THE RISE OF HUNGARIAN POPULISM

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State Autocracy and the Orbán Regime

BY

ATTILA ANTAL
Eötvös Loránd University, Hungary
and Institute of Political History, Hungary

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AUTHOR'S BIOGRAPHY

Attila Antal (1985) holds a Ph.D. in Political Science. He is a Senior Lecturer at Eötvös Loránd University Faculty of Law Institute of Political Science. He is a Coordinator at the Social Theory Research Group at the Institute of Political History. He is doing his contemporary research in the political theory of populism, social and critical theory, theory of democracy, green political thought, ecological Marxism, constitutionalism and political history.

PREFACE

By 2019 it seems to be proven that the political system in Hungary under Viktor Orbán significantly has moved into an autocratic direction. This book offers a deep historical and theoretical investigation on how this authoritarian populist regime has evolved. This new kind of autocracy cannot be understood without the thorough knowledge of Eastern Europe's twentieth century and the neoliberal agenda before and after the regime changes. There is a loophole in the literature on the historical and theoretical origins of right-wing authoritarian populism. This book indicates a wide range of debate on this, because without these historical–theoretical frameworks the Hungarian autocratic turn cannot be analysed from Western perspectives, which seemed to be inadequate to response such challenges raised by Eastern autocracies.

This book deals with the main factors behind Orbán regime: the past overwhelmed with authoritarian populism, the reformist anger of liberal democracy and the cooperation between neoliberal and state autocracy.

I propose here that Orbán's regime is a product of the troubled and unprocessed past of Hungary and moreover the uninhibited neoliberalism. In the context of contemporary literature on populism, it is underrepresented that populism is a historical phenomenon. The populism of our time is based on the Hungarian historical heritage: the interwar right-wing

nationalist populism, the Communist populism and the neoliberal anti-populism will be analysed here as the predecessors of the regime.

The next step towards contemporary authoritarian populism was the end of the 1980s and 1990s; at that time Hungary was the leading post-Communist country, which implemented the legal and economic frameworks of liberal democracy. This aimed a massive construction of legal instruments and a fully integrated economy into the neoliberal world order. The main cause behind this situation was the assumption that the basis of liberal democracy is the (neoliberal) capitalism itself. The 'reformist anger' has overloaded the society. This resulted the so-called politics of austerity, which was the main direction of international organisations (from International Monetary Fund and World Bank to the European Union, EU) in which Hungary and other Eastern European countries got involved, and its implementation caused several social catastrophes.

However, Orbán's regime is not just a product of declining liberal democracy, given the fact it is financed by the EU's neoliberal framework especially by the German automobile companies. Hungary has become a "good province" of the neoliberal empire. In this book, I argue that hegemony of authoritarian neoliberalism and right-wing populism are both based on Gramscian theory of hegemony. At the first sight, it seems to be embarrassing that on the one hand Orbán's regime has been criticised by the EU bureaucracy, on the other it has been financed by EU and German industrial interests, but this reveals the deep tensions inside liberal democracy and neoliberal capitalism. The Hungarian example is an anti-Greek story: while the Greek government unsuccessfully tried to get rid of neoliberal austerity, Orbán's regime built up the autocracy in neoliberal framework. The cooperation of authoritarian neoliberalism and authoritarian statism/populism is not a new

phenomenon, but the Hungarian example is unprecedented because it is the first case when the authoritarian neoliberalism was able to unfold in the framework of the authoritarian state in the EU. The Orbán regime has abandoned not just the liberal rule of law, but all the social commitments of the welfare state in order to meet the expectations of neoliberal capitalism.

The significance of this book is the autocratic elements one can find in the Orbán regime does not only come from state autocracy created by the machine of political power, but also stems from the tyrannical nature of the regime maintained by neoliberal capitalism. The elements of Orbán's populist autocracy has been laid down in the burdened past of Hungary in the twentieth century and neoliberal autocracy also has pre-1989 roots. Neoliberal hegemony influenced Eastern European transitions and the political system being created afterward. There is a blurred collusion between authoritarian neoliberalism and populism.

It seems to me that from a Western perspective, the Orbán regime caused major confusion; it is because on the one hand the regime is seen as a determined dictatorship, on the other hand the various political theoretical pillars of the regime are unknown by the public. This multi-faced nature of the Orbán regime remained almost undiscovered in the literature and public debates. Although, the Hungarian autocracy has far not created under Orbán as a master plan. There was no such a plan to build autocracy in Hungary, but at the same time there was no direct theoretical and political intention to prevent the de-democratization either. It is to say that the process of moving towards an autocracy has been intensified. This means that the autocratic nature of the regime at the time of the 2010 elections was not determined. On the contrary, there were democratic scenarios inside Fidesz regarding governance. By now, the regime has become an autocratic populist

one and it relies on several authoritarian theoretical assumptions, which are described in detail in this volume. My main conclusion here is that the evolving autocracy in Hungary can be investigated on a higher level as a rebirth war between law-based theories and the emerging concept of *the Political*.

1

THE THEORY OF AUTHORITARIAN POPULISM AND NEOLIBERALISM

During the Eastern European regime changes, a stubborn expectation for democratisation and marketisation arose. Fukuyama (1989) puts forward the 'end of history' and the universalisation of Western liberal democracy. Although 'eternal peace' was promised by the 2000s, entirely different inclinations have broken ahead, and political authoritarianism has become the new tendency. A new era of autocracy maintains an intimate relationship with economic liberalisation and capitalist globalisation. In addition to the involvement of the state autocracies, capitalism also inevitably shows autocratic tendencies. In other words, autocracy is based on the state and the market at the same time. As Peter Bloom (2016) put forth, 'economic liberalization catalyses political authoritarianism and political authoritarianism discursively strengthens economic liberalization' (p.6). Conferencing of political authoritarianism and economic liberalism has a

long tradition. The term 'authoritarian liberalism' was coined by Hermann Heller, who targeted

> *with the label not only the centrist and conservative Cabinets of Chancellor Brüning that governed Germany before the Nazi party took power, but also the constitutional theorist who had advised them, Carl Schmitt. (Wilkinson, 2019, p. 2)*

Populism can be seen as an essential ingredient of autocracy, but the process of authoritarianism of our times depends on long-lasting tendencies. Autocracy has several faces, which can be unfolded not just in the framework of modern state, but also in the market itself, and neither should be underestimated. In this book, I am proposing that the modern forms of right-wing populism – from Turkey to Russia – have found a way of being neoliberal capitalist and authoritarian populist at the same time. The process of democratisation has not led the universalism of liberal democracy; a combination of autocracies and illiberalism with democratic elements has evolved instead (Bloom, 2016, p. 102). It is to say that while there are several national regimes combining traditional political authoritarianism with intensified economic marketisation, there remain several differences between the neoliberal autocracy of Russia and Hungary. The Orbán regime is about the reconfiguration of liberal democracy and neoliberalism, which can also be characterised by autocracy towards political authoritarianism. Authoritarian populism has reinforced the tyrannical nature of neoliberal capitalism and this proves to be unbearable to many societies.

In this Chapter the nature of the market and populist autocracy of our time is investigated. The rise of political authoritarianism is based on the autocratic nature of capitalism, especially its neoliberal agenda (1). Neoliberalism gained political hegemony as a set of globalised idea of

economic concepts (3). In this sense, authoritarian tendencies in Eastern Europe are not just a democratic backlash or de-democratisation, but they are the emergence of authoritarian tendencies based on the tyrannical nature of neoliberalism and a populist nation-state (2, 4). Here I investigate the theoretical assumptions behind these tendencies and emphasise the biopolitical nature of authoritarian populism (5). In addition to this, I argue that the collision of neoliberalism and authoritarian populism can be characterised by the concept of constitutional dictatorship (6).

1. THE FRAMEWORK OF AUTHORITARIAN NEOLIBERALISM: NEOLIBERALISATION AND HEGEMONY

In May 2010, the *European Law Journal* came out with a Special Section with the title *Herman Heller's Authoritarian Liberalism*[1] investigating the historical background and current tendencies of anti-democratic capitalism,[2] mainly in the framework of the European Union (EU). In 1932, Heller pointed very sharply at the controversial roots of what he called 'authoritarian liberalism'. In his terms, this refers to the authoritarian state as a 'further developed national liberalism' (Heller, 2015/1932, p. 299). The legal scholar and philosopher, who belonged to the non-Marxist wing of the Social Democratic Party of Germany during the Weimar Republic, argued that in the nineteenth century bourgeois-liberal capitalism rejected Prussian conservatism, while in the twentieth century, a seminal change happened and '[u]pper-class bourgeois capitalism demonstrates the greater force of assimilation; conservatism becomes bereft of all social inhibitions and is drained of its last drop of social oil'. (Heller, 2015/1932, p. 299). This reveals the main feature of the authoritarian state

and its cooperation with market liberalism, which is a constant struggle against society.[3] Nevertheless, what makes neoliberalism such an autocratic phenomenon is not the state, but it's inherent tyrannical ingredients that are investigated here.

Neoliberalism, according to David Harvey (2005), is a set of ideas and theories of political economic practices (or a global ideology of economic governance), and it

> *proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade. (p. 2)*[4]

Neoliberalisation itself refers the political and economic processes of market fundamentalism that took place in the 1970s and 1980s and led to globalisation and the changing structures of sovereignty (Shields, 2012, p. 2). The main thought here is that governance; oppression of capital over labour; and state power creates an institutional and legal framework for such a system. It is to say, and the cooperation of authoritarian neoliberalism and populism proves that neoliberalism requires the strong state in two respects: on one hand, the state ensures the principles of 'Washington Consensus' (fiscal policy discipline, no public money for social subsidies, trade liberalisation, deregulation, privatisation of state enterprises) for neoliberalism and on the other hand, the state is able to

> *set up those military, defence, police, and legal structures and functions required to secure private property rights and to guarantee, by force if need be, the proper functioning of markets. (Harvey, 2005, p. 2)*

What makes neoliberalism autocratic is its endeavour to uphold political, economic and cultural continuing hegemony in a Gramscian sense. Antonio Gramsci developed his sociological and cultural understanding of hegemony. Given the fact that the socialist strategy in Gramsci's Western Europe was not able to rely on capturing political and state power ('war of movement') and capitalism was supported by the civil society, Gramsci 'perceived of a need to engage in a long-lasting "war of position" covering many different political, economic and cultural spheres' (Plehwe, 2016, p. 64). He tried to reconsider and challenge the classical Marxist economic determinism theory and emphasised that

> *a class position rooted in economic power only is insufficient to achieve a hegemonic position. Political and cultural spheres have to be considered realms and sources of social power in their own right, which does not mean they can be studied in isolation from economic power relations. (Plehwe, 2016, p. 64)*

In the Gramscian sense, hegemony is exercised across a variety of fields, not just political, but also with 'political-intellectual'; 'intellectual, moral and political' and 'politico-cultural' perspectives (Cospito, 2018). In his Prison Notebooks Gramsci (2000) surmises political hegemony must be predominantly of an economic order and intellectuals struggling for hegemony must go beyond economic power. It is also crucial that the subaltern group can leave behind 'the economic-corporate phase in order to advance to the phase of political-intellectual hegemony in civil society and become dominant in political society' (cited by Cospito, 2018, p. 20).

