Hungary's Declining Democracy: A Study of Organizational Power in Hungarian Politics

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Table of Contents

Abstract 4
1. Introduction 5
2. Background 7
2.1. Democracy 7
2.2. Democratization 9
2.3. Why Regimes Consolidate 16
2.4. Competitive Authoritarianism 19
2.5. Adapting the Model 23
3. Hungary's Path to Democracy 26
3.1. Eastern European Democratic Trajectories: The Limits of Linkage and Leverage 26
3.2. Hungary's Post-Communist Politics 29
3.3. Rule of Law in Hungary 37
4. 4 Takeaways from Organizational Power 42
5. Conclusion 48
6. References 56

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Abstract

Scholars posit that the successful consolidation of post-communist Central and Eastern European democracies can be linked to their subsequent accession to the European Union (EU). This led observers to assume that the continued democratization of Hungarian society was assured due to their integration into EU institutions. However, since the 2010 election of Viktor Orban, and his party FIDESZ, there have been concerning signs of democratic backsliding in Hungary. While these signs have also been observed in other post-communist nations, Hungary could potentially be termed a competitive authoritarian regime, a regime which has democratic institutions and norms in form but not in substance.

To understand how this has occurred in Hungary this study will use the Levitsky and Way's competitive authoritarianism model, which has three main factors that determine democratization outcomes. These factors are linkage, leverage, and organizational power. For Hungary democratization was due to linkage with and leverage from the EU. However, these previously influential linkages and leverages from the EU have failed to stop Hungary from backsliding under the current government. Instead FIDESZ has utilized their strong organizational power to legitimize their actions. Therefore, the objectives of this study are two-fold. First, to determine why the EU's linkage and leverage has failed in Hungary. And second, to determine how FIDESZ has created and utilized their organizational power. The findings are relevant to other post-communist nations that are experiencing democratic backsliding.

1. Introduction

Hungary's modern political era began in 1989 with the successful revolution and ouster of the former communist regime. Subsequent political reforms led to a successful program of democratization and accession to the European Union (EU). Among the international community, Hungary was viewed as a resounding success story in terms of democratization and integration into Europe. Outside of some minor economic issues there was little to worry about in Hungary until 2006. In 2006 the transcripts of the Oszod Speech were leaked. This speech was given by the former Prime Minister Gyurcsany to a party conference of the Hungarian Socialist Party. In this speech Gyurcsany explains that the Socialist Party both lied to get elected and financed media organizations to support them in the 2006 legislative election. This turned out to be a major turning point in Hungarian politics. It showed that while the country had successfully democratized there was still corruption in the nation's highest political offices. This led to a backlash from the Hungarian public. Viktor Orban, a democratic campaigner in communist Hungary, remade his FIDESZ party into an anti-corruption populist party to tap into the anger that had built up from the Oszod speech and the 2008 financial crisis. In the 2010 parliamentary election, FIDESZ, led by Orban, won a majority of the seats, ushering in a new period in Hungarian politics of democratic backsliding (Rupnik, 2012).

Orban utilized the unique electoral conditions of Hungary to degrade political freedom and the rule of law as part of a concerted program he termed "illiberal democracy". As part of this program, FIDESZ utilized the tools of competitive authoritarian regimes while keeping the necessary trappings of competitive democracy to function in the EU and the international community. These tools have been described as the menu of manipulation by democratization experts (Schedler, 2002). The aims of each action are the same-to increase the power of FIDESZ

within the current system. This essay uses the model of competitive authoritarianism to show how FIDESZ could capture the institutions of the state and then leverage them into electoral success. The unique aspects of Hungary in relation to this model and democratization in general will be explained, as Hungary's democratic path has not tracked as experts expected. How FIDESZ has changed the rule of law in Hungary will be analyzed. In relation to the rule of law FIDESZ has used their organizational power to leverage specific tactics, used by other regimes previously, which have allowed them to fundamentally change the rules of the game in Hungarian politics. Finally, whether this is applicable to other cases of democratic backsliding and the options for response by the EU will be discussed. In this case it is applicable to both post-communist states and hybrid regimes in general (Rupnik, 2012).

2. Background

2.1. Democracy

The third wave of democratization that occurred after the fall of communism in the late 20th century was accompanied by a great deal of optimism for the future of the democratic model and its further proliferation. However, this optimism may have been misplaced; many country's fledgling democracies foundered or failed, and since 2005 at the global level there have been more reversals than gains. What is more worrying is that there have been recent cases of democratic decline in newly consolidated democracies, or systems that are unlikely to revert to authoritarianism. The most prominent examples of this phenomenon are Hungary and Poland. While the democratization honeymoon period of the 90's and early 2000's is over, there is no single consensus on what the future will be for democracy. There are several ways to look at this current period which will be explored in this section (Diamond, 2015; Plattner, 2015).

To study how this phenomenon has unfolded, it is necessary to first lay out what criteria define a modern liberal democracy. There are three basic institutions that modern liberal democracies require. These are the state, the rule of law, and democratic accountability. According to Fukuyama (2015), the state "is a legitimate monopoly of coercive power that exercises its authority over a defined territory" (pg.12). This power is then concentrated and employed to keep the peace, defend the people, and provide goods and services. The rule of law refers to constraints on the exercise of power through well-defined laws that are binding for all members of society, from the elites to the poor. Again Fukuyama (2015), "If law does not constrain the powerful, it amounts to commands of the executive and constitutes merely rule by law" (pg.12). Finally, democratic accountability ensures that the government acts in a manner that benefits the society broadly rather than the political elites narrowly. This is usually achieved

through free and fair multiparty elections based on universal equal and secret suffrage, although, this is not a foolproof method. Conditions can still arise that lead to unaccountable political power. A modern example of this is the Institutional Revolutionary Party (PRI) in Mexico that held power for 71 consecutive years from 1929 to 2000 even though elections took place during that time. In sum, while the state generates and employs power, the rule of law and democratic accountability constrain its use. Alexander Hamilton stated that "A feeble execution is but another phrase for a bad execution; and a government ill executed, whatever it may be in theory, must be, in practice, a bad government." Another important distinction is between patrimonial and modern states. A modern liberal state should be impersonal, impartial, and treat people equally. In a patrimonial state the power derives from the ruler. While there are few true patrimonial states in the modern period, there are neo-patrimonial states. Fukuyama (2015) explains this phenomenon:

> There are many neopatrimonial states that pretend to be modern polities, but these in fact constitute rent-sharing kleptocracies run for the private benefit of insiders. Neopatrimonialism can coexist with democracy, producing widespread patronage and clientelism in which politicians share state resources with networks of political supporters (pg. 13).

Modern examples of this include countries like Angola, Zimbabwe, and Venezuela. What this definition of a modern liberal states means is a country that is a democracy in form but not function, and competitive authoritarian regimes, like Russia, have used this to claim legitimate power (Fukuyama, 2015).

When studying democratization and modern liberal democracies, it is important to understand the basics of what a democracy is. Robert Dahl is one of the most influential political scientists on the topic of democracy. In his work *Democracy and Its Critics* (1989) he explains his thinking on the fundamentals of democracy. In his theoretical perfect democracy, as laid out by the Greeks and others before him, there are five criteria. These criteria are effective participation, voting equality, enlightened understanding, control of the agenda, and inclusiveness. For these criteria to be met there must be adequate and equal opportunities for citizens to create their preferences, question the agenda, and evaluate outcomes. They must be able to discover and debate the best choice. The citizen's votes must be equal to each other's. The control of the agenda must be given to citizens, and all citizens must be included. This is a high standard for democracy to meet. Instead Dahl (1989) suggests that modern democracies are polyarchies, or the rule by many. Polyarchies, or modern democracies, is the way in which institutions, for as close to an ideal form of democracy that is feasible, are developed. These institutions are derived from the institutionalization of a democratic process that is fully accountable to the citizens. These polyarchies have universal suffrage, free and fair elections, free speech and protection to use it, free access to information, the right to form organizations, responsive government, and accountable government. This definition gives us a base from which to work from when thinking about democracy (Dahl, 1989).

2.2. Democratization

Democracy in general has fared well over the past century. There have been three major waves of democratization beginning after World War Two, in the 1970's, and then finally after the fall of communism. The failure of communism as the major antagonistic force to democracy and the success of the third wave ushered in a period of great optimism regarding further

democratization. While there may be some dispute on the validity of democracy scores, the trends of these scores are not in dispute. Democracy saw significant gains in the period of 1945-1995, with the highest rate of increase between the years of 1985-1995 (Plattner, 2015). After this period of remarkable acceleration, due to the fall of communism, the story of democratization has been less certain. Many observers assumed that democratization would continue at the same rate and that conditions seemed favorable for this to occur. Although, after the peak of scores in the early 2000's there has been either stagnation or slight decline depending on the specific metric. Countries like Russia, Belarus, China, Vietnam, Singapore, and others have failed to yield to democratizing pressure and Western influence. Young democracies in Africa and Central Asia failed to consolidate their democratic gains. And even countries considered to have been consolidated, Hungary, Poland, and others have seen worrying developments. However, even though there has been a marked stagnation, there has not been a significant crash or reversal as seen in previous periods of democratization (Huntington, 1991). While there is no consensus on the future of democratization, there is agreement that there is at least a period of stagnation currently occurring. The current stagnation of democracy can be seen in the democratic index numbers (Diamond, 2016; Freedom House, 2017; Plattner, 2015).

