the two countries. They include Hungary’s refusal to attack Poland in 1939 while remaining in a political-military alliance with Nazi Germany, overlapping anti-Stalinist demonstrations in Warsaw and Budapest in 1956, and cooperation in 1989 when the whole Central and Eastern Europe became an arena of transition from real existing socialism to liberal democracy. Poland and Hungary joined NATO together in 1999 and the European Union five years later.

Recently, however, a rather different Polish-Hungarian alliance - one that raises concerns and astonishment among European and American observers - has emerged.

The illiberalism observed in Central Europe today has the face of Hungarian Prime Minister Viktor Orbán and Law and Justice leader Jarosław Kaczyński. They jointly represent the new type of the so-called Visegrad politics. It includes open reluctance to admitting refugees from the Middle East and Northern Africa, being blunt critics of the European Union as well as the lack of respect towards fundamental rules of the state of law. Jarosław Kaczyński is in a sense Orbán's ideological pupil. It seems as if many Hungarian practices are being "copy-paste" implemented in Poland. The aim of this article is to analyse how and to what extent the various reforms of Orbán's government are a matrix for the illiberal shift in Poland. The author argues that just as Poland and Hungary shared know-how and experience throughout the transition to the market and liberal democracy, now we can observe the same Hungarian / Polish cooperation in illiberal politics. Beata Szydło's government is fully benefiting from "Fidesz's revolution", which has been taking place in Hungary since 2010 and whose aim it is to retain power not only via elections, but also by influencing the law, consciousness and language.

1. "We lied morning, noon and night" – the Starting Point of Fidesz's Hegemony

Under the leadership of Viktor Orbán, Hungary's Fidesz Party achieved a spectacular result in the parliamentary elections in 2010. Together with its junior allies, Fidesz won 263 out of 386 seats in the Hungarian parliament with the support of 52,7% of those who voted in the elections. At least two key factors influenced the success of the Hungarian right, namely the economic crisis and a political scandal centred on the incumbent socialist Prime Minister Ferenc Gyurcsány. In the parliamentary elections of 2006, the Hungarian Socialist Party (MSZP) together with the co-governing Alliance of Free Democrats (SZDSZ) had achieved a majority, which allowed it to continue governing for a second term. However, soon after the elections, a recording surfaced in which Prime Minister Gyurcsány confessed that he had been lying to the Hungarian people about the economic condition of the country. "There is not much choice. There is not, because we have screwed up. Not a little but a lot. No country in Europe has screwed up as much as we have. It can be explained (...) we lied morning, noon and night. I do not want to carry on with this. Either we do it and have the personnel for

it, or others will do it” (Excerpts: Hungarian 'lies' speech). The whole country was flooded with anti-government demonstrations in the biggest show of political unrest since 1989. Prime Minister Gyurcsány, however, did not resign and subsequently dragged his party to the very bottom. Moreover, the outbreak of the global financial crisis in 2008 pushed Hungary to the edge of insolvency. The drop of the Gross Domestic Product in 2009 by 6.6% clearly shows the state of the Hungarian economy at that time (Real GDP growth rate – volume).

As a result of growing frustration with the government of socialist and liberals at that time, Fidesz was able to make its way not only to autonomous governing, but it also gained a constitutional majority in 2010. The above-mentioned coincidence of events gave Viktor Orbán an unprecedented chance for a revolutionary change in Hungarian politics. It is worth mentioning that Fidesz was the main power curbing the market reforms of Gyurcsány’s government. The party successfully conducted a referendum against the commercialization of higher education and the introduction of fees for medical care. Fidesz became the main party representing the interest of the common Hungarian and giving him and her political subjectivity.

2. Recipe for the “Hungarian Illiberal Goulash”

Fidesz’s outright majority was unprecedented in Hungary’s post-1989 history. With the exception of the government of 1994-1998, each of the winning parties was forced to make post-election coalitions to govern. Having chosen proportional representation electoral systems as an antidote to the strong, unified power of the communist era, early elections routinely produced coalition governments. The unexpected domination of a single party in Hungary in 2010 created the most serious challenge to the Western system of checks and balances based on the control and balance of the executive, legislative and judicial powers since 1989.