The argument is that neoliberalism is autocratic not because of hegemony but because of the neoliberal way of reaching it. Plehwe (2016) investigates the periods of neoliberal hegemony or neoliberalism in terms of hegemonic constellations

(pp. 65–69). Neoliberalism as a right-wing theory of economic governance does not stem from Thatcherism or Reaganism as anti-state and pro-market ideology – its origins date back to the Great Depression, which caused the never-seen crisis of capitalism. Neoliberalism evolved as a right-wing counter-concept of laissez-faire capitalism, classical and social liberal theories (Plehwe, 2016, p. 65). That is why Heller (2015) was very critical of conservative liberals in the Weimar Republic who lacked social sense and admired the concept of Carl Schmitt's total state, 'which makes an attempt to order the economy in an authoritarian way' (p. 299).[5] After the Second World War, the war-related planning and Keynesianism overruled the neoliberal stream and the commitments towards social integration and the Bretton Woods order shaped the varieties of capitalist welfare states; moreover, this articulated the framework for progressive tax and transfer regimes, public pension and healthcare systems. Plehwe (2016) argues that hegemony was social liberal in the twentieth century in that sense social democracy and trade unionism won several significant battles over the right-wing during the 1950s and 1960s. At the same time, the Mont Pèlerin Society-based neoliberal intellectuals, established in 1947 and has been conceived by Friedrich August von Hayek as a right-wing centre of hegemony, foreshow that early neoliberals were ready to challenge the post-war order. Moreover, several instances of the social order, policy areas have already been influenced by neoliberals circles (p. 66). The best example of the influence of post-war neoliberalism is the German *ordoliberalism*, especially the thoughts of Wilhelm Röpke, the primary advisor to Ludwig Erhard's. Röpke

> *opposed the significant power of trade unions and the emerging configuration of welfare capitalism in Germany much like the neoliberals reinforced*

> *the corporate opposition against the New Deal in the USA. Right-wing German and Swiss leaders inspired by the ordoliberal ideas even opposed the economic growth models because they objected to the expansion of both big business and big unions. (Plehwe, 2016, p. 66)*

There were several rifts between these intellectuals, even inside the ordo- and neoliberals, but their case reveals the authoritarian tendencies embedded market liberalism and globalised capitalism. As Quinn Slobodian (2018) argues very sharply, their common concern was the defence of economy against democracy:

> *Globalizing the ordoliberal principle of 'thinking in orders,' their project of thinking in world orders offered a set of proposals designed to defend the world economy from a democracy that became global only in the twentieth century – producing a state of affairs and a set of challenges that their predecessors, the classical liberals, could never have predicted. (p. 4)*

Neoliberalism can be characterised with this antagonistic relationship between market economy and democracy, which is a predisposing factor towards autocracy. Michael A. Wilkinson (2019) argues that ordo- and neoliberalism are in fact the same movement, focussing on the conjunction of political authoritarianism and economic liberalism in opposition to democracy and especially democratic constitutionalism (p. 1).

The defensive era is followed by the neoliberal movement phase during the 1970s and 1980s (Plehwe, 2016, pp. 67–68), which, more accurately would be called 'actually existing authoritarian neoliberalism'. From the 1960s there was a boom of progressive, environmental movements. By the crisis

of Fordism and the problems of Keynesian economic policy (rising unemployment and economic stagnation), neoliberal counter-movements emerged and gained more and more influence in many policy areas. For the first time, these movements revealed the true nature of authoritarian neoliberalism in the dictatorships of Chile and Argentina where the neoliberal practices (the privatisation and demolition of welfare regimes). Plehwe (2016) consequently argued that dictatorships based on authoritarian neoliberalism were not examples of hegemony in the Gramscian sense, because a massive violence was required to create and maintain these systems, but at the same time the welfare state and social liberalism definitely lost their progressive hegemony (p. 67). By the 1980s, authoritarian neoliberalism collapsed, and due to the Washington Consensus and globalisation, the neoliberal convergence evolved in diversified ways: 'Varieties of neoliberal (austerity) capitalism emerged in confrontations between weaker social democratic and stronger neoliberal and conservative forces, not least within the capitalist classes' (Plehwe, 2016, p. 68). The main outcome was the hegemony of centre-right neoconservative governments. Therefore, neoliberalism cannot be simplified to Thatcherism or Reaganism, which are based on a long-lasting neoliberal tradition, but these governments mean a significant change in neoliberal hegemony based on transnational neoliberal networks. Neoliberal hegemony caused the collapse of the Soviet Union but it simultaneously reinforced the agony of state socialisms. Nevertheless, what has become hegemonic is not just liberal democracy, but neoliberalism itself, as Eastern Europe and large parts of Asia have become a single market. Plehwe (2016) argues that this era is about the contradictory consolidation of neoliberal hegemony, but this is by no means a form of harmony, instead it is to say that in spite of the North Atlantic financial crisis, the authoritarian nature of neoliberalism and its crises

did not lead to a comprehensive alternative to capitalism or a countermovement against neoliberal hegemony (p. 69). As I put forward in conjunction with the Orbán regime, neoliberalism started a new chapter of cooperation with authoritarian populist regimes instead.

2. NEOLIBERAL PENAL STATE IN LIBERAL DEMOCRACIES

It is remarkable that authoritarian tendencies not only occur in hybrid regimes but also in established liberal democratic nations and capitalist economies (Bloom, 2016, p. 5). The neoliberal penal state is relating to the emerging phenomenon of neoliberal autocracy (Holleman, McChesney, Foster, & Jamil Jonna, 2009). Loïc Wacquant (2008a) is convinced that there is a close link between 'the ascendancy of neoliberalism' and 'the deployment of punitive and proactive law-enforcement policies targeting street delinquency and the categories trapped in the margins and cracks of the new economic and moral order' (pp. 9–10). This phenomenon can be called 'War on Crime', after President Lyndon Johnson's arrant declaration in 1965, which reached political relevance not only in the USA, but also all over the world. In the meantime the example of the USA shows that there is a strong relationship between global capitalism and penal state, especially during the crisis of the financial systems:

> *During times of economic and social instability, the well-to-do become increasingly fearful of the general population, more disposed to adopt harsh measures to safeguard their positions at the apex of the social pyramid. The slowdown in the economic growth rate of US capitalism beginning in the*

> *late 1960s and early 1970s – converging with the emergence of radical social protest around the same period – was accompanied by a rapid rise in public safety spending as a share of civilian government expenditures. (Holleman et al., 2009)*

There are some points that characterise the penal state of neoliberal autocracy and advance the contemporary hybrid regimes at once.

Wacquant (2008a) reveals one of the most important features of the neoliberal penal state:

> *solicitude toward this new figure of the deserving citizen that is the crime victim, this discourse openly revalorizes repression and stigmatizes youths from declining working-class neighbourhoods, the jobless, homeless, beggars, drug addicts and street prostitutes, and immigrants from the former colonies of the West and from the ruins of the Soviet empire. (p. 10)*

This characterisation will be developed in Wacquant's seminal book *Punishing the Poor: The New Government of Social Insecurity*. The character of 'deserving citizen who is a victim' also plays a crucial role in conjunction with neoliberal and populist autocracy. This has been investigated in Chapter 3 in the framework of the Hungarian migration crisis, which is a brutal example of victimisation. That is to say that on the one hand populist hybrid regimes rely on the neoliberal penal state, given the fact that blaming social classes and groups because of its social, cultural and lifestyle attributes is originated in the context of the neoliberal penal state. On the other hand, populist autocracies put their punitiveness in an autocratic framework. It is also important that there is a huge privatisation tendency in the neoliberal era in conjunction with correctional services and policing. Framing these tendencies, an

emphasis should be placed on the fact that the neoliberal penal state has been maintained using fear and uncertainty in society:

> *fear of the future, the dread of social decline and degradation, the anguish of not being able to transmit one's status to one's offspring in a competition for credentials and positions that is ever more intense and uncertain. (Wacquant, 2008a, p. 12)*

Wacquant (2008a) summarises the consequences of the new punitive instruments:

> *an extension and tightening of the police dragnet, a hardening and speeding-up of judicial procedures and, at the end of the penal chain, an incongruous increase in the population under lock, without anyone seriously addressing the question of their financial burden, social costs, and civic implications. (p. 11)*

The neoliberal penal state produced state racism, in one form or another, in several places in the world, especially in the USA. Michelle Alexander (2010) disrobes the situation very accurate in her influential book, *The New Jim Crow*:

> *The racial dimension of mass incarceration is its most striking feature. No other country in the world imprisons so many of its racial or ethnic minorities. The United States imprisons a larger percentage of its black population than South Africa did at the height of apartheid. (pp. 7–8)*

3. GLOBALISATION AND HYBRIDISATION

So far the authoritarian character of neoliberalism and its implications in liberal democracies have been investigated, and

I would add to this that globalisation and political hybridisation increase this autocracy and reveal the problem regarding the cooperation of neoliberalism and authoritarian populism.

Peter Bloom (2016) investigates the controversial relationship between capitalism and authoritarianism that resulted in the rise of authoritarian capitalist states and authoritarian-style politics in liberal democracies (p. 3). The spread of authoritarian politics cannot be separable form globalisation. The traditional approach linked marketisation and democratisation; moreover, economic liberalisation seems to be taken as a precondition of democratic transitions.[6] These directions have been expanded into a discussion on the relationship between democratisation and globalisation. I would argue that neoliberal globalisation carries several dangers to democracy. The globalisation of neoliberalism contributes to the authoritarianism by 'the ability of individuals to "self-discipline" themselves in line with these market-based values' (Bloom, 2016, p. 5) in democratic and non-democratic regimes as well.