There are many factors that result in the failure of democratization, but there are some broad trends that can be taken away from it. Fukayama (2015), and others, contend that bad governance is often the cause of democratic failure. He explains it in this way:

> The legitimacy of many democracies around the world depends less on the deepening of their democratic institutions than on their ability to provide high-quality governance (Fukuyama pg. 15)

Bad governance is characterized by arbitrary policymaking, unaccountable bureaucracies, poor implementation of the rule of law, lagging economic growth, poor public services, lack of personal security, and pervasive corruption. In many places, including Eastern Europe, this created an excitement gap between what people thought democracy could be and what it was. Plattner (2015) explains this phenomenon:

> In such settings, where citizens are still new to democratic attitudes and institutions, there is an almost inevitable tendency to blame poor governance on democracy. This accounts, at least in part, for democracy's tendency to break down in countries that have adopted it for the first time (pg. 8)

Fukuyama's conclusion is that democracies and democratic reformers who want to strengthen democracy and its institutions need to focus on state-building, and include issues such as public administration and policy implementation into their plans.

It is also must be understood that the underlying idea of democracy has not permeated through the strata of every competitive authoritarian state's structure and populace. Kaminer (2018) gives Russia as an example:

> This cynical, common state has explained to them that democracy is a system that supports minority interests against the majority. That democracy means that all men are allowed to marry among themselves, that children in kindergarten are sexually educated. All this is nonsense. The true meaning of democracy…the government has always concealed (pg. 3)

This idea of democracy has been successfully sold to many populaces. That is one of the ways in which illiberal democracy has permeated. Putin, Erdogan, and others can tell their citizens that they are saving them from the rule of the mob. Therefore, the issues of democratic failure are multifaceted in nature (Foa & Mounk, 2016; Fukuyama, 2015; Kaminer, 2018).

One of the trends that have greatly contributed to the current period of stagnation is the failure of young democracies to consolidate, with many of these countries failing outright and returning to authoritarianism. For the countries that fit into this criteria the first five years are critical to the eventual outcome. Reformers and political actors must be able to build legitimacy quickly in this initial period of democratization (Kapstein & Converse, 2008). Consolidation is also particularly difficult in countries that meet the following criteria. These criteria are poverty, high concentrations of mineral wealth, and ethnic fragmentation. Many of the young democracies in Africa meet these criteria, and have high rates of democratic failure. What the criteria have in common is that they divide the country between rich and poor, ethnic groups, and those that have or do not have mineral wealth. Poverty is an important marker for failure of democratization. For example, poverty rates are significantly higher in countries that underwent reversal. In aggregate countries that underwent reversal had approximately 40% of the population living on less than a dollar a day, in comparison with significantly higher income in countries that consolidated. Kapstein and Converse (2008) explain their conclusion on what is important for young democracies,

> The type of democratic institutions that are built, and the type of economic growth that is generated, may matter greatly to the process of democratic consolidation; after all, one of democracy's greatest promises is the diffusion of wealth and power (pg. 155)

Therefore, for young democracies there must be a broad package of improvements that creates institutional, economic, and trade reform. But it must be made clear that there is no one size fits all reform for each individual country, they must be tailored to the unique individual circumstances of each (Kapstein & Converse, 2008).

There are also antagonistic forces in the world that look to stifle the long-term trend of reform and democratization. The first antagonistic force is Chinese influence. China has been able to create enormous economic increases without also making domestic democratic reforms. This breaks the assumption that the democratic system is necessary for economic success. China has used their success story to offer African nations, and others, alternative non-Western markets, trade partners, and military and development aid. Unlike Western aid this is not tied to human rights or government accountability. The next force is that of the 2008 financial crisis. This crisis decreased the prestige of the United States and Western Europe. It undercut the notion that Western institutions and economic policy was worthy of emulating directly. Additionally, the political dysfunction that has followed the 2008 crisis has damaged the credibility of the West. As Thomas Carothers (2015) notes:

> Democracy's travails in both the United States and Europe have greatly damaged the standing of democracy in the eyes of many people around the world (pg. 100)

The last antagonistic force is that of illiberalism. Illiberalism practiced by nations such as Russia and Singapore which have grown more enticing to countries such as Hungary and Poland. Other non-consolidated democracies have sought to emulate them. This has damaged the hegemony of the current world order. These three forces, and others, have played a part in stifling democratic reform (Plattner, 2015).

There are three main interpretations of this current period of stagnation or decline in democracy. The first interpretation is that this current period reflects a serious decline in democracy, and may mean a trend of decline over time. There is a fear that this crisis could signal a phenomenon known as deconsolidation, where previously consolidated democracies may begin to fail under the weight of popular dissatisfaction. Foa and Mounk (2016) consider that this may be the case:

> Even as democracy has come to be the only form of government widely viewed as legitimate, it has lost the trust of many citizens who no longer believe that democracy can deliver on their most pressing needs and preference. The optimistic view that this decline in confidence merely represents a temporary downturn is no more than a pleasing assumption, based in part on a reluctance to call into question the vaunted stability of affluent democracies (pg. 16)

The theory states that the rise of populist parties and candidates in rich western nations is a symptom of this dissatisfaction. Candidates like Trump, Orban, Le Pen, and others have harnessed this public anger. This theory is validated by the fact that the decrease in democratic indexes post third wave is not only driven by young democracies failing in Africa, Asia, and Latin America but also in countries that were previously considered consolidated. Diamond (2015) states it in this way:

> Democracy has been in a global recession for most of the last decade, and there is a growing danger that the recession could deepen and tip over into something much worse. Many more democracies could fail, not only in poor countries of marginal strategic significance, but also in big swing states such as Indonesia and Ukraine (pg. 153).

Therefore, this interpretation of the current period of stagnation urges that action must be taken to stem the tide of democratic reversal (Foa & Mounk, 2016).

The second interpretation of the current period of democracy is that the fears of the first interpretation are overblown. Instead of a period of decline and stagnation, this current period is better defined as a period of transition. Therefore, the negative effects that have been prophesied will not come to pass. Instead there will be a reorganization of the current Western democratic order. Schmitter (2015) explains this period of transition:

> There is simply no plausible alternative in sight, save for a few models that are unlikely to appeal far beyond their borders. In other words, democracy will definitely survive but only by changing. What these changes will be however is by no means clear (pg. 33).

There is the view among some scholars that the promises of democracy during the third wave of democratization were too vast and unattainable that this current transition is a necessary part of the evolution of democracy. Therefore, it was necessary to continue the democratizing trend (Schmitter, 2015).

Finally, Levitsky & Way (2015), offer a type of "third way" explanation. They argue that the previous period of optimism had a "pluralism by default" thinking that was too optimistic. This meant that any country that overthrew their authoritarian government was termed as in a democratic transition. This then inflated the number of democracies and the various democracy ratings. Therefore, this current period of reversal was inevitable as these unstable democracies were destined to fail. This was fundamentally caused by a moment of authoritarian weakness rather than democratic strength. Therefore, there is some skepticism of the narrative of a period of democratic decline (Levitsky & Way, 2015; Plattner, 2015).

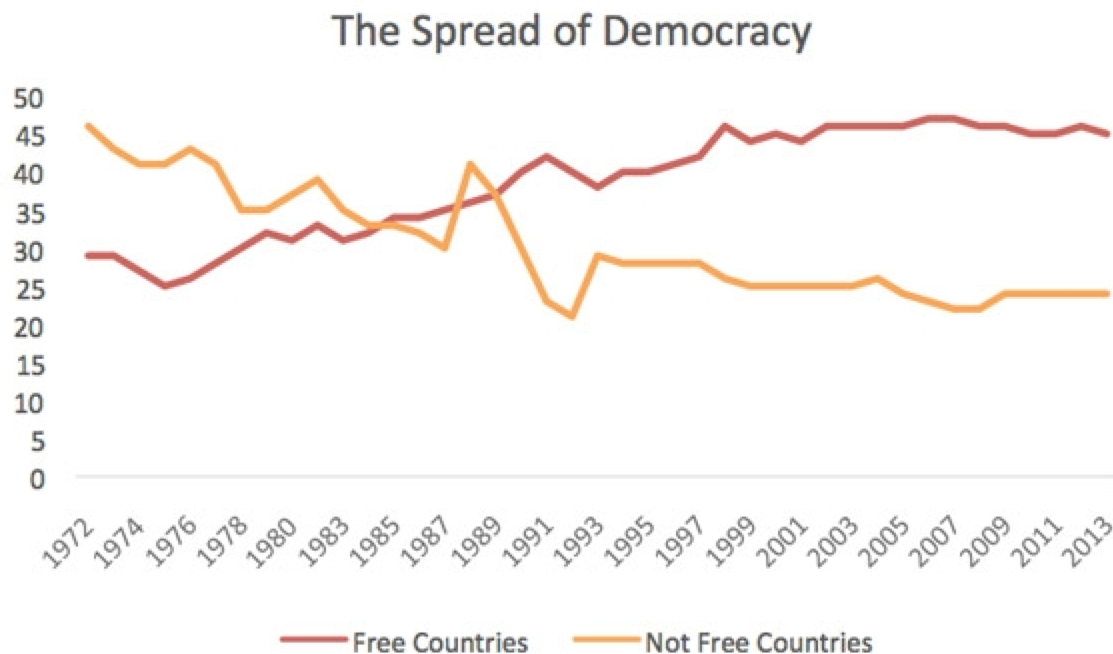

Figure 1. A graph showing the fall of authoritarian regimes and the rise of democracies from 1972 to 2013. Taken from: Posner, E. (2014, December 22). The Year of the Dictator. *Slate*. Retrieved from http://www.slate.com/articles/news_and_politics/view_from_chicago/2014/12/democracy_is_stagnating_kenya_cuba_egypt_turkey_russia_show_resurgence_of.html

2.3. *Why Regimes Consolidate*

During the past several decades the third wave of global democratization has brought more than 60 countries around the world from authoritarian rule toward at least some form of democratic regime. It is a difficult task for any country to make the first move towards a democratic future. However, what is often just as difficult is sustaining a democratic transition

long-term, or what is known as democratic consolidation (Scheddler, 1998). Many countries fail to achieve long-term democratization and have eventual waves of reversal or total failure of a democratic system. Now that the third wave of democratization has been around for a long period of time, and there has been no subsequent wave, experts have switched focus to democratic consolidation. This term was originally used to describe only the challenge of making new democracies secure in their democratization when it was conceptualized. But it is now used to describe much more of a process which includes popular legitimation, the diffusion of democratic values, neutralization of anti-system actors, party building, the stabilization of electoral rules, direct democracy, judicial reform, and many more issues (Scheddler, 1998).