One year after gaining power, Fidesz took advantage of its supermajority to change the Hungarian constitution (after a 9-day parliamentary debate), as well as the election laws, and fundamentally rebuilt a number of state institutions without social consultations or taking into account any of the remarks of the parliamentary opposition. Besides changing the name of the country from the Hungarian Republic (*Magyar Köztársaság*) to Hungary (*Magyarország*) and introducing a number of changes that reflected a particular worldview -

like the provisions of the constitution stating that a marriage can be only between men and women, as well as appeals to the Christian heritage of the state of Hungary and national values - the country was politically centralized.

The legal limitations of the jurisdiction of the Constitutional Tribunal unambiguously reflect the reduction of both the powers of review and ability to provide checks on other branches. The election of the president of the Tribunal by parliament and not by the judges, as it used to be, may be an example of a new practice and understood as an assertion of the supremacy of political power over the judiciary in Orbán's Hungary. To ensure space for further unrestrained reforms, all opinions of the Tribunal passed before 2012 were invalidated. One of the arguments used during the process of this reform was the conviction of the Fidesz politicians that judges who are not chosen in democratic elections cannot have more power than politicians appointed by general elections. Importantly, 11 out of 15 judges of the Hungarian Constitutional Tribunal have been elected since 2010. One of the effects of the changes to this judiciary body is a radical decrease in the number of cases ruled on by the Tribunal itself. This also provides evidence that the principle of separation of powers has been shaken to its foundation.

Besides the changes to the Constitutional Tribunal, the government of Viktor Orbán has also made fundamental changes in the media law. The newly created Council of the National Media can administer fines to print and online publishers and broadcasters whose materials the Council considers biased and unbalanced (Spence, 2016). This body also has the right to demand that journalists disclose their sources of information. The new National Media and Infocommunications Authority was filled with Fidesz loyalists who received long-term appointments. As a result of the creation of the Hungarian Media Service Support and Asset Management Fund, which gathers all public media, they have been centralized and the public television, radio and press agency have all become transmitters of government communiques (Sadecki, 2014). There have been mass lay-offs of left-wing journalists.

An important aspect of the above-mentioned reforms is that Orbán's government organizes advertisement campaigns called "government information" via media, both public and private (as they are financed by state advertisements). The slogans promoted during such actions over the last years have included: "We won't yield to the IMF" (against the conditions of the IMF regarding financial support for Hungary), "Hungary is performing

better” (presenting the achievements of the Orbán government) and “Don’t put Hungary’s future at risk! Vote no!” (against the refugee quota demanded by the European Commission). The examples mentioned above show the government’s interference into the life of the Hungarian media. Both the centralization of the public media, their close relation to the politics of the government and the possibility to fine private media are signs of the weakening of freedom of speech in Hungary. Obviously, many television stations and newspaper publishers representing the opposition are active, but they have to be careful in regards to the less official way of the Hungarian government to interfere with their activities. In October 2016, the majority of assets of one of the most popular leftish daily newspaper called *Nepszabadsag* were taken over by persons connected to Fidesz. It was closed down immediately and its journalists lost their employment.

Another element which distinguishes the populist politics of Hungary under the leadership of Viktor Orbán is the supremacy of the national idea in politics. It is not without reason that the speech proclaiming Hungarian illiberalism in 2014 was held by Orbán in the Romanian city of Băile Tuşnad (Tusnádfürdő) during the annual meeting of Hungarians living abroad. The connection of the heritage of the “Great Hungary” and the non-liberal character of Hungarians was at that point fundamental. The leader of Fidesz stated: “Consequently, what is happening today in Hungary can be interpreted as an attempt of the respective political leadership to harmonize the relationship between the interests and achievement of individuals – which need to be acknowledged – with interests and achievements of the community, and the nation. Meaning that the Hungarian nation is not a simple sum of individuals, but a community that needs to be organized, strengthened and developed, and in this sense, the new state that we are building is an illiberal state, a non-liberal state. It does not deny foundational values of liberalism, such as freedom etc. But it does not make this ideology a central element of state organization, but applies a specific, national, particular approach in its stead” (Full text of Viktor Orbán’s speech at Băile Tuşnad (Tusnádfürdő) of 26 July 2014). That is how the discussed national community is used by Orbán as an argument in the fight for the full sovereignty of Hungary.