Dani Rodrik, examining the controversial nature of globalisation, set up his thesis on the fundamental political *trilemma* of world economy. He argues very sharply that 'we cannot simultaneously pursue democracy, national determination, and economic globalization' (Rodrik, 2011, p. xix). That is to say: in the process of intensifying globalisation we have to give up nation-states of democracy. In this sense democratic politics works both at a globalised and a nation-state level. Nevertheless, given the fact that we are very far from globalised democracy and there are just a few international institutions promoting democracy, in the process of deepening it, 'we have to choose between the nation-state and international economic integration' (Rodrik, 2011, p. xix). On the one hand Rodrik reveals the main challenges and controversies of democratisation and globalisation and on the other

hand nation-states are not able to preserve the democratic agenda. Authoritarian populism shows that the nation-state is just as much a threat to democracy as globalisation.

Investigating the hyper-marketisation in the post-Soviet region and East Asia, there is a remarkable tendency of rising political authoritarianism. These countries experienced the impact of authoritarian capitalism and authoritarian forms of governance. Bloom (2016) argues that positive views on economic liberalisation as a factor of democratisation serve 'as a strong justification for policies of privatization across contexts in both developing and developed countries'; however, 'evidence suggests that policies of economic capitalism tend to weaken the prospect for political democracy nationally' (p. 4). The main feature of globalised capitalism is economic liberalisation or neoliberalisation, which can be seen as a national 'shock' (Klein, 2007) that requires the politics of austerity and anti-populist reforms (Bloom, 2016, p. 1).

The de-democratisation impact of globalisation and the anti-democratic stream has led to a so-called discourse on *political hybridity* and *hybrid regimes*. After the 'third wave' of democratisation, there has been a proliferation of regimes that are neither fully democratic nor classically authoritarian (Bogaards, 2009): this is the 'ever-widening grey zone between liberal democracy and dictatorship' (Bozóki & Hegedűs, 2018, p. 1). The de-democratisation projects created a need for classification of a distinct category between the terrain liberal democracy and dictatorship. There are several assumptions concerning the classification of this hybridity:

> *[…] scholars have come to view post-transition regimes not as flawed democracies, but as weak forms of authoritarianism. This has led to a proliferation of adjectives to describe forms of authoritarianism. Some of the best-known*

> *examples are 'semi-authoritarianism', 'competitive authoritarianism' and 'liberalized autocracy'. (Bogaards, 2009, pp. 399–400)*

Emerging studies of populism have shown that the various forms of hybrid regimes are in a close relationship with contemporary populism (Robinson & Milne, 2017). Moreover, Levitsky (2017) stipulated that populism 'pushes increases the likelihood that fragile democracies will break down into competitive authoritarianism' (p. 1).

The unprecedented growth of such systems that are neither democratic nor conventionally authoritarian implied a new wave of thinking: it is no longer assumed that democracy implies liberalism or that liberalisation is a precondition of democracy. That is why Larry Diamond (2002) while analysing hybrid regimes distinguishes between 'electoral democracy' and 'liberal democracy'. Diamond (2002), while investigating the third wave of democratisation and its illiberal tendencies argues,

> *I believe a more analytically fruitful approach is to measure separately both electoral democracy … and others have used, and liberal democracy. We can also divide non-democratic regimes into those with multiparty electoral competition of some kind (variously termed 'electoral authoritarian', 'pseudodemocratic', or 'hybrid') and those that are politically closed. We can further divide electoral authoritarian regimes into the competitive authoritarian … and the uncompetitive or … hegemonic. (p. 25)*

In this sense, electoral democracies are democratically elected, but they differ from the liberal state (especially in the case of pluralism and individual rights). It seems obvious that

populism in power has a significant impact on the hybridity of political systems. On the one hand, populist and nationalist government parties have a tendency to reconfigure political systems where they gained power towards a hybrid regime. On the other hand, hybrid regimes 'can themselves develop populism to explain and justify their democratic shortcomings', because not all populist parties gain governmental power by electoral procedures (Robinson & Milne, 2017, p. 412). In this sense, populism can be a tool of regime stabilisation. In my view, the connection between populism and the hybrid regime ('populism in power' and 'populism as justification') can be based on the concept of police and penal state. It has happened in Russia, Turkey, Hungary and Poland. In some respects it is also true about Trumpian USA.

Populism is based on an alternative conceptualisation of state–society relations compared to liberal democratic institutions because populism is based on 'popular sovereignty' instead of legal institutions (Robinson & Milne, 2017, p. 413). This situation can cause several serious tensions within democratic institutional structures. For this reason, transforming the state according to populist assumptions is very hard and it can happen in a non-democratic way:

> *Difficulties in transforming the state mean that populism can create hybrid regime types rather than realizing its project to create a new form of popular representation that allows for pluralism. (Robinson & Milne, 2017, p. 414)*

The institution building of populism in power can shift very easily into an authoritarian direction, undermining several institutions that mediate between state and society (NGOs), manipulating law-making and processes of public authorities, moreover, using police force to fulfil political requirements.

I am deeply sceptical about theories that claim that the processes of neoliberal and/or nation-state autocracy can be constrained or eliminated by external factors. András Bozóki and Dániel Hegedűs (2018) proposed the thesis that says that despite all its authoritarian tendencies, the Orbán regime is an externally constrained hybrid regime inside the EU. Their starting point is that:

> *as it is more difficult for an authoritarian regime to democratize if it is surrounded by other authoritarian regimes, it is also more difficult for a democracy to regress to dictatorship if that democracy is a member of an alliance of democratic states. (Bozóki & Hegedűs, 2018, p. 1)*

According to them, the Orbán's regime cannot be seen as an illiberal democracy – it is rather a specific class of hybrid regime. Because of the Hungarian EU membership, European integration plays a crucial role in conjunction with the Orbán regime:

> *the EU functions as a 'regime sustaining', a 'regime constraining', and, last but not least, as a 'regime legitimizing' factor for Hungary, which compels us to describe the current political system of Hungary as an 'externally constrained hybrid regime'. (Bozóki & Hegedűs, 2018, p. 2)*

One of the main convictions of the EU being a constraining factor in conjunction with Hungary is the fact that the EU is not just 'an environment in which its member states' political systems operate but rather as a part of those systems'. Moreover, the EU is based on 'multi-level governance, multi-level polity, and multi-level constitutional system' (Bozóki & Hegedűs, 2018, p. 6). They argue, very carefully, that the

> *European Commission lacked the political and legal tools to confront effectively the Hungarian government over the dismantling of liberal democracy and liberal constitutionalism except for initiating infringement proceedings against the country. (Bozóki & Hegedűs, 2018, p. 6)*

The Orbán government has discursively used this argument as an element of enemy creation, which has been analysed here already. Bozóki and Hegedűs (2018) explained this situation as follows: 'within the EU there is no institutional or procedural precedent to proceed against a member state in violation of the EU values laid down in Article 2' (p. 6). In spite of this, they are convinced that the EU (via the European Court of Human Rights and the Court of Justice of the European Union) has strongly constrained Hungary:

> *it could not stop the deconstruction of liberal democracy, it did help to slow down and prevent the undermining of liberal constitutionalism and the concomitant curbing of human rights and liberties. (Bozóki & Hegedűs, 2018, p. 7)*

In Chapter 3, this situation is further analysed, and I argue that because of the collusion of EU's neoliberalism and the state autocracy of the Orbán regime, the EU is far from being an 'externally constrained' structure in conjunction with Hungary.

4. AUTHORITARIAN POPULISM IN EASTERN EUROPE

The main thesis of this book is the cooperation of neoliberal and populist autocracy investigated within the framework of the Orbán regime. There is a deep tradition of autocracy that can be unfolded within liberal and illiberal, democratic

or formally democratic and non-democratic frameworks. The success of neoliberalisation of the Western part of the Euro-Atlantic world in the 1980s and the former Soviet bloc in the 1990s generated a situation similar to the 1920s and 1930s. This was a new Weimarisation (Morelock, 2018b, p. xxviii). Neoliberalism far from being equal with anti-statism, requires a massive state regulation in conjunction with liberalisation, free trade and investments and suitable legal framework for capitalist labour. The closeness and collusion of neoliberalism and authoritarian populism can be justified with the fact that the term 'authoritarian populism' was used by Stuart Hall when analysing Thatcherism in the late 1970s – this justifies that neoliberalism and authoritarian populism go hand in hand. In his edited volume, *Critical Theory and Authoritarian Populism*, Jeremiah Morelock (2018b) argues that the term of authoritarian populism basically refers to prejudice and populism focussed mostly on Nazism, but it has a broader meaning and

> *refers to the pitting of 'the people' against 'elites' in order to have the power to drive out, wipe out, or otherwise dominate Others who are not 'the people'. Generally, this involves social movements fuelled by prejudice and led by charismatic leaders that seek to increase governmental force to combat difference. (p. xiv)*

In other words, authoritarian populism is about how to use biopolitics – analysed in the following section – to create permanent enemies and exceptional situations based on prejudice and led by a charismatic leader. The analysis of authoritarian populism dates back to the classical critical theory that the Frankfurt School used to address the critique on fascism. Theodor W. Adorno and his colleagues published their seminal piece in 1950, *The Authoritarian Personality*.

Their project was about creating the sociological and psychological profile of the 'potentially fascistic individual' in the American society. Since it's conception, this analysis has been a starting point when studying fascism and authoritarianism in US politics (Kellner, 2018, p. xi). According to the so-called 'F-scale' (Fascist-scale), the institutional and globalised framework of late capitalist societies contributed to regression and authoritarianism. As Samir Gandesha (2018) summarised:

> *massification and the corresponding foreshortened space for individual initiative and judgment contributed to a propensity towards authoritarianism in the form of a relatively undisciplined Id, an overdeveloped Super Ego, and Ego weakness. Authoritarianism expressed itself, therefore, in an obsequious relation to authority and excessive cruelty towards those with comparatively less social power. (p. 61)*

Inglehart and Norris (2019) make similar observations and investigate authoritarian populism in conjunction with professed and declined values. They argue that authoritarian populists are on the one pole of cultural cleavages and opposing the values of libertarian populists: post-materialist values, social liberalism, individual autonomy and tolerance of multicultural lifestyles. Authoritarian populists are in favour of social conservatism, order, customary traditions, deference to strong leaders and social stability (Norris & Inglehart, 2019, p. 78).