There are some overarching issues in democratic consolidation literature. First, there are the issues of democratic breakdown that occur immediately after initial democratization. Democracy brings with it an amount of bounded uncertainty. However, a problem with new regimes is that there is often an amount of unbounded uncertainty. Therefore, actors must reduce the probability of breakdown to the point that it is safe to assume that democracy will persist in the near future. This phase often has actors attempting to control anti-system actors who have anti-democratic motives. These can include guerrillas, cartels, and street protesters. Second, there is the issue of democratic erosion. This often means the slow death of democracy due to incremental anti-democratic changes. For example, incumbents using privileged access to state resources, violation of electoral fairness, or exclusionary citizenship laws. Third, there is the problem of completing democracy. Semi-democracy or non-competitive democracy has become an issue for many countries. This often includes distinguishing between a dominant party and a hegemonic party. A hegemonic party, given their reliance on state patronage, does not and cannot lose elections. Dominant parties do not lose but can in principle lose elections. This is a

distinction in Hungary that is uncertain due to FIDESZ's dominance since 2010 elections and their changes to the system in this period. Creating a truly democratic system, one that allows for transitions, is a way of measuring completion. There are other important factors that contribute to the chance of success of this democratic consolidation process. Two examples are regional international organizations and civil society. Young democracies joining a regional international organization that includes other democracies is beneficial for the further consolidation of democracy. Pevehouse (2008) explains this relationship:

> Regional organizations are no guarantee of success for new democracies…membership in and joining an IO with many democratic members can assist in lengthening the longevity of democratic regimes. Although there are clearly many factors which are important for the consolidation of democracy…the external dimension of international or regional politics should not be given short shrift (pg. 623).

The creation of a vibrant civil society is also important for young democracies trying to get through the process to democratic completion. Schmitter (2003) gives an assessment of how important this factor is:

> While its historical origins are unequivocally rooted in Western Europe, the norms and practices of civil society are relevant to the consolidation of democracy in all cultural and geographical areas of the world, provided that the generic type of democracy that actors are seeking to consolidate is modern and liberal, i.e. constitutional, representative, accountable via pluri-party competitive elections, tolerant of social/ethnic diversity and respectful of property rights (pg. 18).

Therefore, while it is difficult for many democracies to consolidate, there is a tangible path to consolidation. While Hungary may have looked from the outside to have consolidated, it may be the case that they did not truly get to democratic completion. This could be because of a lack of civil society, allowance of a hegemonic party, or other issue (Scheddler, 1998).

2.4. Competitive Authoritarianism

The political scientist's Levitsky and Way (2010) created the model of competitive authoritarianism in response to the unique conditions of the post-communist period of the 1990's and 2000's. The end of the Cold War marked a momentous change in ability of authoritarian regimes to function as they had previously. Single-party and military dictatorships collapsed throughout Africa, Eurasia, Asia, and Latin America resulting in the third-wave of democratization. However, it became clear that the transition from authoritarian dictatorship to democracy was not as assured as it was assumed to be. Instead, due to the high cost of outright authoritarianism, new regimes combined democratic electoral competition with varying degrees of authoritarianism. In the case of these hybrid regimes, opposition forces are present and use the democratic institutions to contest power. They are sometimes even successful in toppling power. For example, Vicente Fox in 2000 becoming the first non-PRI president of Mexico in almost 70 years. Levitsky and Way (2010) contend that these regimes are not democratic:

> Electoral manipulation, unfair media access, abuse of state resources, and varying degrees of harassment and violence skewed the playing field in favor of incumbents. In other words, competition was real but unfair. We characterize such regimes and competitive authoritarian (pg. 3)

These regimes have proliferated the developing and post-communist world (Levitsky & Way, 2010).

The post-Cold War period has been marked by a democratizing bias. Democratization in this period has been viewed as inevitable, and hybrid regimes have sometimes been categorized as flawed, incomplete, or transitional democracies. Levitsky and Way (2010) explain it this way:

> Russia was treated as a case of "protracted" democratic transition during the 1990s, and its subsequent autocratic turn was characterized as a "failure to consolidate" democracy. Likewise, Cambodia was described as a "nascent democracy" that was "on the road to democratic consolidation"; and the Central African Republic and Congo-Brazzaville were called "would-be democracies". Transitions that did not lead to democracy were characterized as "stalled" or "flawed" (pg.4)

Their assertion is that these characterizations are misleading, and the previously held assumption that hybrid regimes are moving in the direction of democracy is incorrect. Instead of looking at these hybrid regimes as partial, incomplete, or unconsolidated democracies they should be viewed as their own category of regime type. This type is competitive authoritarian. This model allows for the ability ask why some countries democratized and others did not, instead of if these countries are currently in transition (Levitsky and Way, 2010).

In the model of competitive authoritarianism there are three variables involved. These three variables are leverage, linkage, and organizational power. Leverage is defined as a country's vulnerability to external democratizing pressure. Linkage is the density of ties and cross-border flows. And organizational power is the scope and cohesion of state and governing-

party structures. Black knight assistance is also an important part of the model. Levitsky and Way (2010) explain black knight's as:

> Counter-hegemonic powers whose economic, military, and/or diplomatic support helps blunt the impact of U.S. or EU democratizing pressure. Russia, China, Japan, and France played this role at various times during the cold-war period… (pg. 41).

Hungary has high linkage due to their high amounts of economic, social, communication, and intergovernmental ties to the EU and United States through their membership in the EU and NATO. Their state coercive capacity is not high due to an underdeveloped security apparatus, but party strength is high. This means that overall organizational power is high. This high linkage, leverage (medium), and organizational power are asserted in the model to be in competition for influence. However, all these variables were measured at the time the book was written, and have most likely changed drastically. Levitsky and Way did not envision Hungary as vulnerable to democratic backslide (Levitsky & Way, 2010).

What makes Hungary such a unique case is that scholars have posited that the linkage and leverage associated with being in the EU would be enough to stymy any democratic backsliding that might occur in post-communist members. What Hungary has shown since 2010 is that this may not be the case in all situations. Even though there are significant amounts of linkage and leverage in play with the EU, organizational power is still a strong factor in determining competitive authoritarianism. This goes back to the way FIDESZ has captured the institutions of both the state and civil society. Yet even though FIDESZ has taken advantage of the organizational power that they wield, they have still yet to hold an unfair election. The question is when and under what conditions the EU will step up leverage on Hungary. This

option may be unlikely due to previous EU efforts to shape domestic politics of member-states through sanctions. In 2000 the EU sanctioned Austria, because of the inclusion of the far-right Freedom Party (FPO) in the government. These sanctions included cutting of bilateral contact at the political level with the Austrian government. This proved mostly ineffective, and the EU backed down six months later due to events such as the Danish vote on the Eurozone (Falkner, 2001). The democratic test for Hungary will be what happens if FIDESZ loses an election. Other potential external players in Hungary are Russia and the United States. Hungary has pivoted towards Russia in the Orban era, but they are still a fraction of Hungary's economic trade compared to the EU. The United States has so far stayed out of domestic Hungarian politics, whereas Russia has not shown that restraint. Russia has actively supported FIDESZ and their far-right colleagues in Jobbik. If FIDESZ publicly breaks with Russia there could be significant political upheaval (Levitsky & Way, 2010).

It is important to remember that FIDESZ only garnered 53% and 44% of the vote in 2010 and 2014 respectively. These numbers are most likely inflated due to the failure of the Socialist Party. No party has yet to emerge from the Left to take their place. Therefore, people have had few political options as FIDESZ has gained many votes from the center in the process. One of the most important dangers for FIDESZ is the emergence of a strong center or center-left party. So far, they have been able to keep a generally moderate population sated, but that could easily shift. As Simon (2014) talked about in his study, the development and intensity of Hungarian civil society has been very low. But the emergence of a strong domestic pressure through a revitalized civil society and opposition could seriously weaken their organizational power and lead to a resurgence of EU power in Hungary (Levitsky & Way, 2010; Simon, 2014).

TABLE 1.1. *Comparing Democratic, Competitive Authoritarian, and Closed Regimes*

	Democracy	Competitive Authoritarianism	Full Authoritarianism
Status of Core Democratic Institutions (Elections, Civil Liberties)	Systematically respected. Widely viewed as only route to power.	Exist and are meaningful, but systematically violated in favor of incumbent. Widely viewed as primary route to power.	Nonexistent or reduced to façade status. Not viewed as a viable route to power.
Status of Opposition	Competes on more or less equal footing with incumbent.	Major opposition is legal and can compete openly, but is significantly disadvantaged by incumbent abuse.	Major opposition banned, or largely underground or in exile.
Level of Uncertainty	High	Lower than democracy but higher than full authoritarianism.	Low

Figure 2. A table from Levitsky and Way's book *Competitive Authoritarian: Hybrid Regimes after the Cold War* explaining the differences in systems of authoritarianism. Taken from: Levitsky, S., & Way, A. (2010). *Competitive Authoritarianism: Hybrid Regimes After the Cold War*. New York: Cambridge University Press

2.5. Adapting the Model

The competitive authoritarian model was created so that there was a model for a new phenomenon occurring in the world of political science and democratization. This phenomenon was the rise of democratic or competitive authoritarian regimes. Unlike previous authoritarian counterparts they were set on trying to keep the trappings of democracy and legitimacy. Other terms that have been used include hybrid regimes, elected autocracy, and illiberal democracies to

capture this type of phenomenon. Although this has become more popular in the recent past, there are some historical examples. The best example is that of the PRI in Mexico that ruled continuously for six decades, democracy in form but not function. In examples such as these, multiparty elections exist, but systematic government abuse skews the playing field in favor of the incumbent. What distinguishes this from democracy is that the competition is unfair. For example, civil liberties are curtailed, journalists are harassed, the media is biased, intimidation is commonplace, and sometimes there is outright fraud. Incumbents can use all available state resources to stay in power. Levitsky (2011) expressed how important television and radio are. Even if there are some independent sources, most of television and radio will be controlled by the incumbent. The reason that this has become in vogue is because the cost of outright dictatorship has increased due to sanctions and other means of leverage from the international community (Levitsky & Way, 2010).