An example of the Hungarian Prime Minister’s nationalistic approach are the relations with the European Union and various member states. Orbán, from the beginning, has been criticized by EU institutions, which have pointed out the undemocratic aspects of his policy

changes and accused him of undermining the fundamental principles of the rule of law. The prime minister of Hungary has from the very first day in office used the rhetoric of opposing Brussels' interference in the internal affairs of Hungary. He claimed that his country had not opted for feudal relations between Brussels and Budapest when entering the European Union. The EU criticized a number of reforms of the judicial power and media law. The quasi-authoritarian autocracy of Fidesz and the lack of respect to the rights of the opposition were also topics of the resolutions passed by the European Parliament. Orbán, however, has made a number of concessions and compromises in the relations with the European Union and the European People's Party (Fidesz is a member of the EPP). In a sense, Orbán used the Eurosceptic narrative more for the needs of internal politics, whereas the lonely Hungary accepted the agreements of the vast majority of other governments in the key decisions of the European Council. The crucial moment for a change was the refugee crisis, which drew the bone of contention between the Chancellor of the Federal Republic of Germany Angela Merkel, and Viktor Orbán himself, as they represented two contradictory positions in this case.

The summer of 2015 witnessed horrible scenes on the Serbian-Hungarian border. More than 200,000 refugees and economic migrants besieged the external border of the European Union on their way to Western Europe. Angela Merkel's "policy of open doors" met with heavy criticism within Central European countries with Viktor Orbán as the undisputed leader of the backlash against permitting greater migration. At that time, the prime minister of Hungary used two arguments. One was a legal one and concerned the Dublin Convention stating that the asylum motion should be decided on in the first EU country which the refugee reaches. The second one was political and it concerned the threats to the identity and security of Hungary that would come from Muslim migrants. From the legal perspective, Orbán's point of view fit into the norms of abiding by international law. However, the use of language generating fear of Islam has a strictly illiberal character. As Dominik Héjj points out, the division into "us" and "them" used by Orbán also has a quasi-religious character: "Christianity has become one of the key state-building elements in Hungary, along with culture and language. In this context, the influx of immigrants – largely Muslim – is unequivocally interpreted as a threat to the existence of the state" (Héjj, 2015). Orbán used in Central Europe a well-known symbol of the "Bulwark of Christianity", which

constitutes an important element of the regional identity. In a sense, he wanted to prove that in the refugee crisis Hungary was once again taking part in a historical “clash of civilizations” and to argue that as a special nation it has to withstand not only attacks from outside of Europe, but also from the inside, as it was being accused of lack of solidarity with refugees from war-torn Syria. The symbolic power to save the Hungarian nation from the “lethal danger” became a powerful weapon used by Orbán in order to consolidate support for his country. Seemingly, Hungarian illiberalism has not only an ideological character, but also a very pragmatic dimension.

3. “We will have Budapest in Warsaw”

“Ladies and Gentlemen, I am fully convinced that there will be a day when we will manage, when we will have Budapest in Warsaw” – it is with these words that Jarosław Kaczyński addressed the electorate of his Law and Justice (PiS) party after they lost the parliamentary elections in 2011. Even then, just one year after Viktor Orbán took over the Hungarian government, the chairman of Law and Justice felt strongly inspired by the Hungarian reforms. Four years later, his party got 235 out of 460 mandates in the elections to the Polish parliament, which constituted 37.58% of the vote. The way to the implementation of Orbán’s policies was wide open in Poland. The media in both countries immediately began to forecast an imminent meeting of the leaders of Hungary’s and Poland’s right-wing parties. It took place a few months after the elections in Poland, in Niedzica, a city that before 1918 belonged to Hungary but is now a part of Poland. Since then, both the two leaders and other politicians from Fidesz and Law and Justice have been meeting regularly. It remains unknown how much these meetings are a reflection of friendship between the politicians and how much they are aimed at sharing and receiving “instructions”.