Harvey argues (2005) that we have seen this in conjunction with neoliberal autocracy that neoliberalism encompasses accumulation by dispossession, deregulation, privatisation, an upward redistribution of wealth. There is a strong collusion between neoliberalism and authoritarian populism, because the right-wing populist forces use the opportunity

made by neoliberal economic insecurity and cultural anxiety via the creation of surplus peoples, rising global inequality, and threats to identity (Gandesha, 2018, p. 62). Moreover, the contemporary surge and fertile ground of authoritarian right-wing populism in Eastern Europe is based on the fact that populism and nationalism has undoubtedly remained an integrated part of the Eastern European political spheres despite the regime changes. Stanley (2017) argues that the democratic transition period was an opportunity both to radical and to centrist populist parties. After the regime changes, all the populist parties were simultaneously nationalists, and the nationalist forces based their politics on populist discourse. Stanley (2017) interestingly applies the category of *political entrepreneur* to populism and states that, 'political entrepreneurs had clear incentives to create populist ideologies in the search for electoral support, rather than simply rely on a particular mode of political appeal' (p. 140). He adds that:

> *[…] the top-down nature of transition reforms and the multiple resentments and uncertainties generated by those reforms gave others the opportunity to create simple and compelling narratives of blame, solidarity, and moral solace. Populism's conceptual structure is ideal for the articulation of such narratives, and its simple, easily communicable message about politics made it an attractive entrepreneurial strategy for politicians aiming to make an immediate impact upon a politically fluid and relatively unsophisticated electorate. (Stanley, 2017, p. 142)*

In Eastern Europe *populist entrepreneurs* could easily use populism to simplify politics and nationalism to act like the representatives of communities, and at the same time, these populist and nationalist assumptions are deeply rooted in the political history of the twentieth century.

There are two concepts in conjunction with the nature of Eastern European populism: radical and centrist populism. Political transitions in Eastern Europe were elitist projects, given the fact that regime changes can be characterised with anti-populism and have been extended to liberal democracies. The theory of *radical populism* claims that the reaction of the people against elites was an expected phenomenon. According to the theory of *centrist populism*, this is an inherent part of Eastern Europe's politics: the historical

> *legacies created a potentially fertile opportunity structure for populism at the centre of the party system. Parties, which had not yet been tainted by participation in government … could appeal to the people against allegedly corrupt and incompetent mainstream elites. These parties would emphasize the need to reform political institutions and create new channels for democratic expression, tackle corruption, replace inefficient and incompetent elites, and offer new political actors the opportunity to govern. (Stanley, 2017, p. 144)*

The rise of populism is not just an Eastern European phenomenon, but there are similarities between Western and Eastern authoritarian populist tendencies. Analysing Trump's America Pippa, Norris and Ronald Inglehart (2019) argue that there are two main explanations of populism on the demand-side. The most widely held view of mass support for populism emphasises the *economic inequality perspective*. In this sense, voter behaviour depends on the profound changes in the workforce and society in post-industrial economies (Norris & Inglehart, 2019). 'According to this view, rising economic insecurity and social deprivation among the left-behinds has fuelled popular resentment of the political classes'. (Norris & Inglehart, 2019, p. 349) This has led to the

less secure spectrum of society being exploited by those who are anti-establishment, nativist and belonging to xenophobic populist movements as well as by parties and leaders. Norris and Inglehart put forward another explanation, known as the *cultural backlash thesis*. According to this, voting for a populist party cannot be explained by economic factors alone; it is largely a reaction against progressive cultural changes.

> *This argument builds on the 'silent revolution' theory of value change, which holds that the unprecedentedly high levels of existential security experienced by the people of developed Western societies during the post-war decades brought an intergenerational shift toward post-materialist values, such as cosmopolitanism and multiculturalism, generating rising support for left-libertarian parties such as the Greens and other progressive movements advocating environmental protection, human rights, and gender equality. (Norris & Inglehart, 2019, p. 353)*

It is apparent that populist support is strengthened by anti-immigrant attitudes, mistrust of global and national governance, support for authoritarian values and left-right ideological self-placement.

Gandesha found that recent theoretical perspectives on contemporary populism, Norris and Inglehart's cultural backlash thesis and Ernesto Laclau's discursive theory are underdeveloped and do not offer a proper explanation for understanding populism. He also argues that neither Norris and Inglehart nor Laclau adequately accounted for the insecurity caused by neoliberal austerity; they do not sufficiently address economic conditions or group/mass psychology (Gandesha, 2018, pp. 60–63). I argue that the aspects of economic inequality and cultural backlash are far from enough

in understanding authoritarian populist tendencies, and we should put an emphasis on the biopolitics of populism.

5. THE BIOPOLITICS OF OUR TIME

As it has been argued here, a neoliberal autocratic tradition exists in established democracies. One of the main features of this neoliberal autocracy is the permanent struggle with internal threats like 'terrorism' and 'immigration'. The neoliberal state tries policing these crises. That is to say that this is the very same in authoritarian populist states similar to Hungary. Therefore, investigating these tendencies in a biopolitical framework is crucial. Literature of social and critical theory reveals several characters of authoritarian populism that have shown biological implications. It means that these kinds of populist regimes are to govern the whole lives of citizens and people in their entirety. In my opinion, the concept of authoritarian populism as biopolitics offers an important aspect in the study of contemporary and historical authoritarian populism. In this section, I deal with the basic assumptions of Michel Foucault, Girogio Agamben, Michael Hardt and Antonio Negri.

5.1. Michel Foucault: The Biopower of the Modern State

Biopolitical tradition has had a significant impact on politics since the early twentieth century, and at the same time, biopolitical discourse has been deeply influenced by Michel Foucault's concept, which means a straightforward break with naturalist and political interpretations. Foucault's concept denies the theories that view life as the object of politics.

Michel Foucault identified a transition in biological modernity beginning in the eighteenth century, when the State increasingly took the care and regulation of biological, human life itself as its task (O'Donoghue, 2015): the biological conditions of the human species became the targets of new political and social strategies of modern state. In terms of Foucault, biopower 'distribut[es] the living in the domain of value and utility […] has to qualify, measure, appraise, and hierarchize, rather than display itself in its murderous splendour'. Such a biopower begins with the modern State. In the Foucauldian approach, biopower is 'the historical emergence of a new form of control over human needs and potentials in modern society' (Foucault, 1990, p. 144) and it is analysed in the context of biopolitics.

The Foucauldian concept interprets the human population as a social body, and this contributes to the fact that contemporary populism in authoritarian regimes use police state to control this collective body. According to Foucault, in the modern State,

> *the body became politically interpreted as a collective entity subject to the biological and social conditions of existence, such as propagation, birth and mortality, health, probabilities of life, and individual and collective welfare-forces that could be modified and optimized. (Losoncz & Takács, 2015, p. 5)*

Foucault adds that biopolitics is implemented by the mechanisms of control. Consequently, 'biopolitical control over the population required the implementation of measures of classification, regulation, prevention, provision, and maintenance of security, instead of acting in a coercive manner toward the population' (Losoncz & Takács, 2015, p. 8).

It is also crucial in the Foucauldian concept that the transformation of sovereign power into biopower leads to a shift

from a political-military discourse into a racist-biological one, which characterises the neoliberal penal state and the authoritarian populist regimes as well. The State that uses biopower is a racist one. On the one hand, racism

> *creates fissures in the social domain that allow for the division of what is imagined in principle to be a homogeneous biological whole …. In this manner, a differentiation into good and bad, higher and lower, ascending or descending 'races' is made possible and a dividing line established 'between what must live and what must die'. (Lemke, 2011, p. 41)*

The other function of state racism goes even further and 'furnishes the ideological foundation for identifying, excluding, combating, and even murdering others, all in the name of improving life' (Lemke, 2011, p. 41). Foucault analysed the transformations of racist discourse in the twentieth century: Nazi Germany and the state socialism of the Soviet Union. 'National Socialism harked back to motifs of the old race war in order to launch imperialist expansion outward and to attack its internal enemies' (Lemke, 2011, p. 43). Socialist racism differs from this and is based on the utopia of class society; in this form of state racism 'class enemies became biologically dangerous and had to be removed from the social body' (Lemke, 2011, p. 43.), which is really interesting from the biopolitical aspect is that Foucault draws attention to 'contemporary neoracist strategies that do not so much stress biological difference but rather assert the allegedly fundamental cultural differences between ethnic groups, peoples, or social groups' (Lemke, 2011, p. 44). As I will analyse in the next part of this Chapter, state racism is an integrated part of the populist penal/police state. In authoritarian populist regimes, law enforcement objectives have been transformed into biopolitical systems, in which being guilty does not depend on facts,

but racist ideological implications. According to Foucault, the concepts of state racism are about everyday warfare: wars are waged on behalf of existence of the whole population. The death of the other person as a representative of a bad and/or inferior race is something that will make one's life healthier and purer. In this sense, killing in the biopower system is justified since it contributes to the elimination of the biological threat and to the improvement of the species or race. In authoritarian populist regimes 'killing' is to be understood in a broader sense, from imprisonment to ideological debate.

5.2. Giorgio Agamben's Biopolitics: The 'Production' of Homo Sacer and Permanent State of Exception

Compared to Foucault, Giorgio Agamben proceeds with a fundamental continuity of biopolitical mechanisms. His biopolitics is based on the logic of sovereignty. In Chapter 3, I propose that a system similar to the Orbán regime is on one hand based on authoritarian populism influenced by biopolitics, but on the other hand, this biopolitical implication creates and manages a permanent state of exceptions. In this sense there are several shocking similarities between neoliberal systems, which are based on 'war on crime/terror' and authoritarian populist regimes.

According to Agamben, who used the works of Michel Foucault, Carl Schmitt, Walter Benjamin, Hannah Arendt and Martin Heidegger, sovereign power is already biopolitical itself. Agamben stated that:

> *the emergence of the technology of biopower signifies, not a break in the history of Western politics, but the expansion of the existing biopolitical imperative of the State, as bare life*

> *moves from the periphery to the centre of the State's concerns, entering in modernity into the political order as the exception increasingly becomes the rule. (O'Donoghue, 2015)*

According to his view, the main distinction of the political is not enemy and friend (as Schmitt argued), but 'the separation of natural life (*zoé*) and political qualified life (*bíos*) – that is, the distinction between natural being and the legal existence of a person' (Lemke, 2011, p. 54). Biopower creates marginalised forms of life and the production of bare life is the original act of biopolitical power (Losoncz & Takács, 2015, p. 7–8). Agamben puts it forward and says that modern state places biological life (bare life) at the centre of its calculations. He remarkably stipulates that:

> *[t]he idea of an inner solidarity between democracy and totalitarianism … is obviously not … a historiographical claim, which would authorize the liquidation and levelling of the enormous differences that characterize their history and their rivalry. (Agamben, 1998, p. 10)*

This claim has provoked much resistance, because '[i]n this sense, there is no sharp division between parliamentary democracies and totalitarian dictatorships, liberal constitutional states and authoritarian regimes' (Lemke, 2011, p. 55). Concentration camps and other totalitarian attributes, which are the symbols of the border between bare life and political existence, are interpreted as 'the hidden matrix of the politics in which we still live' (Agamben, 2000, p. 44) and it makes 'an inner link between the emergence of human rights and the development of concentration camps' (Lemke, 2011, p. 55). From an Agamben's (2005) view bare life was produced in these places of totalitarianism, which are the materialised

places of the state of exception and concentration camps have become the biopolitical paradigms of our age.