However, the Hungarian case does not fit perfectly into this model. FIDESZ does not intimidate voters, commit fraud, or curtail civil liberties. Yet the media is almost completely controlled by FIDESZ and its loyalists. Some state resources are used to benefit FIDESZ, but it is difficult to know exactly how much. There is harassment of opponents in the media space by regulators, but again it is difficult to determine whether it is exclusively partisan. The electoral system is unfair, and FIDESZ objectively increased its unfairness, but it was still that way before they entered office. The Hungarian electoral system is not exceedingly aberrant in the European community. For example, Germany also uses a system that benefits larger parties through the same 5% threshold. On the other hand, Germany has a multi-list system which allows small parties to win seats (Manow, 2007). Hungarians do not want a return to direct dictatorship - Orban plays on the fear of a communist dictatorship and likens the EU to the USSR (EUSSR

Trope) - common on the far right. Therefore, the term competitive authoritarian, and this model, may not be precise enough. FIDESZ has done everything they can to control the system in Hungary short of a redline that others like Putin and Milosevic have crossed. Instead of breaking the law FIDESZ simply changes the law legally and lawfully. Therefore, I would propose that there needs to be some more development of a middle stage in the model between the designations of consolidated and competitive authoritarian. It may be the case for Hungary that they will break the redline at some point when they have an electoral failure, but as of now they have not. Yet they meet the criteria of creating an electoral playing field that is not level. Hungary may be the next evolution of authoritarian tendencies, so more research is needed (Levitsky & Way, 2010).

Hungary also does not fit the criteria laid out in the model for organizational power very well, but they have immense organizational power in their system. For example, they do not have an influential security service to keep the populace in line. There is not an ongoing war that keeps the populace cohesive. The incumbent party is not a party that came to power through revolution. While their scope and cohesion are certainly better than the opposition in Hungary, they are certainly not of a high level overall. Therefore, more research should be done on the organizational power of Hungary to determine if the model's criteria for organizational power should be expanded (Levitsky & Way, 2010)

3. Hungary's Path to Democracy

3.1. Eastern European Democratic Trajectories: The Limits of Linkage and Leverage

Hungary is an interesting and unique political case to study. However, it must be placed within a wider regional context to better understand why it is so unique. Central and Eastern European post-communist nations have seen a divergence in political paths over the last several decades. Nations such as Belarus, Russia, Azerbaijan, and the other Eurasian Republics have seen little democratization. Then there are the Balkan states of Macedonia, Serbia, Bosnia, Albania, etc. are flawed democratic systems. However, the Balkan states have had their own unique set of circumstances due to their inclusion in Yugoslavia for the former and embrace of Maoist doctrine for Albania. Mainly due to the severe cases of cronyism and corruption that have significantly hampered their political development. And finally, are democratization success stories the Baltic States and other European Union (EU) members. Accession to the EU has historically been viewed as the ultimate sign of a successful democratization for post-communist nations. However, there has developed a new group of post-communist nations. These are nations that acceded to the EU but have subsequently experienced significant or notable backsliding in terms of their democratic institutions. The two most significant examples of this group are Hungary and Poland. The Nations in Transit report by Freedom House for 2017 explains that over the past decade post-communist democracies have either stagnated or slid backwards. Hungary is the most extreme case of backwards movement. Therefore, it is important to study the unique causes of the current political situation in Hungary, but also to look at the larger situation in post-communist Europe (Freedom House, 2017).

The most relevant case for Hungary are those post-communist nations that also went through what was termed as a successful democratization and eventually acceded to the

European Union. These include nations such as Poland, Czechia, Slovakia, and the Baltic States. What is clear from the literature is that there has been uneven reform and development among the post-communist member states. From the perspective of the EU, one that is performance-based, there are four problem states in Eastern Europe. These four can be broken down into two types of issues. First, there are the states that have experienced right-wing populism and its corrosive effects on the competitiveness of democracy. Second, there are the states that have problems with corruption and rule of law. Poland and Hungary are the most important examples of the first category, and Romania and Bulgaria are in the second. The rest of the post-communist EU have issues with these two categories in various, but to lesser degrees (Papadimitriou, Baltag, & Surubaru, 2017).

Studies of the influence of the EU on prospective post-communist members show that active EU influence helped cause successful reforms. Vachudova (2001) explains it like this:

> The most highly developed international institution in the world, the EU, also offers the greatest benefits of membership, insists on the most extensive requirements, and therefore exercises the greatest potential leverage on the domestic politics of credible future member states. This explains why democratization and economic reform in East European states have been materially affected by an external actor, the EU (pg. 34).

However, it was also found that a nationalistic and rent-seeking elite cause this leverage to be mitigated. This is in part the reason why more liberal post-communist nations were quicker to reform than nationalistic nations like Serbia or others. Haughton (2007) also explains these phenomena:

> The variety of paths taken by post-communist states suggests rather the importance of the motivations of domestic political actors. From the mid-1990s onwards, however, the EU had much more impact when CEE governments introduced policies which conformed to the demands of the EU (pg. 243).

Therefore, the success of reforms can be tied to at least two major factors outlined in the literature, the active influence of the EU and domestic political actors. What has become apparent therefore in the current situation of democratic backsliding in the post-communist EU is that domestic political actors have become more influential than EU influence. This is the case in Poland, Hungary, Bulgaria, Romania and others. There is no longer the incentive of accession to hold member states to their word, and the EU has been impotent when trying to shift the trajectory of post-communist member nations. This is the case in Poland with judicial changes, Romania with changes to corruption law, Hungarian constitutional law, and others. The literature also posits that this is in part due to the loss of positive public opinion by the EU. Agh (2014) thinks that a fundamental new start is needed to reverse the changes that have occurred:

> Thus, after the Ten Years of the EU membership a new start is needed in Europeanization and Democratization. The main issue is now to re-conquer the public in ECE to establish a participative democracy as well as to build up a genuine European architecture with MLG for good governance and performative democracy (pg. 25).

Therefore, unless the EU can make substantial changes the trajectory of post-communist member states will continue their current path (Agh, 2014).

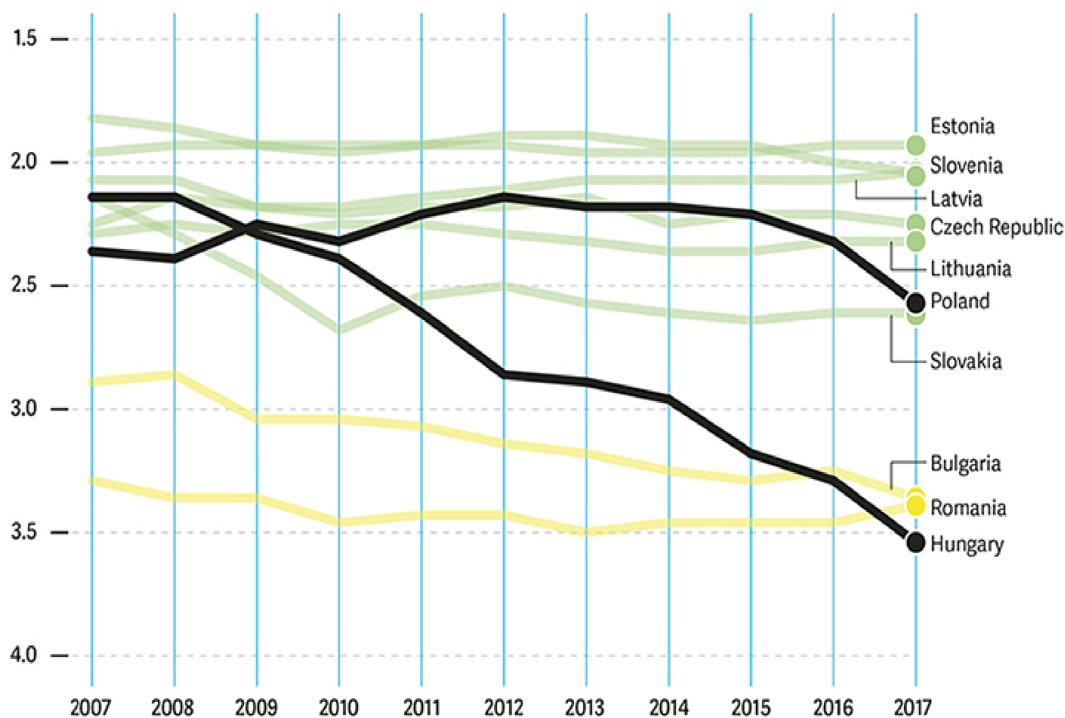

Figure 3. A graph from Freedom House Nations in Transit with post-communist states democracy scores from 2007 to 2017. Hungary and Poland experienced the largest decline. Taken from: Freedom House. (2017). Freedom House Nations in Transit 2017 - Hungary. *Freedom House.* Retrieved from https://freedomhouse.org/report/nations-transit/2017/hungary

3.2. *Hungary's Post-Communist Politics*

Almost the entire Central and Eastern European communist bloc reached a crucial turning point in 1989 and 1990. Hungary, and others, underwent a program of radical reforms which included democratization, liberalization, and the opening of society. This was sparked by the revolutions against communist authority that occurred in Europe in 1989. Since this crucial point

in 1989 there had been a steady march towards a liberal political system, rule of law, a market based economy, and private ownership. While some of the former communist bloc members didn't radically reform, like Serbia or Belarus, those that embarked on a mission of reform appeared to be uniformly moving in a positive direction. There were some unavoidable setbacks, but none of these appeared to be fatal to the reforms of 1989. This was the consensus by post-communist experts until 2010. In this year FIDESZ-Hungarian Civic Alliance, with the Democratic People's Party, gained a supermajority of 68 percent of the seats in the unicameral parliament. These were enough votes to enact any legislative or constitutional changes they wanted. This became the turning point in the eventual destruction of fundamental institutions of Hungarian democracy (Kornai, 2015).