4. “Opinions of the Constitutional Tribunal (...) are final”?

One of the Law and Justice government’s first controversial acts stemmed from a conflict with the Constitutional Tribunal, an institution regarded as fundamental in Poland’s judiciary system. The problems began a few weeks before the elections with a rapid and - as it was later proven, un-constitutional - election of two out of five judges of the Tribunal during the final weeks of the coalition government of the Civic Platform (PO) and the Polish

Peasants' Party (PSL). The parliament majority elected three new judges and filled the vacancies in the Tribunal with them. With this move, the government of Ewa Kopacz had tried to ensure a centrist majority in the Tribunal in case Jarosław Kaczyński's party won the elections. The incoming Law and Justice government questioned the results of the elections of these three judges when its government came to power. The judges of the Tribunal, however, decided during a special meeting that the election held during the Law and Justice majority government was not valid, as the election of three out of five judges by the government majority of the Civic Platform and the Polish Peasants' Party was in accordance with the Constitution. This verdict, however, was not published by the government despite a law that makes such publication mandatory. Subsequently, President Andrzej Duda, coming from the same political party as the new parliamentary majority, did not take the oaths from the rightfully elected judges - a clear violation of the Constitution. The situation also led to the creation of two parallel legal systems in Poland. The article of the Polish Constitution stipulating the finality of the opinions of the Constitutional Court is basically dead. This step has given the parliamentary majority the basis to take over the majority in the Tribunal, appoint the president of this institution, which, similarly to Hungary, has become a subsidiary institution of the executive power.

In contrast to the situation in Hungary, Law and Justice does not have the constitutional majority, which means it cannot formally change the constitution as did the government of Viktor Orbán. Taking this into account, Jarosław Kaczyński decided to paralyze the institution of the Constitutional Tribunal and take it over. One of the effects of the status quo is the total lack of constitutional control over adopted legal acts. In a sense, the Law and Justice conducts heavily antidemocratic policies, which are characterized not only by the lack of respect towards the law, but also an absolute immunity in regards to any arguments and comments from the parliamentary and non-parliamentary opposition. Therefore, Poland is now in the same situation as Hungary. The laws adopted in Poland are a result of one-party decisions, serving the ruling party ad-hoc for its populist policies.

A second example of institutional change to serve partisan ends is the new media law in Poland. Following the footsteps of Hungary, the public television, radio and press agency were consolidated into one institution of national media. As it was the case in Hungary, a Council for National Media was created, which is to be elected by parliament and the

president. In this way, the constitutional competence of the National Council for Radio and Television, an institution whose role is to safeguard the freedom of speech, was limited. The Council for National Media has been filled with ruling party politicians, which is evidence of the party-loyalist character of this institution. The mission of the national media, as laid down by the law, is also characteristic. Namely, it is said that the role of the media is “to cultivate national traditions as well as patriotic and humanistic values, contributing to the spiritual well-being of media listeners and viewers”; also, the media shall “respect the Christian value system, based on the universal rules of ethics” (Nowa ustawa medialna: TVP, PR i PAP będą mediami narodowymi). Like in Hungary, many journalists working for the public media have been made redundant. The main information services became an easy transmitter of pro-government content. In the opinion of the media scientists Maciej Mrozowski and Tatiana Popadiak-Kuligowska, the main information service of the national media does not fulfil its duties as a public broadcaster in the field of political neutrality and pluralism (Mrozowski and Popadiak-Kuligowska, 2016). Both in Poland and in Hungary, government-friendly private media receive generous financial support from public advertisements and several public institutions.

