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A MODEL FOR OTHER EUROPEAN
COUNTRIES?**

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Is Hungary's Illiberal Democracy a Model for Other European Countries?

Robert Csehi

Recently, Hungary, and more specifically, the Hungarian government led by Prime Minister Viktor Orbán, has been at the center of discussion concerning European (Union) politics. The liberal-turned-conservative-populist leader has gained international attention not only because he used his constitutional parliamentary majority to curb democratic processes domestically, but also because he increasingly frustrated common EU interest projects, and above all – with his Polish counterpart – questioned the fundamental values of the European political community. While Orbán managed to fly under the political radar within the EU for quite a while (mainly due to constant crisis management since 2009), the country is now facing the sword of Damocles hanging over its head in the form of the Article 7 procedure for a potential systematic breach of fundamental values of the community, and for likely non-compliance with the rule-of-law conditionality. Additionally, while his party, Fidesz was effectively forced out of the faction of the European People's Party (EPP), potentially costing Orbán valuable political allies, he is trying to build a Eurosceptic-populist faction within the EP with other radical, right-wing politicians such as Matteo Salvini or Marine Le Pen. The relative political isolation within which Orbán has found himself is a natural consequence of his anti-Brussels narrative, and populist politics domestically. But is Orbán's populist illiberalism a model for other European countries as well?

USING CONSTITUTIONAL MAJORITIES

On the one hand, as I argue in my recent book, the de-democratization process which we have witnessed in Hungary during the past decade was made possible through a constitutional majority given to the governing parties in the first place. Practically, all other elements of the democratic backsliding were the results of populist constitutionalism which aimed at neutralizing all checks and balances that would stand in the way of 'the will of the people' as

defined by the Prime Minister and his government. Discriminatory legalism, i.e. the use and abuse of legal means to achieve political objectives, the curbing of the media landscape, the mingling with the electoral system, the occupation of key control institutions, etc. were natural derivatives of this approach. The transposition of a similar system with an equivalent scale would not be possible without constitutional majorities in other European countries. This fact alone also creates a challenge for a future Hungarian government which will have to face an extreme version of 'checks and balances' where its policies are constantly under pressure by 'independent institutions' occupied by Fidesz loyalists. For instance, the President of the National Media and Communications Authority – a body overseeing both the media and telecommunication sectors – has just resigned from her position allowing the governing majority to appoint her successor for nine years. Had she served till the end of her term, the new government could have nominated the new president.

HOW ORBÁN IS CHANGING THE EU FROM WITHIN

On the other hand, while institutional engineering culminating in decreasing values of democratic quality, as portrayed by all major democracy measurement scores, is unlikely to be adopted by other states, Orbán's populist illiberalism could have a more indirect influence over other states. By questioning the fundamental values of the European Union, and by obstructing common interest projects, the legitimacy and with that the efficiency of the EU in general may be undermined in the long run. Given that the country benefits economically from membership, and EU institutions may serve as scapegoats within the government's populist discourse that antagonizes the relationship between 'the honest, hard-working Hungarian people' and 'the corrupt, malevolent Brussels', Orbán is not willing to leave the EU. Rather, he wants to change it from within. While a reform of specific institutions and processes may and shall be part of a legitimate discussion about the future of the EU, Orbán's views are often portrayed as full-blown direct attacks on the foundations of the community. Apart from a willingness to get rid of the reference to 'an ever closer Union' in the treaties, Orbán often questions the role of the European Parliament, and challenges the legitimacy of the European Court of Justice (together with his Polish colleague). Furthermore, he indirectly influences the Copenhagen criteria set for prospective member states (note that the European

Commissioner responsible for enlargement was delegated by Orbán), as the watered-down Serbian progress report on the rule of law has shown.

Overall, the fear of the emergence of an illiberal state in other member states to the extent we witness in Hungary may be unfounded. However, the survival and the functioning of the EU may not be jeopardized by *direct* challenges posed by populist regimes, but more likely by their *indirect* impact which must not be underestimated. Populists like Orbán may not only challenge the fundamental values and working methods of the community, but by curbing healthy democratic processes domestically, they may also exert a strong influence over the views of society. With a constant Eurosceptic – in cases even Euroreject – narrative spread in a highly skewed media landscape, Orbán managed to have his supporters adopt the most critical position towards European integration within the Hungarian electorate. While the European Commission may fight against the institutional and procedural manifestations of populist illiberalism through its various procedures, we are yet to see what it can do to win the hearts of the skeptical Hungarian electorate back.

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