To understand what happened in 2010 it is imperative to start at the beginning of this modern period in Hungary. Hungary is a Central European nation that prior to 1989 had never experienced a democratic system. However, it was Hungarian actions that led to the breakup of the communist bloc. These included the 1956 Hungarian Revolution, subsequent liberalizations of the Kadar government, the allowance of East German citizens to cross their borders in 1989, and early moves for a democratic transition in comparison to the rest of the bloc. All these moves plus a seemingly successful democratic transition in 1989 gave hope for the future of a democratic Hungarian state. This led many Europeans and observers to term Hungary as a model example of the success of liberalism in post-communist Eastern and Central Europe. The Hungarian success story is often told in this way:

> Students of the region long saw it as a leading post-1989 “success story”-both because its exit from communism was smoothly negotiated and because it appeared to have

> consolidated its democracy so quickly. Its post-transitional elections were about the political color of the government, not the nature of the regime (Rupnik, 2012, pg. 132).

This optimism in the Hungarian system made it a popular destination for foreign investments and infrastructure. However, the country struggled economically in the 1990's due to the lack of natural resources and high debt held by the communist government. The shock therapy of market liberalization hit Hungary especially hard (Lanczi, 2005; Wilkin, 2016).

While the 1990's and early 2000's were a time of economic uncertainty, it was also a time of political stability. From 1990 to 2010, the Hungarian Socialist Party, born out of the previous Communist party, held power for 12 of the 20 years. This party already displayed some of the anti-democratic tendencies, possibly due to them being the reconstitution of the communist party, that other post-communist socialist parties have expressed and that Orban would later adopt. The other two governments were the first post-communist government from 1990 to 1994 by the Hungarian Democratic Forum and FIDESZ, led by Orban, in 1998 to 2002. The 1994 loss of the center-right Hungarian Democratic Forum shaped the right wing of Hungary immensely. They learned that to beat the Hungarian Socialist Party, their main political rival on the left, they could not be splintered. The Hungarian electoral system of 1989-2012 was not wholly representative. Like the German electoral system, it favors larger parties at the detriment of smaller parties. This allows for a consolidated party like FIDESZ or the Hungarian Socialist Party to thrive. This allowed FIDESZ to win the government in 1998. The FIDESZ government of 1998 to 2002 proved mostly effective as a traditional center-right neo-liberal party, but the economy slowed during this period. Therefore, Orban and FIDESZ lost two back-to-back elections in 2002 and 2006. FIDESZ leadership resolved to adapt from these losses. As a result, FIDESZ shifted from a traditional center-right neoliberal party to a populist nationalist

party. They recognized the growing unpopularity of the Socialist Party after 2006 and the unrest over the neoliberal economic and financial reforms. Both FIDESZ and Jobbik set out to put themselves to the left of the Socialists on economic policy with their version of nationalist capitalism. While the Socialists supported a liberal economic reform policy FIDESZ adopted a protectionist outlook starting in 2006. This proved prescient during the financial crash of 2008. This allowed FIDESZ to capture the social conservative milieu of the nation along with groundswell of anger against reform policies on which Hungarians blamed their economic problems. Wilkin (2016) explains Orban's thinking:

> The much criticized Viktor Orban has made the point that Europe needs to extricate itself from the traps of the financial markets… politics mustn't serve exclusively the financial markets (pg. 175)

FIDESZ positioned themselves as the defenders of the Hungarian nation, against the corrupt global elites (Lanczi, 2005; Wilkin, 2016).

At home they blamed the "others" for all of Hungary's problems. The others included cosmopolitans, foreigners, liberals, ethnic minorities, the EU, and many others. The main target of the ire of FIDESZ post-2010 became George Soros and his network of non-profits. The party committed itself to a targeted campaign of harassment and official interference and was successful in forcing Soros to abandon his efforts in Hungary. This is emblematic of FIDESZ's tactics in several ways. First, the aversion to opposition. Whether Soros is right is immaterial, simply that a non-profit was unable to operate without harassment in an EU member state is a threat to democratic norms. Second, anti-Semitism has become increasingly acceptable in politics. Soros is Jewish, and the campaign has had anti-Semitic undertones. Yet neither of these

two problem areas have materially hurt FIDESZ in politics (Abramowitz & Schenkkan, 2018). It has proved a popular platform for Hungarians. These two major shifts in the party would eventually lead to the success in the 2010, 2014, and 2018 elections (Lanczi, 2005; Wilkin, 2016).

The gravity of the rise of rightwing populist parties in Hungary became evident in the 2010 elections, and was a shock to many observers. FIDESZ, a soft Eurosceptic right-wing party, was given a governing majority. And Jobbik, a hard Eurosceptic far-right/neo-Nazi party, received roughly 20 percent of the vote. In total these two parties received roughly 65 percent of the vote. This was the highest percentage of votes for populist parties in the entire EU. However, there had been signs for those who were studying Hungary closely during this time.

To understand this sudden shift, it is necessary to know what occurred in Hungary in 2006. This year is when the Hungarian Socialist Party made a grievous political error. Pyltas and Kossack attribute the rise of the right wing to the scandal from the Oszod Speech of socialist Prime Minister Ferenc Gyurscany in 2006 (Pyltas & Kossack, 2015). The Oszod speech was a confidential speech given to members of the Hungarian Socialist by Gyurscany that was leaked to the press. In it Gyurscany says multiple inflammatory things. These include “We lied morning, night, and evening”, “There aren’t many choices. That is because we have fucked it up. Not just a bit, but much.” and “No European country has done something as boneheaded as we have. Obviously, we lied through the last year and a half, two years.”. These quotes reference lies the party told during the election, clandestinely asking for media and capital support, and lying about their legislative record. Lantos and Kende interviewed Jobbik supporters and found that the speech was a very important issue for them, “Political protests in 2006 triggered by the so-called Ozsod Speech appeared as a highly important turning point in the mobilization of the

interviewees" (Lantos & Kende, pg. 70). This event led to the de-legitimization of the left in Hungary after 2006. This is confirmed by their election results in subsequent elections (Lantos & Kende, 2015; Pyltas & Kossack, 2015).

FIDESZ has used the legitimacy of the 2010 and 2014 elections to consistently undermine Hungarian democracy. These actions include everything from changing the constitution to buying media companies. In 2010 the FIDESZ government adopted a set of laws on the regulation of the media that made the head of the Media Council a political appointment. In 2012 they further politicized the Media Council by allowing the Council to approve broadcasting agreements and excluding the courts from their oversight role (Iusmen, 2015). Then FIDESZ associated business groups purchased one of the two most popular television stations, while subjecting the other to an expensive tax regime. These moves have helped cement their hegemony in the media, as companies that have spoken out have been investigated by the Media Council. The changes in the media landscape are explained by Freedom House *Nations in Transit* (2017):

> Due to the support of the deeply biased public media and important acquisitions in the television, online, and print segment, progovernment outlets have come to dominate the market to an overwhelming degree unimaginable even a year earlier. The October shutdown of the country's leading daily newspaper, *Népszabadság*, underlined both the governing party's vast influence on the market and the fact that—unlike in previous years—acquisitions and economic control, not legislative power, are the most important tools of influence.

This has created an atmosphere that punished dissent and rewarded those that follow the FIDESZ line (Agh, 2014; Enyedi & Toka, 2006).

Throughout the period of FIDESZ government they have made changes to the legal, political, and public spaces. These changes, and more that have not been mentioned here, have created a system that heavily favors FIDESZ. It is best explained by Orban in himself in 2009 in Halmai's (2014) piece:

> 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 formulate national policy, not through constant debates but through a natural representation of interests (pg. 5).

If FIDESZ does not like the new direction the country is going in they can simply change the Constitution with their super-majority (Bankuti, Halmai, & Scheppele, 2012).

This shows that Orban and FIDESZ have successfully captured the institutions of the state in Hungary. They could rapidly and successfully accomplish this because they had won two thirds majorities in parliament in both 2010 and 2014. This is partly to do with a quirk of Hungarian election law, derived from the original post-revolution constitution. The framers of the constitution were worried about a fractured parliament of small parties and an obsolescent constitution. Therefore, they gave parties a high percentage threshold to meet and a seat bonus to parties above the threshold, and they allow a two thirds majority for constitutional changes. This created a perfect storm for FIDESZ success after the delegitimization of the Socialist Party after the 2006 election. Capturing the institutions of state is key for the implementation of the menu of manipulation. In Hungary's case FIDESZ control's the media, the judiciary, civil society, and

government agencies thereby neutering the checks and balances on the power of political parties (Bankuti, Halmai, & Scheppele, 2012).

The actions of FIDESZ have led to serious questions about the future of Hungarian democracy. And with a delegitimized center-left opposition and a system that does not reward grassroots parties the status quo is likely to continue. Orban has made it clear that he does not believe in the legitimacy of the liberal world order. This repudiation has led to actions that the rest of the EU find disheartening. Ultimately though these actions are the culmination of a twenty-year history of Hungarian democracy (Wilkin, 2016).