The national media are also the main tool to raise the public’s fear of refugees from the Middle East and North Africa. Journalists purposefully use the term “immigrants” instead of “refugees” to give the impression that people fleeing from the war in Syria are really motivated by financial motives to come to Europe. Additionally, representatives of the Polish government and public media use the adjective “illegal” pointing out the unlawful character of the migrants’ stay. After the terrorist acts in Berlin on December 19th 2016, the terms “immigrant” and “terrorist” have been used by the media interchangeably. The impact of this message was strengthened by the fact that the first victim of the attack was the Polish driver whose truck had been stolen and used in the killing. After another terrorist attack in Manchester on May 22, 2017, Prime Minister Beata Szydło made a comment that clearly linked the tragedy with the refugee crisis: “we will not participate in this madness of the Brussels’ elites. We want to help people, and not the political elites. And I repeat: we are helping and we will continue to do so, but our help will be directed to those who need it and are waiting there, on the spot. The Polish Border Guards are engaged in securing the external borders of the European Union. We are engaged in international projects. All services which

are ensuring security in Poland are engaged to make sure that Poles and Poland are safe (...) I have the courage to say, I have the courage to ask the political elites in Europe this question: Where are you heading? Where are you heading, Europe? Rise from your knees and wake up from your lethargy. Otherwise you will mourn your children every day” (Beata Szydło - wystąpienie z 24 maja 2017 r.).

Similar to Victor Orban, Polish politicians of the Law and Justice Party refer to the refugee crisis with the argument of threat and danger for their citizens. Refugees are wrongly called illegal immigrants and linked to terrorist attacks, even though most of the killings were carried out by citizens of France, Belgium and the United Kingdom. Thus, it could be said that the illiberal approach towards the refugees falls within the widely discussed phenomenon of post-truth. Facts are not as important as the power of the political message.

5. Putinisation of Central Europe?

The official approach towards the Russian Federation is fundamentally different in Poland and Hungary. Poland has many historical issues with Russia and contradictory foreign policy interests. Not being Russia’s neighbour, Hungary can afford a more pragmatic approach to the Kremlin. Cheap gas and the promise of Russian assistance with the modernization of the nuclear power plant in Paks define at least a willing attitude of Viktor Orbán towards Vladimir Putin. Despite visible differences between Poland and Hungary towards the Russian regime, one should take note of how the Central-European illiberal shift resembles the politics conducted by the political elites of the Kremlin. Russian conservatism, similar to Orbán’s illiberalism, draws a stark contrast between national identity and the multiculturalism of the West; it juxtaposes “illiberal democracy” to liberal democracy, and opposes social conservatism to hedonism, Christianity to atheism. This strong ideological project is followed by a strong pull of democratic reins and the questioning of a number of rules of the state of law.

The impact of the conservative ideological project is evident in Poland today. Poland is, by taking the path of Orbán’s Hungary, heading towards the putinisation of the public sphere. Viktor Orbán, by adopting a law limiting the activities of Hungarian non-government organizations that receive financing from abroad, follows the commonly known Russian

practice of marking those NGOs as “foreign agents”. This is another step in the direction which certainly cannot be called democracy.

Ivan Krastev, in his 2007 article *The strange death of the liberal consensus*, correctly defined the post-transformation hiccups that are choking the post-communist states. “The liberal era that began in Central Europe in 1989 has come to an end,” he wrote. “Populism and illiberalism are tearing the region apart (...) The growing tensions between democracy and liberalism, the rise of ‘organized intolerance’ increasing demands for direct democracy, and the proliferation of charismatic leaders capable of mobilizing public anger make it almost impossible to avoid drawing parallels between the current political turmoil in Central Europe and the crisis of democracy in Europe between the world wars” (Krastev, 2007). Ten years later, however, it turns out that the world can look much worse.