According to Lemke (2011),

> *Agamben outlines this hidden foundation of sovereignty through a figure he derives from archaic Roman law: homo sacer. This is a person whom one could kill with impunity, since he was banned from the politico-legal community and reduced to the status of his physical existence. For Agamben, this obscure figure represents the other side of the logic of sovereignty. 'Bare life', which is considered to be marginal and seems to be furthest from the political, proves to be the solid basis of a political body, which makes the life and death of a human being the object of a sovereign decision. (pp. 54–55)*

Although, Agamben focusses on the Nazi regime and its modern implications,[7] it is obvious that Communist regimes have used very similar biopower as other totalitarian structures as it has been elaborated in the previous section. From this standpoint, the populist nature and techniques of contemporary, authoritarian populist regimes can be seen as some kind of fusion of police and penal state, because the main goal of the populist propaganda is the rule of biological life (bare life) and to create the modern form of *homines sacri* (Agamben, 1998). Summarising Agamben main thesis, the 'sovereign is not the one who decides on the exception, but the one who decides who belongs to bare life, that is to say, who can be eliminated' (Losoncz & Takács, 2015, p. 8).

As it was mentioned, in the fields of contemporary authoritarian populist regimes there is a remarkable tendency: it starts to use the concepts of police and penal state and to regulate human life, and it creates a permanent state of exceptions. The fusion of police and penal state produced some

kind of exceptional governments, which met with the penal populist/nationalist tendencies. In the state of exception-based authoritarian populist regimes

> *[a] formal state of exception is not declared, and we see instead that vague non-juridical notions – like the security reasons – are used to install a stable state of creeping and fictitious emergency without any clearly identifiable danger. (Agamben, 2014)*

According to Agamben (2014) there is a seminal transformation in conjunction with the idea of government,

> *which overturns the traditional hierarchical relation between causes and effects. Since governing the causes is difficult and expensive, it is safer and more useful to try to govern the effects.*

Authoritarian populist regimes have started to manage the effects of the crisis made by them and this is a considerable change, not just in the concept of government, but also in penal politics. Agamben (2014) described this situation in the following way:

> *The ancient regime aimed to rule the causes; modernity pretends to control the effects. And this axiom applies to every domain, from economy to ecology, from foreign and military politics to the internal measures of police. We must realize that European governments today gave up any attempt to rule the causes, they only want to govern the effects.*

The exceptional or the putative exceptional situations offer the authoritarian populist regimes a convenient place to criminalise political groups and claim that these groups are enemies

and that regimes protect people from these created enemies. This is the situation where the normal sets of governing are replaced by police forces and the normal situation becomes exceptional in which anything is conceivable.

5.3. Michael Hardt and Antonio Negri: The Biopolitics of Capitalism and the Populism

As Giorgio Agamben, Hardt and Negri also put forward that the new global from of sovereignty relies on the state of permanent exception or emergency. Ruling the biopolitical moment of the state of exception and managing the crisis caused by the neoliberal Empire itself is crucial in the field of the Empire because

> *to take control of and dominate such a completely fluid situation, it is necessary to grant the intervening authority (1) the capacity to define, every time in an exceptional way, the demands of intervention; and (2) the capacity to set in motion the forces and instruments that in various ways can be applied to the diversity and the plurality of the arrangements in crisis. (Hardt & Negri, 2000, pp. 16–17)*

Because of the exceptionality, a new imperial right was born called the right of the police, which ensures the right of intervention in exceptional situations. Moreover, this right is a biopolitical and moral obligation of the Empire, because it 'is inscribed in the deployment of prevention, repression, and rhetorical force aimed at the reconstruction of social equilibrium: all this is proper to the activity of the police' (Hardt & Negri, 2000, p. 17).

The decline of nation-state's sovereignty becomes tangible because of the fact that supranational law overdetermines and reconfigures domestic law. The most significant example is the right of intervention, which ensures

> *the right or duty of the dominant subjects of the world order to intervene in the territories of other subjects in the interest of preventing or resolving humanitarian problems, guaranteeing accords, and imposing peace. (Hardt & Negri, 2000, p. 18)*

It is obvious that intervention, as a moral category, has been legitimate by reference to universal values. Intervention means not only military intervention, but also moral and juridical intervention (for instance humanitarian NGOs are the most powerful forms of imperial intervention).

Foucault (1990) described historical transformation from disciplinary society [in which 'social command is constructed through a diffuse network of dispositifs or apparatuses that produce and regulate customs, habits, and productive practices', and it has emerged in the first phase of capitalist accumulation (Hardt & Negri, 2000, pp. 22–23)] to the society of control, in which mechanisms of command have become more democratic and interiorised to the brain and bodies of the citizens. Power in modernity and post-modern times are exercised by 'machines that directly organize the brains (in communication systems, information networks, etc.) and bodies (in welfare systems, monitored activities, etc.)', the society of control can be characterised with 'normalizing apparatuses of disciplinarity that internally animate our common and daily practices' (Hardt & Negri, 2000, p. 23). In their passage of Foucault, Hard and Negri described the biopolitical nature of the new paradigm of the Empire's power. Only the society of control can adopt this biopolitical nature of power and in this

context, society is perceived the terrain of biopower: 'Society, subsumed within a power that reaches down to the ganglia of the social structure and its processes of development, reacts like a single body' (Hardt & Negri, 2000, p. 24). This new form of power is not totalitarian; moreover, the rule of law has a distinguished position in the Empire. Hardt and Negri call biopolitics the nature and the mode of distribution of power, information, and affectivity in contemporary societies (Losoncz & Takács, 2015, p. 11).

One of the main elements of these biopolitical terrains is the structure of transnational corporations, which begins to structure global territories biopolitically from the second half of the twentieth century.

> *They tend to make nation-states merely instruments to record the flows of the commodities, monies, and populations that they set in motion … directly distribute labour power over various markets, functionally allocate resources, and organize hierarchically the various sectors of world production …. They produce agentic subjectivities within the biopolitical context: they produce needs, social relations, bodies, and minds – which is to say, they produce producers. (Hardt & Negri, 2000, pp. 31–32)*

The communication sector has a privileged and hegemonic position in this field, because of the legitimation of the biopolitical Empire based on communication structures. On the one hand, this phenomenon is a form of political production, and on the other hand it is the construction of imperial legitimation.

Multitude is about the possible realisation of democracy, although it is hard to say that contemporary political regimes

achieve the commitments of democracy. Hardt and Negri put forward a thought, which says that our incomplete democratisation has been caused by the permanent state of war:

> *[…] the primary obstacle to democracy is the global state of war. In our era of armed globalization, the modern dream of democracy may seem to have been definitively lost. War has always been incompatible with democracy. Traditionally, democracy has been suspended during wartime and power entrusted temporarily to a strong central authority to confront the crisis. (Hardt & Negri, 2005, p. xi)*

In *Empire* (2000), the controversial relationship of Hardt and Negri was stressed, in conjunction with Laclau's populism. It dates back to the fundamental debate between Negri and Laclau:

> *Laclau and Negri seek to think a concept of social antagonism not reducible to orthodox conceptions of working-class identity assigning an ontological status to antagonism. Yet both do so in fundamentally different terms. The debate between them occurs precisely over … competing and incommensurable ways of conceiving the ontological status of antagonism. (Rekret, 2014, p. 134)*

At the same time, there are several attempts to reconcile the theory of Negri and Laclau (Kioupkiolis, 2014; Kioupkiolis & Katsambekis, 2014).

In their new book, *Assembly* (2017), there is a certain shift, because Hardt and Negri have found some basic similarities between their Multitude and Laclau's populist thoughts.

They admit the common starting point is the recognition of social heterogeneity. They argue that Laclau

> *departs from us, though, when he rejects the terrain of immanence, that is, the prospect that the multiplicity of social subjectivities in struggle can organize themselves effectively, create lasting institutions, and eventually constitute new social relations. Instead Laclau maintains that a transcendent motor, a hegemonic force, is necessary to organize from above the plural social subjectivities into 'the people,' which he emphasizes, rightly, is an empty signifier. (Hardt & Negri, 2017, p. 328)*

The main factor, which led Hardt and Negri to accept Laclau's theory, is their deep doubt about the hegemonic unification tendencies incorporated into populism. They argue that their

> *primary objection is that the multitude of social subjectivities should not (and ultimately today cannot) be organized as a united subject from above, by a hegemonic power; we maintain, instead, that social subjectivities have the potential to organize themselves as a multitude (not a people) and create lasting institutions. In effect, we fault Laclau for hanging on to the categories of modern politics and modern sovereignty, without being able to transform them sufficiently. (Hardt & Negri, 2017, p. 328)*

They draw attention to one of the main dangers of populism including radical left-wing movements as well. In this sense, it is a worrying phenomenon that populism in power tears itself away from the movement that brings it to power. Hardt and Negri (2017) basically blame populist actors with finding state power unhealthily important: 'Populists overestimate the importance of state power and underestimate the political

expressions of social movements for not only their own legitimacy but also the effectiveness of the project' (p. 23), and in my view this is the most important reason why Hardt and Negri are trying to contextualise their multitude in terms that differ from the populist one. Both right- and left-wing populism carry the danger of the emergence of leader group over the political movement. At the same time Hardt and Negri (2017) emphasise on the specific dangers in conjunction with right-wing populism, which is

> *infused by racial identity. To say that populism is grounded in the love of identity … is undoubtedly true, but behind identity lurks property. Sovereignty and racialized property are the stigmata that mark the body of right-wing populisms. (p. 51)*

They noticed that right-wing populism is about to reinforce the power of some elites and this will be my crucial point of understanding the Empire as an elitist populist construction.

6. CONSTITUTIONAL DICTATORSHIP

I argue here that contemporary authoritarian populist regimes can be characterised with exceptional governments, which means managing the crisis made by them. After Agamben I called it the permanent state of exception. As Agamben (2005) puts forward the theory of state of exception's first and isolated appearance was Carl Schmitt's (2014) book of *Dictatorship* published in 1921 (p. 6). There was a rise of a debate on state of exception during the time of collapsing European democracies between 1934 and 1948. This led to discourse on state of exception unfolded within the framework of constitutional dictatorship. Article 48 of the Weimar Constitution granted emergency powers the president of the Reich maintained this debate.