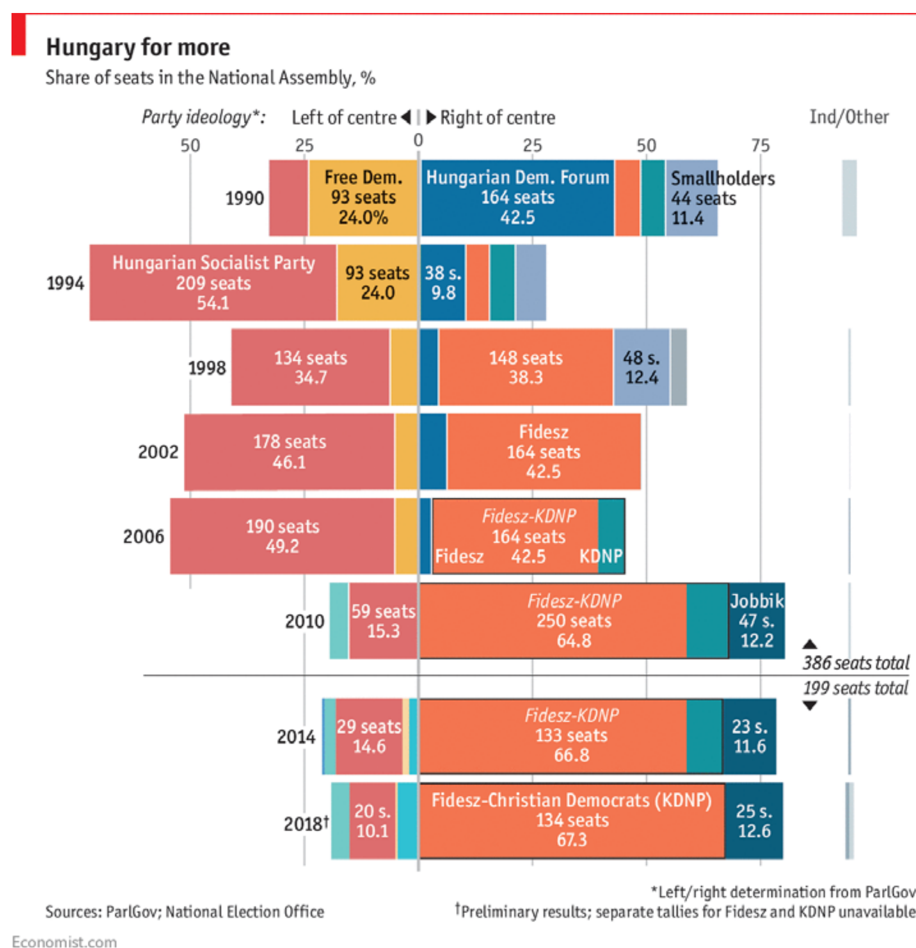

Figure 4: This is a chart of all post-communist Hungarian elections. It shows the rise of FIDESZ and the fall of the Hungarian Socialist Party. Taken from: Data Team. (2018, April 9). Viktor Orban maintains firm control of the Hungarian Parliament. *The Economist.* Retrieved from https://www.economist.com/graphic-detail/2018/04/09/viktor-orban-maintains-firm-control-of-the-hungarian-parliament

3.3. *Rule of Law in Hungary*

The separation of powers in Hungary is codified into law, but weak in practice. The 1989 revolution kept the communist constitution, but made it essentially unrecognizable with changes. This created a situation in which FIDESZ could claim that the revolution was illegitimate, through the keeping of an “authoritarian” document. However, this constitution, due to the changes made in 1989, was considered a wholly democratic form of constitution by experts and observers. To strengthen the power of FIDESZ and hamstring any future opposition led parliamentary majorities the FIDESZ/KDNP coalition adopted a new constitution in 2012, called the “Fundamental Law”. This Fundamental Law made many substantive changes to the Hungarian political system. One of the most important for FIDESZ was the change to constitutional amendments. In the new constitution it only requires a two-third majority to change what are termed “cardinal laws”, or laws that affect around 50 issues and sectors. This change removed the power of the Constitutional Court to review possible new amendments, severely compromising the checks on executive and legislative power. It is apparent that many of the changes made in the period of FIDESZ government have been calculated maneuvers by FIDESZ to increase their organizational power and their capture of institutions (Freedom House, 2017; BTI, 2016).

Due to the two thirds majority that FIDESZ enjoys in the parliament it is possible for them to pass constitutional amendments at any given time. For example, the Fundamental Law was amended five times between January 2012 and September 2013. In March 2013 two important amendments were codified into law. First, they took away the ability of the State President, the Head of State of Hungary, to request a Constitutional Court review of possible legislation. Second, the amendments constrained the power of the Constitutional Court to check the power of the parliamentary majority. The Court will not be able to rule on the constitutionality of amendments, legislation, and cannot base any of its further rulings on precedent from the period prior to the Fundamental Law. Subsequently, the government in several instances passed amendments that in the previous period had been found to be directly unconstitutional by the Constitutional Court. Therefore, many experts assert that the passing of the Fundamental Law was a cynical power grab by FIDESZ. The Venice Commission of Legal Experts termed it as follows, FIDESZ has “an instrumental view of the constitution as a political means of the governmental majority”. It is important to note that the act of changing the constitution is not in itself anti-democratic. For example, the Grundgesetz, Germany’s constitution, is amended often due to the nature of the German system. The problem is, as the Venice Commission noted, the instrumental view of the constitution by FIDESZ (Freedom House, 2017; BTI, 2016).

Other important changes by FIDESZ in the institutions of the state have been accomplished through the placing of supporters in government positions. In 2013, FIDESZ replaced the government ombudsman on basic human rights with a supporter who has chosen a significantly more restrained role for the office. FIDESZ has replaced the leadership of many different supervisory, whistleblower, and watchdog institutions. These institutions include but

are not limited to: The State Audit Office, the Public Prosecutor's Office, the Hungarian National Bank, the Monetary Council (which supervises the Hungarian National Bank), and many other institutions (Freedom House, 2017; BTI, 2016).

The Fundamental Law has also severely hurt the ability of the opposition to effectively oppose the FIDESZ agenda. This includes many different areas of what is considered the norm in democratic opposition. For example, it restricted the ability of the opposition to access government documents which in turn hampers their ability to act as a check on the FIDESZ government. Other changes have been procedural in the parliament; in 2014 to hold on to their super majority in parliament they changed the parliamentary procedure to enable the Speaker of the House to vote like other members. Another previous check on government power was the ability of the opposition to call referenda. During the previous center-left government there were several referenda initiated by the opposition, led by FIDESZ at the time. However, the Fundamental Law gives the National Election Committee wide discretion to reject referendum initiatives. They have used this power to reject several opposition led referenda in the years since the Fundamental Law was implemented (Freedom House, 2017; BTI, 2016).

As mentioned previously the Constitutional Court's ability to check the power of the government was severely hampered in March of 2013. The most important change was that it was no longer able to examine proposed amendments. However, it was also previously barred from reviewing laws related to public spending. These changes severally limited the power of the Constitutional Court. FIDESZ made even more changes at the end of 2014, after their reelection with another two thirds majority. The most impactful of these changes was the replacement of 11 of the 15 Constitutional Court judges by FIDESZ unilaterally, despite the opposition's objections. These 11 judges were considered by the opposition to favor the FIDESZ government.

Legal experts have subsequently reviewed the Court's rulings before and after the replacement of these 11 judges and found that the court significantly shifted their rulings in favor of the government.

However, the judicial changes made by FIDESZ have not been limited to the Constitutional Court. They established three new governing bodies of the judicial system. These are the Kuria, the National Judicial Council (OBT), and the National Office for the Judiciary (OBH). The OBT, which is not elected by the government, was supposed to supervise the OBH. However, a constitutional amendment in March 2013 made the OBT a consultative instead of a regulatory body. The Venice Commission of Legal Experts termed it as follows, FIDESZ reinforced the OBH powers "without any indication of the necessary limitation and the checks and balances to which it must be subject". The OBT president Tunde Hando is also the wife of the author of the constitution, and is embedded in the elite of the party. According to legal experts both the OBT and Kuria presidents have made legally dubious decisions. In May 2014, the European Court of Human Rights (ECHR) ruled that the former president of the Supreme Court was "deprived of his right to a court hearing when the government decided to unilaterally dismiss him by transforming the court into the Kuria." They also found that FIDESZ violated the rule of law when it decided to not give the institutional reform a judicial review (Freedom House, 2017; BTI, 2016).

In 2012 Hungary was ruled to have discriminated against judges due to their age by the European Court of Justice. This stems from an action taken by the government to force 274 judges and prosecutors into early retirement by reducing the retirement age. The rebuke from the European Court of Justice forced the Hungarian parliament to backtrack in March 2013. They allowed Judges and Prosecutors who had reached the new retirement age to decide on their own

whether they should retire. However, this is just another example of FIDESZ attempting to engineer the institutions of the Hungarian state in their favor. What has resulted is a judiciary branch that is unable to fulfill their duties to the state, and a rule of law that is now in question by many experts and observers (Freedom House, 2017; BTI, 2016).

4. 4 Takeaways from Organizational Power

It is clear in the case of the Hungarian political system that unique domestic conditions are involved. Because this case study is using the model of competitive authoritarianism to explain Hungary's current changes in democratization it is necessary to point towards organizational power as the driving force behind these domestic changes, as linkage and leverage deal with international conditions. Organizational power in this model is defined as the scope and cohesion of state and governing-party structures. Orban and FIDESZ have successfully integrated their party structures with the overall state and civil structures of Hungary creating state capture, but it is less clear if this meets the definition for organizational power given by Levitsky and Way. However, in either case there are important lessons that can be drawn from the techniques of FIDESZ and Orban to create this occurrence of state capture (Levitsky & Way, 2010).

