

Hungary is now a distorted democracy

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Has Hungary become an authoritarian state? In their first of three articles on the Hungarian government, [Tamas Dezso Czigler](#) and [Izolda Takacs](#) argue that the country has become a distorted democracy on the brink of autocracy. Worryingly, the vast majority of Hungarians do not seem to be alarmed by these developments.



Hungary underwent a major power change in 2010: The right-wing governing party Fidesz and its ally KDNP (in practice an extension group of Fidesz, rather than an independent party) control more than two thirds of the seats in the Hungarian Parliament. Consequently, they now govern the country by themselves, without the need for a coalition with others. For added help, far right-wing party Jobbik, with a further 16% of sets in the parliament, also generally supports Fidesz. This means that around 80% of votes in the house come from right-wing politicians, which has given rise to a legislative tsunami and a “re-interpretation” of the principle of checks and balances in the country.



There are three ways to interpret this new regime; that these changes are legitimate within democratic framework, that the current system is a transition to autocracy, and that a dictatorship is already in place.

First of all, there are those who think that the government can make such legislative changes within the framework of a democratic state. The numerous supporters of the government share this view. Adam LeBor, a journalist of *The Economist* also believes that the country remains a democracy. He aired this view in an article published in *The Times*, [stating](#) that the Hungarian prime minister:

“Orban seems to be not Vladimir Putin but Margaret Thatcher. She too was elected on a wave of hope after years of rule by a weak and ineffective left-wing government; centralized power to an unparalleled degree; waged cultural warfare against those she considered dangerous liberals and tolerated no dissent in her party”.

Secondly, there are those who think, as we do, that the current system may be a transition to autocracy. It is a system that is formally democratic, but wherein several fundamental rights are curtailed. We would call it a distorted (limited) democracy, were this not a paradox. Some of the key points in this regard are that the electoral system was reformed and the constitution amended without any discussion. While we did not live through the Thatcher era, we believe that the comparison would hold up only if Thatcher had thrown out the historical constitutional traditions of the UK and introduced a new basic law with anti-democratic measures, had fired 300 judges, cut up Oxford University into arbitrary pieces, directly paid large sums of money to the Daily Telegraph and to her clique – and had started a fight with EU (at the time called the EEC).

The gravity of the above-mentioned circumstances notwithstanding, we do not agree with the third view that a dictatorship is already in place, because such a view is imprecise and patently untrue. Several democratic rights such as the freedom of speech still exist in Hungary. On the other hand, it is also true that – contrary to certain Western European stereotypes – this freedom was also granted by the state in certain areas under the Hungarian “soft” version of dictatorship during Communist times. A good example was popular comedian Géza Hofi, who for decades made jokes about the Communist regime. Furthermore, the freedom of speech was formally guaranteed by the Communist constitution.

Imre Vörös, a former Judge of the Constitutional Court of Hungary, recently stated that the parts (new laws) of the regime can be viewed as gears. The gears are connected, and in their complexity, they may well

constitute a heavily anti-democratic regime. Even if some of the individual “gears” cannot be shown to be unlawful, the system as a whole can still be argued to lack legitimacy, because it could allow the unlawful acquisition of power, which is prohibited by both the former and present constitutions. In fact, this is a kind of abuse of the law. Consequently, what the leaders of the governing party have carried out was a sort of “*coup d’état*”. Based on this idea, some of the lawyers, including former ombudsman László Majtényi – who is also a university professor and director of [an independent NGO](#) – pronounced that not all laws adopted by this government may be regarded as laws in the strict sense: some of them are only “illegal artefacts” of the state.

More recently, Gábor Halmai, former chief counsellor of the President of the Hungarian Constitutional Court, asked the present Ombudsman for Fundamental Rights, Prof Máté Szabó to appeal to the Hungarian Constitutional Court in order to annul part of the new “constitutional package”. The ombudsman agreed to engage Constitutional Court for verification of the legislation. In answer to this, the government wants to vest several of the new laws with “constitutional power”. As a result, the Constitutional Court would not have the authority to examine whether they are unconstitutional or not – which is a legal nonsense.

We are sceptical about the reversibility of this process. If it is done, it will be done in an irregular way: the Constitutional Court could curtail some of the laws, and theoretically, so could a new parliament. However, even if there were a majority of democrats elected to the next parliament, there is unlikely to be a two-third majority because of changes to the election laws. This means that their actions could also become cause for concern since desperate, extraordinary measures are unlikely to return the country to democracy.

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Note: This article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.

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