In the Schmittian sense, the state of exception and constitutional dictatorship are inseparable. In 1926 Schmitt summarised his definition on dictatorship:

> *Dictatorship is the exercise of state power freed from any legal restrictions, for the purpose of resolving an abnormal situation – in particular, a situation of war and rebellion. Hence two decisive elements for the concept of dictatorship are on one hand the idea of a normal situation that a dictatorship restores or establishes, and on the other, the idea that in the event of an abnormal situation, certain legal barriers are suspended in favour of resolving this situation through dictatorship. (cited by Hoelzl & Ward, 2014, p. xxiii)*

Schmitt distinguishes the two types of dictatorship in conjunction with regulation on the state of emergency – on the one hand

> *a dictatorship that, despite all its extra-legal authorisation, remains within the prescriptions of a constitutional order and in which the dictator is constitutionally mandated (commissary dictatorship); and on the other hand a dictatorship in which the whole existing legal order is rendered obsolete and a completely new order is intended (sovereign dictatorship). (cited by Hoelzl & Ward, 2014, p. xxiv)*

If commissary dictatorship is about the continuous extension of state of exceptions, sovereign dictatorship prevails now as the constitutional system grabbed and institutionalised by a sovereign dictator. Schmitt (2006) argues in his *Political Theology* that 'sovereign is he who decides on the exception' (p. 5), in this sense ultimate sovereignty means a constitutionalised dictatorship. Contemporary authoritarian populist regimes

and leaders are convinced that there is a core, which need to reformulate and acquire political sovereignty by them. Schmitt's approach inspired many others theorising dictatorship as a state of exception. One of the well-known authors, Clinton Rossiter (1948), seeks to justify constitutional dictatorship. He argues that democratic regimes work under normal circumstances,

> *in time of crisis a democratic, constitutional government must temporarily be altered to whatever degree is necessary to overcome the peril and restore normal conditions. This alteration invariably involves government of a stronger character; that is, the government will have more power and the people fewer rights. (Rossiter, 1948, p. 5)*

Agamben (2005) convincingly argues that we witnessed that the twentieth century was about 'legal civil war' and his seminal example is the Nazi State (p. 2). After Hitler took power, he proclaimed in 28 February 1933 the *Decree for the Protection of the People and the State* by which the parts of the Weimar Constitution concerning personal liberties were suspended. Given the fact that the decree was never repealed, the Third Reich could be seen a continuously extended state of exception that lasted for 12 years. Agamben (2005) states:

> *modern totalitarianism can be defined as the establishment, by means of the state of exception, of a legal civil war that allows for the physical elimination, not only of political adversaries, but of entire categories of citizens who for some reason cannot be integrated into the political system. (p. 2)*

In this book I argue that the political system that Schmitt desired as *sovereign dictatorship* is not the Third Reich, but contemporary authoritarian populist regimes. In fact, Schmitt was not able to accept that Hitler's sovereign dictatorship had

never been established. Moreover, he could not accept that the state of exception was wholly confused with the rule. In Dictatorship he had already stated that arriving at a correct concept of dictatorship is impossible as long as every legal order is seen 'only as a latent and intermittent dictatorship' (Agamben, 2005, p. 58). In this sense, the Third Reich was based on the mixture of rule and state of exception, and Hitler pursued the organisation of this 'dual state', that is why a new constitutional system was never created. At the same time, contemporary authoritarian populist regimes are constantly transforming themselves into constitutional dictatorships. Here I put forward that the Orbán regime can be seen as an authoritarian populist regime, and given the fact these kinds of systems are much more autocratic than democratic, it is more precise to say that the Hungarian regime after 2018 (when super-majority in the parliament elections was gained for the third time) has increasingly become *constitutional dictatorship*. In Chapter 3, I will investigate that the Orbán regime is based on the crises induced and managed by itself among others and by 2019 the pillars of constitutionalising authoritarianism are nearly finished.

I emphasise how such dictatorships can develop. In my view, the constitutionalised dictatorships are far from being anti-capitalist systems, capitalism plays a crucial role in making these regimes evolve and stabilise instead. From 1929 the Great Depression brought the era of ruining the old liberal economic order and new forms of state-centric capitalism in Europe were established (Abromeit, 2018, p. 7). After the financial crisis of 2008, very similar processes took place by the recent surge of authoritarian populism. In 1941 Friedrich Pollock described his theory on state capitalism as 'advanced industrial societies were converging in basic structure, toward a durable state-controlled market' (Morelock, 2018, p. xviii). According to Pollock (1941) state capitalist systems can be democratic and

authoritarian; he subsumed Nazism, Soviet communism, and the New Deal under this category. Morelock described that the Frankfurt School was split on the state capitalism theory: Pollock's assumptions were backed by Horkheimer and opposed by Neumann, Kirchheimer, and Gurland (2018, p. xviii). Neumann and Kirchheimer argued Hitler's Germany was still monopoly capitalism. Neumann 'showed monopoly capital was very much operative in Nazi Germany, and the class structure – far from being eradicated – sharpened … instead of "state capitalism" offered the term "totalitarian monopoly capitalism"' (Morelock, 2018, p. xix). We accept either theory, the debate between Pollock and Neumann only shows the capitalist nature of authoritarian populism. Bloom (2016) also argues that the critical scholarship emphasised the function of the state in maintaining capitalist relations, in this sense 'governments worked in conjunction with dominant capitalist classes to ensure elite rule, facilitating political authoritarianism both informally and at times formally' (p. 3). There is a core and embarrassing collusion between market and state autocracy. Wolfgang Streeck (2015), investigating Heller and Schmitt's concepts, analyses the distinction between the idea of total state and authoritarian state elaborated by Schmitt (p. 362). The Schmittian total state can be identified with the pluralist democracy of Weimar, which was maintained by several social groups, especially the organised working class. Streeck (2015) argues that what Schmitt called authoritarian state

> *was a liberal-authoritarian state, one that was, in the classical liberal way, strong and weak at the same time: strong in its role as protector of 'the market' and 'the economy' from democratic claims for redistribution … and weak in its relationship to the market as the designated site of autonomous capitalist profit-seeking. (p. 362)*

NOTES

1. See the whole volume: *European Law Journal* (2015). 21(3), 285–429. https://onlinelibrary.wiley.com/toc/14680386/21/3

2. In her book entitled *The Accumulation of Capital* published in 1913, Rosa Luxemburg already linked the autocratic nature of capitalism with militarism, arguing that capitalism is unthinkable without expansion. She put a sharp emphasis on the militant nature of capitalism: 'Militarism fulfils a quite definite function in the history of capitalism, accompanying as it does every historical phase of accumulation'. (Luxemburg, 1951, p. 454). Luxemburg analysed the function of capitalist militarism: in the period of 'original accumulation' capitalist militarism is crucial part of the colonialism and conquering the parts of the World outside of Europe, it destroys the social structures of non-European societies, later is has become a weapon in the struggle between capitalist and non-capitalist states (Luxemburg, 1951, p. 454). The main assumption about capitalist militarism, which evidently makes the beliefs in capitalist pacifism totally illusion is that militarism is a pre-eminent means for the realisation of surplus value (Luxemburg, 1951, p. 454).

3. Heller characterized authoritarian liberalism with the 'retreat of the "authoritarian" state from social policy, liberalisation (Entstaatlichung) of the economy and dictatorial control by the state of politico-intellectual functions' (Heller, 2015, p. 300).

4. The term neoliberalism was coined by Walter Lippmann Colloquium in Paris in 1938 in order to renew liberalism by the liberal intellectuals (Slobodian, 2018, p. 3).

5. Heller investigated how the German industrial powers expressed their interest in a strong state supporting economic processes. Heller elaborated that Schmitt delivered a lecture at the sixtieth plenary assembly of the Langnam Association to an audience consisting of representatives of the heavy industry of his thoughts on the authoritarian state and the relationship of state and economy. Heller cited the German Mine Journal (Deutsche Bergwerkzeitung), which was very satisfied with the speaker who demanded 'that the state relinquish all loopholes that it still occupies in economic life and participate economically only in the form of clearly limited and

clearly externally marked, recognizable public prerogatives' (Heller, 2015, p. 299).

6. That is why Francis Fukuyama argued upon the cases of Eastern European regime changes: 'What we may be witnessing is not just the end of the Cold War, or the passing a particular period of post-war history, but the end of history as such: that is, the end point of mankind's ideological evolution and the universalization of Western liberal democracy as the final form of human government' (Fukuyama, 1989, p. 4). In the light of the Orbán regime established 2010, not just the history 're-started' in Hungary, but it is the high time to reconsider the thesis on unavoidable nature of Westernisation.

7. 'The trace of homo sacer runs from Roman exiles through the condemned of the Middle Ages to the inmates of Nazi camps, and beyond. In contemporary times, Agamben conceives of "bare life" as existing, for example, in asylum seekers, refugees, and the brain dead. These apparently unrelated "cases" have one thing in common: although they all involve human life, they are excluded from the protection of the law. They remain either turned over to humanitarian assistance and unable to assert a legal claim or are reduced to the status of "biomass' through the authority of scientific interpretations and definitions' (Lemke, 2011, p. 55).

2

THE ORIGINS OF AUTHORITARIAN POPULISM IN HUNGARY[1]

I put forward that investigating populism as 'a populism' is a historical phenomenon that is unfortunately underrepresented in the context of mainstream populist literature. Understanding contemporary Hungarian authoritarian populism required a deep historical analysis. This chapter deals with how populism and nationalism maintained the twentieth century Hungary. I argue here that the antecedents of modern authoritarian populism can be investigated in nationalist–populist historical and theoretical context (7). According to my concept, there were two main historical periods in conjunction with this complex in Hungary: the first is the interwar right-wing semi-authoritarian nationalism (Horthy regime) (8); the third is relating to the totalitarian tradition of populism: National Socialist and Communist populism (9). The regime changes meant a significant change in the history of populism; the era of neoliberal hegemony and anti-populism was about to come (10). The new neoliberal hegemony has deep roots before and during the transition, I argue here that during the rise of Communist

populism, the neoliberal hegemony acquired a decisive importance. The institutionalised liberal democracy was unable to compensate the losers of democracy and the neoliberal economic policy did not let the implementation of this agenda. The main cause behind this situation was the assumption that the fundament of liberal democracy is the (neoliberal) capitalism itself. This resulted in the so-called politics of austerity, which triggered the anger of people (11).