The first lesson that can be taken away from the political situation is that media control can be gained through wholly legal processes, both through government and private efforts. This has been key to FIDESZ efforts in Hungary. *Nepszabadsag*, Hungary's last mainstream left-leaning political daily, closed in 2016. Protests followed the closure, but nothing of substance came from them. Journalists, and other insiders, from *Nepszabadsag,* alleged state influence in the closing of the newspaper. This has become a pattern in Hungary. In April of 2018 one of the last two major opposition papers in Hungary, *Magyar Nemzet* a paper published since 1938, was closed. This has left only one substantial opposition paper in publication now. Klubradio, one of the largest opposition radio stations is now only broadcast in Budapest, as its licenses to operate in rural areas was revoked. Freedom House (2017) explains the current media landscape of Hungary:

> The government-led takeover of the media market has been ongoing since 2011. Extending its control over a large part of the Hungarian media landscape in 2016, the Fidesz-led government and associated business persons consolidated their positions in 2017 and, with few exceptions, acquired the last bastions of independent print media in Hungary.

With public media, the second-largest private TV channel, and numerous online and print outlets owned by FIDESZ members and beneficiaries, FIDESZ de-facto controls the media markets of Hungary. This has had effects on both the Hungarian political and civil arenas, with many rural consumers dependent on traditional media for news (Freedom House, 2017).

FIDESZ efforts have been two-pronged in nature. The first, is to create a government apparatus that can effectively exert influence on the media. The second, is to use party elites to purchase private assets in the media industry. The first prong has been successfully implemented in the eight years since FIDESZ took power. The party did this with two governmental bodies. The first government body is the National Media and Infocommunications Authority (NMHH); the leader of this authority chairs a five-person Media Council. The creation of this organization and its purview was done through the Press and Media Act of 2010 and the "Hungarian Media Law" in 2011. These two agencies have the ultimate regulatory authority on all Hungarian media. All media outlets must register with the agency within 60 days of operation. They can fine outlets for up to 200 million forints ($860k). And the Media Council can initiate regulatory procedures on media companies that produce "unbalanced reporting." These regulatory powers have been used to harass opposition media. The second government agency is the Media Service Support and Asset Management Fund (MTVA). Established in 2011 to oversee the funding of public Hungarian Media, it has a budget of 79.9 billion forints (303 Million). The ability to

control the message of public media is run through the Cabinet Chief Antal Rogan. Second, private asset acquisition of media assets by FIDESZ supporters has increased during the FIDESZ government. Acquisitions by FIDESZ friendly elites were involved in the liquidation of *Nepszabadsag*. Lorinc Meszaros acquired both MediaWorks and Pannon Lapok Tarsasage (PLT) which led to the liquidation. Film Commissioner Andrew Vajna, owner of TV2 the second largest channel, acquired Lapcom Media Group, publisher of the second largest daily tabloid. These types of acquisition have continued unabated by government agencies. Both the Hungarian Competition Authority and Media Council have approved all pro-FIDESZ mergers and acquisitions. These moves have led to an unbalanced media landscape (Freedom House, 2017).

The second lesson that can be taken away is that party strength in the form of scope and cohesion is key to gaining and maintaining political power. Party scope is the ability of a political party to penetrate the population down to the village and neighborhood, civil society, and workplace. Party cohesion is the ability of a political party to maintain discipline throughout the ranks and is often gained through shared ideology, shared ethnicity, or revolutionary struggle. However, the party cohesion and scope that has been gained by FIDESZ in Hungary does not fit the traditional definition given by Levitsky and Way. This is due to the nature of Hungarian politics in the post-revolutionary period. For example, FIDESZ is not a single governing party that achieved power via violent conflict, revolution, or national liberation. Nor is Orban an incumbent that rules with no party, or a new party that has participated in fewer than two national elections. However, what is key for FIDESZ is that they share a general ideology in a context in which ideological cleavage is dominant. They can couch themselves as the moderate choice of stability, even if their views would be considered radical in other circumstances. This

happened because of the delegitimization of the Hungarian Socialist Party and the rise of Jobbik. The Hungarian Socialist party was also shown to be unlike the center-left model of Europe, and have more in common with the Communist Party they were reconstituted. It is not by coincidence that both events happened in the period between 2006 and 2010, when they won their first election in 2010. This has allowed them to be the only cohesive option in Hungarian politics as the Left continues to fracture and the Far-Right swallows itself in radical rhetoric (Levitsky & Way, 2010; Agh, 2014).

The scope of FIDESZ's party strength also does not fit the traditional definitions given by Levitsky and Way. FIDESZ does not have a mass organization that is able to penetrate virtually all of society down to the village and neighborhood level. They do not participate in significant grassroots activity either during or between elections. And they do not penetrate the civil society of Hungary. This is because the civil society of Hungary was weak to begin with. The Hungarian Socialists had also been unable to create a significant party scope. The only significant civil actions in Hungary's recent history are the pro-democracy revolution and the 2006 protests. The pro-democracy protests were not dominated by any one party, and the 2006 protests were started by figures of the far-right. And the far-right has not been able to leverage their grass roots support into a wider movement. Therefore, FIDESZ has been able to leverage the lack of scope and cohesion of other parties. They have simply been able to create more of these variables than the opposition, but it also means that they are vulnerable to a cohesive left-leaning movement. They have been faced by a historically non-cohesive opposition (Levitsky & Way, 2010; Agh, 2014)

The third lesson that can be taken away from this phenomenon is that gaining control of the upper courts is key to gaining control of the state's institutions. FIDESZ was aware from the

beginning that if they wanted to implement their complete program of reforms they had to control the Constitutional Court. This was accomplished through the adoption of a new constitution in 2012. Two of the most important changes that were implemented in this new constitution were how it affected amendments and the Constitutional Court. First, in the new constitution it only requires a two-third majority to change what are termed “cardinal laws”, or laws that affect around 50 issues and sectors. This change removed the power of the Constitutional Court to review possible new amendments, severely compromising the checks on executive and legislative power. Second, in 2014 after reelection they passed an amendment that allowed the government to replace 11 of the 15 judges on the Constitutional Court. This has led to a pattern in Hungary that the FIDESZ government will simply change the constitution when it suits them politically. Similar maneuvers have been tried in Poland by the Law and Justice government (Freedom House, 2017; BTI, 2016).

The fourth lesson that can be taken away is that attacking civil society has been a successful venture for FIDESZ. Hungary already had weak political engagement prior to the election of FIDESZ in 2010, but the changes since 2010 have been noticeable. This is slightly counterintuitive given Hungary’s engagement in revolution and subsequent democratic reform. However, unlike in Poland with Solidarnosc (Solidarity), there is no group that binds Hungarian society together. In Poland the remnants of Solidarnosc rallied against changes to the judiciary in 2017 successfully. In Hungary civil society includes academics, activist groups, community organizations, non-governmental organizations (NGOs), political parties, professional associations, trade unions, etc. During an event marking the 1848 revolution, Orban stated that “media outlets maintained by foreign concerns and domestic oligarchs, professional hired activists, troublemaking protest organizers, and a chain of NGOs financed by an international

speculator, summed up by and embodied in the name 'George Soros.'" (Paris, 2018). This has been successful in shaping the domestic market's opinion of NGOs, but also other academic organizations. In a survey of 29 post-communist nations, a study found that 25 had a leader attack civil society or media (Abramowitz & Schenkkan, 2018). This has become a trend in the post-communist bloc. FIDESZ and Orban have shown that it is effective in shaping opinion the domestic political scene, and has led to many NGOs and thinktanks pulling out of Hungary (Freedom House, 2017; BTI, 2016).

Figure 5. A Hungarian woman reads the last edition of the Magyar Nemzet after 80 years of publication. Taken from: Dunai, M. (2018, April 10). Major Hungarian opposition newspaper to close after Orban victory. *Reuters*. Retrieved from https://www.reuters.com/article/us-hungary-election-media/major-hungarian-opposition-newspaper-to-close-after-orban-victory-idUSKBN1HH10S

5. Conclusion

It is impossible to understand the current situation in Hungary without understanding the two periods of change in FIDESZ's history. The first period came in 1994 due to the defeat of the center-right in the parliamentary elections. This was due to their fractious nature, and FIDESZ was a young person's organization. They only abolished the upper age limit of 35 for members in 1993. Therefore, it was understood that the right would only be able to win as a united front. This is due to the nature of the Hungarian political system which rewards large parties at the cost of smaller ones. FIDESZ worked to keep the right united going forward, emerging as the dominant political force between 1994 and their win in 1998 (Lanczi, 2005; Wilkin, 2016).

The next period of change came in 2002. When FIDESZ and Orban lost the 2002 parliamentary elections they understood that more changes were needed within the party to be successful. Even though Orban had led a successful government from 1998 to 2002 they were still yet to achieve the success as a party that they enjoy today. The changes that occurred to this party between the time of their loss in 2002 and their next electoral success in 2010 are key to understanding the current phenomenon. What they began to take advantage of, starting in 2006 with the success of demonstrations against the Hungarian Socialist Party, was the sense in Hungary of the loss of social security provided for by the state. Social chaos was brought on by discontent with the introduction of markets, finance, and other capitalist reform mechanisms. These mechanisms were viewed as the cause of the failures of the democratic transition and the associated breakdown of the previous social structure provided by the government. FIDESZ successfully blamed the struggles of the democratic transition and its associated economic issues on a set of national enemies, as defined by them, that include liberals, cosmopolitans, ethnic

minorities, foreigners, the EU, former communists, and their opponent party. Their main center-left opponent the Hungarian Socialist Party was successfully politically outflanked by FIDESZ due to a contradiction in their platform. The contradiction is that socialist party supports the classical liberal values of the democratic transition while also embracing the capitalist reforms that are entwined with the transition, sometimes termed as neo-liberal, which even if they bring long-term success to the country also brought hardship on their natural support base in the country. FIDESZ understood that there was antipathy towards the typical center-left and center-right European liberal model in Hungary, and broke away from it entirely (Lanczi, 2005; Wilkin, 2016).