The experience of the global financial crisis of 2008, the Russian-Ukrainian conflict, the refugee crisis, the divisions within the European Union, the rise of social inequalities, the increasing fragility of the labour market and ongoing structural unemployment are contributing to the popularity of isolationistic tendencies throughout Europe and the West. Brexit, the victory of Donald Trump, the strong electoral showings of Norbert Hofer in Austria and Marine Le Pen in France, as well as the stable support for populist parties in Western Europe and the illiberal governments of Viktor Orbán in Hungary, Robert Fico in Slovakia, and Beata Szydło in Poland clearly prove that liberal democracy is going through a crisis.

The case of East-Central Europe provides an important lesson regarding the weakness of democracy and the possibility for authoritarian leaders to learn from one another. As of 2015, Viktor Orbán gained an important ally in his illiberal politics, an alliance with ramifications both in Central Europe and in the European Union as a whole. Commonly criticized reforms by Fidesz became an important inspiration for the Polish government. Questioning the separation of powers, rule of law, nonpartisan media and administration turned into a textbook for the Polish government. Kaczyński and Orbán, hand in hand, are using xenophobic and nationalistic arguments in their internal and external politics. Together, they are questioning the sense of European solidarity, treating the European Union as a source of additional income.

To understand the phenomenon of populism correctly, I would argue that more attention needs to be paid to the neoliberal experience of the countries. Despite differences in current day economic growth, both underwent the privatization of public services, deregulation of markets, decrease in social spending - creating social Darwinism. Populism and neoliberalism are two sides of the same coin. To prevent further illiberal tendencies, one should critically analyse the transitions in Central Europe. The answer to xenophobic measures cannot be more free market. A strong and just welfare state, which guarantees equal chances and the common feeling of democratic community could successfully deactivate populism. By criticizing Orbán and Kaczyński, one ought to review the “liberal sins” of the early 90s.

Bibliography

- *Beata Szydło - wystąpienie z 24 maja 2017 r.* [Online] Available from: <https://youtu.be/qOV3ahrt7Eo> [Accessed 23/05/18].
- *Excerpts: Hungarian 'lies' speech.* [Online] Available from: <http://news.bbc.co.uk/2/hi/europe/5359546.stm> [Accessed 23/05/18].
- *Full text of Viktor Orbán's speech at Băile Tuşnad (Tusnádfürdő) of 26 July 2014.* [Online] Available from: <http://budapestbeacon.com/public-policy/full-text-of-viktor-orbans-speech-at-baile-tusnad-tusnadfurdo-of-26-july-2014/10592> [Accessed 23/05/18].
- HÉJJ, D. (2015) All Eyes on Hungary. *New Eastern Europe*, 19 (6), pp 66-72.
- KRASSTEV, I. (2007) The strange death of the liberal consensus. *Journal of Democracy* 18 (3), pp. 56-63.
- MROZOWSKI, M. and POPADIAK-KULIGOWSKA, T. (2016) Ekspertyza programów informacyjnych głównych wydań TVP1 Wiadomości, TVN Fakty, Polsat Wydarzenia z okresu 4.02.2016 r. do 11.02.2016 r. Raport końcowy. [Online] Available from: http://www.krrit.gov.pl/Data/Files/_public/Portals/0/komunikaty/12.04.2016/krrit_ekspertyza.pdf [Accessed 23/05/18].
- *Nowa ustawa medialna: TVP, PR i PAP będą mediami narodowymi.* [Online] Available from: <http://kurier.pap.pl/depesza/160039/> [Accessed 23/05/18].

- *Real GDP growth rate – volume.* [Online] Available from: <http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=tec00115&lang=en> [Accessed 23/05/18].
- SADECKI, A. (2014) In a state of necessity. How has Orbán changed Hungary. [Online] Available from: https://www.osw.waw.pl/sites/default/files/pw_41_in-a-state-of-necessity_net.pdf [Accessed 23/05/18].
- SPENCE, A. (2016) Orbán’s media playbook, now coming to Poland. *Politico*. [Online] Available from: <http://www.politico.eu/article/orban-media-playbook-coming-to-poland-media-law-human-rights-european-values/> [Accessed 23/05/18].