7. THE NATIONALIST–POPULIST HISTORICAL–THEORETICAL COMPLEX IN HUNGARY

Nationalism has always been an unavoidable phenomenon of the Eastern European political and historical tradition, and this is the same situation with populism as well. De Cleen (2017) explains,

> *Populism and nationalism have been closely related, both empirically and conceptually. Many of the most prominent instances of populist politics have been nationalist – including the populist radical right and most of the Latin American populisms – and nationalisms have often had a populist component. (p. 1)*

I will investigate here this historical and theoretical complex of populism and nationalism in conjunction with social theory and post-Marxist discourse theory (Laclau, 2005a, 2005b; Laclau & Mouffe, 1985). I argue that in the cases of these movements and parties, the nationalism and populism have merged and the nationalist political agenda represented by them has been constructed by populist discursive structures.

In Eastern Europe, the fusion of populism and nationalism has some very deep historical roots, and this can be explained by the importance of national and state sovereignty.

Moreover, in Eastern European left populism (as I put forward at the case of Hungarian Communism) always have nationalist components. From a Gramscian perspective, the prevailing *historical bloc* (Gramsci, 2000, p. 189) has always been populist and nationalist at the same time independently from the left/right division. The politics in this region has always been populist in that sense there is a constant need to contrast 'the people' (as a large powerless group) and 'the elite' (a small powerful group). This 'never ending' political tradition of Eastern European populism turned up in the history once in nationalist and other times in transnational perspectives, but the transnational populism of Eastern Europe showed nationalist sentiments as well. I believe that Eastern European populism is irreducible nationalist because the discursive structures of populism and nationalism are very similar, and these phenomena can easily rely on each other. Populism has always been reinforced by nationalism and vice versa.

The term of 'populism' has been used in this book in the Laclauian framework. Populism is about creating political communities in a discursive way. According to the Laclauian, understanding of populism:

> *the 'people' become […] the possibility of any renewed and effective political project and, indeed, the very subject of the political. And if 'the people' are the subject of the political, then populism is the logic of the political. (Moffitt & Tormey, 2014, p. 384)*

Laclau (2005b) argues:

> *if populism consists in postulating a radical alternative within the communitarian space, a choice in the crossroads on which the future of a given society hinges, does not populism become synonymous with politics? The answer can only be affirmative. (p. 47)*

In populist discourse, the meaning of 'the people' (as an underclass and powerless group) and 'the elite' (as an illegitimate and powerful group) is constructed by the antagonistic relationship between them.

Accepting the definition of nationalism stipulated by De Cleen (2017), nationalism is

> *a discourse structured around the nodal point nation, envisaged as a limited and sovereign community that exists through time and is tied to a certain space, and that is constructed through an in/out (member/non-member) opposition between the nation and its outgroups. (p. 3)*

In my view, nationalism is not just a discursive structure, but a *set of political ideas* based on the sovereignty of the nation and the nation-state. According to the scholars of constructionist theorisation of nationalism, especially Benedict Anderson (1991), nations are 'imagined' in that they are not based on anything 'objective', unlike social classes (p. 3). The theory of nations as imagined communities need to be reconsidered to understand the historical and contemporary success of authoritarian populism deeply and this reveals that nations are based on undoubtedly created, but existing communities. Chantal Mouffe puts forward very similar assumptions in conjunction with the radical democracy as a left populist strategy:

> *[…] a left populist strategy cannot ignore the strong libidinal investment at work in national – or regional – forms of identification and it would be very risky to abandon this terrain to right-wing populism. This does not mean following its example in promoting closed and defensive forms of nationalism, but instead offering another outlet for those affects,*

> *mobilizing them around a patriotic identification with the best and more egalitarian aspects of the national tradition. (Mouffe, 2018, p. 71)*

I propose that the historical and theoretical base of nationalism has been constructed by populist discursive structures. Of course, nation is discursively constructed, but the populist strategy makes it in a Laclauian way the subject of the political. The nation does exist from a populist perspective. In my point of view, nationalism without populism cannot be imagined, yet there are anti-nationalist populists. When a nationalist populist uses the signifier of 'nation' or 'people', it has been theorised as a construction pervaded by nationalist sentiment which shows who is in and out. Moreover, '[i]n nationalism, other signifiers such as state, land, freedom, democracy, and culture acquire meaning in relation to the signifier nation' (De Cleen, 2017, p. 4).

The historical and contemporary populism of Eastern Europe is about the discursive struggle for hegemony, which is mainly based on the imagined concept of nation.[2] We can say that the nation has become the pledge of the hegemony: he or she who rules the nation, at the same time owns the political hegemony. De Cleen presents a sharp analysis on how nationalism and populism have been articulated in populist politics. He focusses two main factors crucial to understanding the fusion of populism and nationalism in Eastern Europe: 'the articulation populism with exclusionary nationalist demands' (for instance xenophobia) and populism 'demands for the sovereignty of the nation as against larger state structures, colonising forces and supra-national political bodies' (De Cleen, 2018, p. 3). In my view, the political right has built up its hegemony on *exclusionary nationalist populism*.

There has been a hegemonic debate in historical scales between the political left and right on who will be able to

create a stable and reliable political community by populist frameworks. The historical modus vivendi for the left populism was the social class and for the right was the nation in both side of the Atlantic. The twentieth century shows that the social class has lost its cohesive power: the European societies have been dramatically redesigned because of the structural and technological changes. The working class after the Second World War has disappeared as a homogenic group and the main target of leftist populism. As the proletariat has become precariat, the left has lost its main traditional electorates based on populism; moreover the identity politics started to renew the political agenda and the left was not able to renew its populism. Mouffe (2018) argues that one of the main obstacle of contemporary Left is its 'class essentialism:'

> *According to this perspective, that we called 'class essentialism,' political identities were the expression of the position of the social agents in the relations of production and their interests were defined by this position. It was no surprise that such a perspective was unable to understand demands that were not based on 'class'. (p. 2)*

These tendencies are significant in Western Europe and the history of populism in Hungary shows another pattern. As pointed out, populism has always unfolded in nationalist perspectives even the left populism. It could be embarrassing that the transnational Communist populism in Hungary showed nationalist sentiments compared to right-wing populism of the twentieth century. The dissolution of left populism took place after 1989. After the neoliberal regime changes, the left has lost its populist origins and the right has found the well-known historical patterns analysed here.

8. THE HORTHY REGIME AS HISTORICAL AND SEMI-AUTHORITARIAN ANCESTOR OF RIGHT-WING AUTHORITARIAN POPULISM

After 1920, the other main appearance of historical-theoretical complex of populism and nationalism in Hungary was the right-wing regime named after Miklós Horthy, who was a Hungarian admiral and statesman, and he became the Regent of Hungary. This contradictory period can be characterised by right-wing (and elitist) populism (Antal, 2017): a highly conservative ruling elite, anti-communism, clericalism, increasing authoritarianism and a hybrid political construction. The leading populist force was the Christian-nationalist Unity Party and its direct successors held power in the National Assembly/House of Representatives of Hungary from the time of the party's foundation in 1922 until the end of the Horthy era in 1944.[3] In my view, their elitist populism cannot be seen as a contradiction because the ruling Christian conservative elite created the populist governments in the interwar period. The elitist character of the prevailing populist regimes is not undiscovered in the literature. Zsolt Enyedi (2016) emphasised the merging of populism and elitism. His study 'investigates how elitism can be integrated into an overall populist appeal' through the contemporary Hungarian example (p. 9). It is to say that the elitist character of Orbán regime is rooted in this right-wing semi-authoritarianism.

There are a lot of similarities between the agrarian populism and interwar right-wing nationalism, for instance the merge of nationalism and populism, but the significant difference is the ethno-nationalist approach that has been framed with biopolitics. In my view, in Eastern Europe and the totalised regimes of Western Europe the nature and techniques of nationalism have been changed and filled with populism based on biopolitics. Ethnic nationalism or ethno-nationalism

prioritises the community idea of birth and native culture. According to my hypothesis, the years of the interwar period can be characterised with ethno-nationalism, which is based on biopolitically determined populism.

This right-wing populist agenda has become a permanent reference point of the Communist era because the Communist propaganda regarded the ideological attributes of the Horthy regime as a core need of self-identification. The Communists emphasised the authoritarian aspects of this period: Horthy's white terror between 1919 and 1921 and the strengthened far right and fascist movements and parties in the second half of the regime. We can say that the Communist populism unfolded against the nationalist regimes. As we will see in the next section, the Communist regime was not anti-nationalist: despite its internationalist roots, this regime learned how to use populism to create a political community.

Hungary under Horthy regency was a semi-authoritarian system with a functioning multi-party parliament, though with significant restrictions on civil liberties and political pluralism. The political left suffered most of the restrictions. In my opinion, this very controversial system (which was an illiberal and neo-feudal Christian-nationalist regime, even though the racist, revisionist and authoritarian far-right was an emerging phenomenon during these years) could only be sustained in a populist way. The Horthy regime used the populist political communication and strategy to create permanent political enemies (social democrats, trade unions, people and actors who were considered responsible for Trianon and the Jews). It should be emphasised that Horthy's populism had core biopolitical attributes: for instance, the massive restriction of the election system, the permanent racist and chauvinist character of the governing party alliances and the artificially preserved revisionism, or the Trianon-syndrome. However, it is unquestionable that the main biopolitical and populist phenomenon was

the set of regulations concerning the Jews,[4] which created phenomenon of homines sacri (Agamben, 2005). These emerging biopolitical restrictions were based on a populist framework. The government used its biopower framed and influenced by the racist discourse of fascist parties to ban the Jewish community from the politico-legal order (Agamben, 1998).

Very similar nationalist populist parties emerged in other part of Eastern Europe. Before the formation of Czechoslovakia in 1918, the liberal and conservative movements could be characterised with nation-building nationalism, relying on cultural rights and political autonomy against the Hungarian political elite. By the 1920s and 1930s, the liberal national populism was replaced by radical Right-wing tendencies defending the Slovak people. This led to the establishment of a clerical and anti-Semitic Slovak State in 1939, and the Slovak People's Party allied with Nazi Germany became the predominant nationalist populist force. The interwar period of Poland was dominated by the Józef Piłsudski, whose populism based on the moral cleansing of politics against the parties and institutions. The interwar period can be seen as a materialisation of the concept of 'Greater Romania', given the fact that Romania gained control over Bessarabia, Bukovina and Transylvania. This territoriality expansion created a huge nationalist sentiment; however, the concept of homogenous Romanian state met with the multiethnic, multicultural reality of the Greater Romania. The leading populist party and the main opponent of National Peasants' Party was the People's Party, which, as a mass movement, identified itself with the concept of Greater Romania.