FIDESZ and Jobbik are not nostalgic for the communist past, as some have stated; rather, they are looking to recreate the power of a strong state which provides for a system of social security. The two parties also share a belief in the merits of an authoritarian system ruled by political elites which impose order and discipline upon it. FIDESZ especially wishes to use the system to build a patron-client relationship which allows for the rewarding allies and punishing supposed enemies of the state. Within this larger transition that FIDESZ has championed there is also a move towards ethno-nationalist tendencies. The ideological change in the post-2002 election iteration of FIDESZ trended towards nationalism. However, they have witnessed the rise in support for Jobbik in this period, an outright ethno-nationalist party, and have adjusted thusly. They have drawn imagery from the historic Hungarian sacred symbols, like the Crown of St. Stephen, to legitimize this shift. Within this nationalist and quasi-authoritarian framework, they have made changes to the electoral system, constitution, judiciary, media, civil society, education system, bureaucracy, and various other segments of society to further their aims. Due to the organizational power that FIDESZ acquired through the post-revolution period their reformation

of the political structure was successful. The linkage and leverage of the EU and the rest of the modern liberal democratic system was not enough to stop this transition from happening in Hungary. This has ultimately led to a democratic system in decline in Hungary (Wilkin, 2016).

It is also important to not overestimate the amount of support that FIDESZ currently holds in Hungary. There are unique factors in Hungary that make it conducive to this type phenomenon. First, the electoral system in Hungary is skewed towards larger parties. FIDESZ has only won a majority of the popular once when they gained 53% of the vote in 2010. With 53% of the vote in 2010 they won 68% of the parliamentary seats. FIDESZ then set out to change the electoral system to further advantage them. They accomplished this with the 2012 Fundamental Law, or constitution, and its changes. In 2014 they gained only 45% of the popular vote but managed to obtain 66% of the seats. Hungary also has average turnout numbers for elections, with around 60% for most parliamentary elections. FIDESZ successfully leveraged the super majority mandate of 2010 into fundamental changes of the rule of law and the creation of a patron-client system that will be hard to undue for the opposition. Second, there are few options for moderate Hungarians in the opposition. As has been discussed in this essay the left opposition is historically weak and the second largest party, Jobbik, is even more extreme than FIDESZ. This leaves Hungarians with few options to FIDESZ. Fundamentally, the electoral quirks of the Hungarian system artificially inflated the organizational power of a party that gained barely more than half of the popular vote in 2010. This can be taken advantage of by any party in Hungary that has the will to. Therefore, there needs to be two changes for these current trends to be reversed. First, there needs to be changes to the electoral law. Second, the center and center-left opposition needs to fundamentally reorganize themselves. The same structure and personnel that were part of the 2006 Oszod speech are still leading the movement. However,

party consolidation is advanced and volatility is below average in Europe so it will be difficult for a new grassroots opposition to emerge (Enyedi & Toka, 2006; Wilkin, 2016).

The Hungarian case goes against the conventional wisdom of democratization. It was assumed, especially in the post-third wave period, that accession to the EU would assure continued democratization due to the high levels of linkage and leverage associated with this process. Conventional wisdom was that integration into a system that values liberal democracy so highly would mean assurance of the success of the democratic transition in Hungary. What is clear in the case of Hungary is that domestic conditions outweighed the influence of the EU. The antipathy towards the EU that Hungarians feel is high. In 2014 and 2018 they voted for a larger percentage of Eurosceptic parties than any other EU member ever (Freedom House, 2017). If linkage and leverage failed to keep Hungary from backsliding then organizational power is the key variable in the equation. Although Hungary's electoral system has certainly boosted the organizational power of FIDESZ by granting them supermajorities when they only received a simple majority of votes, FIDESZ has also successfully utilized this power to its fullest. This has led to a capture of institutions that could be termed as state capture (Freedom House, 2017; Levitsky & Way, 2010).

However, organizational power in Hungary has not expressed itself in the typical fashion. First, there is not a strong security apparatus in the country or a strong state coercive capacity. Second, there is no armed warfare to create cohesion within the state. Instead FIDESZ takes advantage of better party cohesion and scope than the opposition. However, this is relative as the opposition has little of either. Hungary has also not experienced economic collapse that is often a cause of democratic backsliding around the world. Hungary does not fit the definition of competitive authoritarianism in the same way that Vladimir Putin or Slobodan Milošević did, as

they are given as examples by Levitsky and Way. Hungary on the other hand is somewhere in between the fully consolidated democracy and the competitive authoritarian system. Orban has used some of the tactics of this model without fully taking away all vestiges of democratic rule. Yet he has done enough that it has seriously eroded the rule of law in Hungary. He may hesitate to fully break with the rule of law due to the costs associated with losing EU membership, but more study is needed to determine exactly where Hungary is on the spectrum. It may be a new type of system, akin to how competitive authoritarian was a new type of authoritarianism (Levitsky & Way, 2010).

The importance of the Hungarian case is clear due to the new developments in Central and Eastern Europe over the past several years. Developments in Czechia, Poland, Slovakia, and Austria all mirror Hungary to some degree. The case of Poland shows that Hungary may have been particularly susceptible to this type phenomenon, because attempts to change the judiciary and electoral system have been less effective there. This is due to the opposition and checks built into the system. It is less clear what the EU can do to deal with the situation in Hungary. First, they must decide if what has happened in Hungary warrants intervention by the Union. Second, they must determine what the best option for action is. Dutch MEP Judith Sargentini was tasked with writing a report on whether article 7 was warranted in the case of Hungary. She found that the facts of the case represent a threat to democracy and the rule of law in Hungary. She listed twelve problem areas and recommended acting on article 7 which allows for sanctions against a member state of the EU (Bayer & De La Baume, 2018). It is unclear if this will be the ultimate path of the EU, but this does mean that there is support in the European parliament for sanctions against Hungary. Article 7 may be the best option, but there are risks involved. It may drive people towards FIDESZ as there is already Euroscepticism in the country. This could give them

greater support, and further harm the support for the EU. Orban could pivot towards Russia to play the EU against Putin. The actions could also have little effect. Another option would be to threaten the Hungarian economy through the cessation of EU subsidies and redistribution. The Hungarian economy is dependent on the EU and its subsidies that this option may be necessary to truly change the course of Hungarian politics. The EU could also try the carrot instead of the stick. This could be in the form of soft power by increasing linkage and leverage. Promising an incentive structure for substantive changes may be one of these options. Funding opposition parties and civil society that promotes liberal democracy in Hungary could also work to change things from the grassroots up. (Bayer & De La Baume, 2018; Wilkin, 2016).

The policy implications of this phenomenon in Hungary can be broken down into two separate groups. The first, are implications for understanding the future of democracy in post-communist Europe and elsewhere. What is clear about the situation in Hungary with FIDESZ and Orban is that there are no clear-cut answers and explanations. FIDESZ is a party that came to power by the will of the people, and has acted legally to change the system from within. Yet it is also clear that they are taking actions that clearly subvert democratic norms. Hungary is not a clear-cut case of a competitive authoritarian system, as Russia is, but there are lessons that can be learned here. There are several characteristics that hybrid regimes, such as Hungary and other post-communist states, have in common with other competitive authoritarian states. The first, is the undertaking of a campaign to control the press. This has been done through legal means in Hungary. Through the regulation of media by the state, and the buying of media companies by political elites friendly to the regime. The second, is the deliberate breakdown of minority protections. This has been done through a multifaceted campaign in Hungary. This started with the persecution of the Roma population, with the political mainstreaming of the term "gypsy

crime". FIDESZ has let Jobbik and right-wing militia harass Roma in the rural areas. FIDESZ also took advantage of the refugee crisis, and inflamed hatred of immigrants. The third, is the breakdown of protection for opposition politics. This change occurred with the changing of the constitution and subsequent electoral or judicial law. It also ties in with the takeover of the press and non-profit sector. Finally, is the instrumental view of the constitution and bureaucracy taken by FIDESZ. FIDESZ understands the constitution as an instrument to use for their gain, as stated by the Venice Commission (Freedom House, 2017). The party politicized all aspects of the bureaucracy, placing political allies in most important positions. These four markers add up to a system that has been severely weakened.

The second policy implications, are implications for the EU. Political hardball has not been shown to be effective in influencing domestic politics in Central and Eastern Europe. Austria in 2000 and Poland in 2017 both showed resilience despite EU sanctions, with the EU eventually backing down (Falkner, 2001). Instead of successfully shaping events the EU only bred more distrust. Therefore, it seems that invoking article 7, as has been done previously, would not lead to the type of reform the EU wants. It would likely only drive support to Orban and FIDESZ, as they would become a martyr for sovereignty and the supposed democratic deficit of the EU. Therefore, the implications for the EU are two-fold. First, the EU needs to do more to win the hearts and minds of post-communist members. These member countries often feel that the promises of accession to the EU have not been met, and Hungary is no exception. This narrative needs to be combatted actively. Scandals such as the second-rate food quality in Central and Eastern Europe feed into this attitude. Another option for the EU is the vast civil society organization and money they possess. Even though non-governmental organizations, such as Soro's organizations, have failed does not mean that this tact is without merit. Investing

in Hungary with EU non-profits, grants, and other mechanisms may be an option that is available. Strengthening non-state media and civil organizations in Hungary is crucial, and the EU has the opportunity to do this. Second, “More Europe” will not sell in post-communist Europe. The EU, particularly France, needs to step back from this rhetoric. This type of rhetoric is what has led to disunity, Brexit, and Eurosceptic movements in Central Europe. Down the road this may eventually be feasible, but the EU must win the populace back on the narrative war first. The democratic deficit, the EUSSR, and sovereignty narratives are important factors in this phenomenon. Orban has successfully cast himself as the person who saves Hungary from the overreach of the EU. FIDESZ is a member of the European People’s Party in European Parliament. Even if this view of Orban is a fiction, and he is a creature of the European system, this view of him must be combatted. Fundamentally what is most important is that the EU realizes that this is a real threat to the future cohesion of the EU in Central and Eastern Europe. More study needs to be done to determine which options are the best in these types of situations, but what is clear is that Hungary will not be the only country to experience this type of issue (Falkner, 2001; Freedom House, 2017; Wilkin, 2016)

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