Creating a new historical narrative is crucial for the Orbán regime, and Orbán and his fellow politicians stated the retelling and manipulation of the Hungary's past, especially the Horthy regime and its history during the German occupation in 1944. Michael Toomey (2018) argues:

> *Between 2010 and 2015, however, Hungary's historical politicization has tended to revolve around Miklós Horthy … and the Treaty of Trianon, the peace settlement Hungary signed with the Allies following its defeat (as part of Austria-Hungary) in World War I. (p. 88)*

Orbán seeks historical legitimacy and his interpretations on Horthy serve as analogies of his contemporary governments. The regime is constantly striving for solutions to the tragedy for Trianon (the Treaty of Trianon signed on 4 June, 1920). The most significant example for this is the 'virtual new nation-building' by the new Citizenship Law adopted in 2011, which extended within the pre-war border the possibility of Hungarian citizenship to any Hungarian-speaking descendant of Hungarian citizens. It is also crucial National Unity Day, 4 June, has been introduced in 2010 commemorating the country's perceived territorial losses in 1920. It is also remarkable that the Orbán regime wants to release the society from the obligation to settle with the interwar tragedies, so above all, the Holocaust. The constitution of the regime (called Fundamental Law and adopted 2011, came into force 2012) states that Hungary lost its self-determination by the German occupation on 19 March 1944. That is why there was no need to account for the historical past according to the interwar-oriented Orbán regime.

I will analyse the deceitful nature of the Orbán's nationalism in the Chapter 3, but it has to be noted that this nationalism is absolutely self-serving and embodies mere power interests. Toomey (2018) concludes very sharply:

> *As such, policies related to the redress of the trauma can be continually introduced and claimed domestically as steps towards the ultimate redemption of Hungary's national honour without*

> *ever truly removing the spectre of Trianon from Hungarian life. By reclaiming the legacy of Horthy, Orbán can ensure that he alone reaps the electoral rewards from these strategies whilst bolstering his image as the strong and determined leader tragically beset by domestic and foreign adversaries intent on thwarting him. (p. 103)*

9. TOTALITARIAN POPULISM

9.1. National Socialism and Populism

The biopolitical determination of populism (or *biopopulism*) had become an overwhelming phenomenon from the 1930s, especially the expansion of National Socialism and Fascism. In the interwar period, the Italian Fascism has more in common with populist movements and right-wing, non-democratic, nationalist regimes in Eastern Europe than the with the German National Socialism (Bideleux & Jeffries, 1998, p. 482). Hannah Arendt (1973) puts it forward:

> *After the first World War, a deeply antidemocratic, pro-dictatorial wave of semi totalitarian and totalitarian movements swept Europe; Fascist movements spread from Italy to nearly all Central and Eastern European countries (the Czech part of Czechoslovakia was one of the notable exceptions); yet even Mussolini, who was so fond of the term 'totalitarian state,' did not attempt to establish a full-fledged totalitarian regime and contented himself with dictatorship and one-party rule. Similar non-totalitarian dictatorships sprang up in pre-war Rumania, Poland, the Baltic states, Hungary, Portugal and Franco Spain. (pp. 308–309)*

Both Fascism and National Socialism are populist and nationalist ideology, in that these ideologies are committed to create a homogenous political community, but Fascist movements (as the right-wing nationalist parties analysed in the previous section) were content with seizing power, filling all public offices with party members, achieving a complete amalgamation of state and establishing the new political elite from the party (Arendt, 1973, p. 419). Arendt draws a clear boundary between the forms of 'totalitarian domination' (National Socialism after 1938, and the dictatorship of Bolshevism since 1930) and 'other kinds of dictatorial, despotic or tyrannical rule' (Arendt, 1973, p. 419). The more radical regimes like National Socialism and Communism

> *strive to maintain the essential differences between state and movement and to prevent the 'revolutionary' institutions of the movement from being absorbed by the government …. All real power is vested in the institutions of the movement, and outside the state and military apparatuses. (Arendt, 1973, pp. 419–420)*

In these forms of totalitarian populism, the movement remains the main centre of the power.

The Hungarian National Socialist movement is a brutal example of totalitarian populism. The Hungarian adaptation of Hitler's National Socialism is the concept of Ferenc Szálasi about the radical authoritarian nationalism called *Hungarism*. This ideology was based on ultra-nationalism and was highly populist:

> *Hungarism proclaimed the concept of Turanism, the belief in the racial unity, greatness and unique historical mission of the Ural-Altaic peoples, including the Hungarians, Finnish, Estonians,*

> *Turks, Mongols and other peoples with proven or presumed origins in central Eurasia. (Lambert, n.d.)*

His part, National Will, was established in March 1935. The conservative government initiated the dissolution of the National Socialist party in April 1937, and moreover, Szálasi condemned to three years in prison in July 1938. Despite these facts, the National Socialism proved unstoppable and the re-established party (Arrow Cross Party) gained 29 mandates in the House of Representatives in May 1939. The Horthy era had been dominated by National Socialism and its biopolitical assumptions by that time, as investigated above.

9.2. Communist Populism

During the Communist or State Socialist era in Hungary between 1948 and 1989, a very unique political situation was created. On the one hand, it was a totalitarian Communist regime; one the other hand, there was a unique experiment to create a new political community. The Hungarian Communist Party attempted to create a new concept of political nation, which can be seen as a kind of nation building. From a Laclauian perspective, the working class became a political project and the very subject of the political (Laclau, 2005b). This was conceived against the nationalist populist concept, elaborated in the previous section, of the semi-authoritarian right-wing regime of Miklós Horthy, which was based on elitist and religious political beliefs. The Communist populism tried to fight against right-wing elitism, and excluded not only the far right, but also the moderate right from the political nation by biopolitical instruments. We can say that the Communist concept of the nation was based on Laclauin assumptions on populism, i.e., the immediate and direct political leadership of

the working class. This biopolitical populist strategy caused the tragedy of the first part of the Communist regime, which was the totalitarian dictatorship of Mátyás Rákosi.

The revolution and freedom fight of 1956 can be seen as a counter-populist movement against Rákosi's regime. After 1956, a new Communist system was created, and the new dictator learned the lesson: if the leader wanted to maintain the Communist system, a clever populist strategy needed to be implemented. My argument is that the new face of the Communist regime was based on populism, and this phenomenon can be seen not only as a communication strategy, but also as a permanent political logic and biopolitical concept. I will elaborate here that the Communist populism was based on the satisfaction of the material needs and the emancipation of the political community (for instance the modernisation of rural life).

It has to be emphasised that the Hungarian Communist system showed classical populist features in the sense of dichotomy between the 'moral people' (mainly the working class) and the 'corrupt elite' (bourgeois), which was central to Communist ideology. Compared to the populist socialist groups, populism under Communism tended towards doctrinal purity or class-consciousness. It is a universal feature of left-wing populism that:

> *[t]hey may adopt organizational features common to other populist parties across the political spectrum, such as the emphasis on a charismatic leader who has unmediated communication with his people and distaste for formal organization. (March, 2011, p. 108)*

The Communist populism, related to this class politics, unfolded in the context of the propaganda against the Horthy regime and the political right. The name of the state form,

Hungarian People's Republic, implied that the 'ordinary people' had defeated the elite and managed to create a brand-new political structure. The judgement on the revolution of 1956 was one of the main legitimating factors of the Kádár regime when it was stigmatised as a counter-revolution. The *Decision of the Temporary Central Committee of the Hungarian Socialist Workers Party* (5 December 1956)[5] declared that the 'Horthy-Fascist and Hungarian capitalist-landlord counter-revolution' had played a key role in the preparation and exploration of the events of October 1956. According to the Communists, the main aim of the Hungarian counter-revolution was to restore the capitalist-landlord system. This counter-revolutionary narrative remained the main ideological taboo until the regime change and formally institutionalised that the (right-wing) elite ruled over the working class.

9.3. The Biopolitical Character and Periods of the Rákosi and Kádár Regimes

I believe that, biopopulism (that is, a biopolitics supported, framed and legitimised by populism) is a permanent character of the Communist regime, even if the nature of biopopulism changed during those 40 years. In my view, there were three main biopopulist periods.

The first one (1948–1956), which can be identified with the dictatorship of Mátyás Rákosi, is about the establishment of total Communist dictatorship: the first victims of Communist biopopulism were the opposition forces and politicians. Rákosi dropped all simulation of democracy. Rákosi gave an ultimatum to non-Communist parties: cooperation with a new, Communist-dominated coalition government or going into exile. By the end of 1947 and 1948, because of the Communist propaganda machine, the opposition

parties had largely shunted aside their more courageous members, leaving themselves in the hands of fellow travellers. In the summer of 1948, the Communists forced the Social Democrats to merge with them to form the Hungarian Working People's Party. Rákosi described himself as 'Stalin's best Hungarian disciple'. He developed a strong cult of personality around himself. Approximately 350,000 officials and intellectuals were purged under his rule from 1948 to 1956. Rákosi imposed totalitarian rule on Hungary: both real and imagined foes were arrested, jailed and killed in several waves of Stalin-inspired political purges (Romsics, 1999). At a certain point, the 'Communist revolution ate its own children', and the Communist regime started to kill the inner enemies: this was the conceptual litigation of the Rákosi regime under the regulation of Act VII of 1946 (about the criminal law protection of the democratic state order and the republic). These legal and biopolitical procedures aimed to put to death not only the political and ideological opposition, but also high-ranking Communist politicians (for instance László Rajk).

The second biopopulist period is the revolution and freedom fight of 1956, and even more, the retaliation during and after 1956. The biopolitical moment of 1956 showed the cruellest features of the regime and made it clear that Rákosi's biopopulism was unsustainable. In its immediate aftermath, several thousands of Hungarians were arrested. Eventually, 26,000 were brought before the Hungarian courts; 22,000 were sentenced and imprisoned, 13,000 interned, and 229 executed. Hundreds of others were deported to the Soviet Union, many of them without evidence. Approximately 200,000 fled Hungary as refugees (Rainer & Somlai, 2007; Romsics, 1999).[6] Apparently some liberalisation tendencies occurred during the few months of the revolution. Adam Fabry (2018) argues:

> *With de-Stalinisation (1953–1955), Imre Nagy sought to correct the Stalinist policies of the Rákosi regime, introducing a programme of de-acceleration, which sought to increase living standards, agriculture and consumer goods over heavy industry. These reforms were supported by professional economists, allied with Nagy, but were eventually defeated by Soviet tanks in the Revolution of 1956. (p. 21)*

The Kádár era itself can be seen as the third biopopulist period. After the biopolitical brutality of retaliation, Kádár became not just a brutal dictator, but also a consolidator with the biopolitical power to protect the people who endured the defeat of the revolution. Despite the distrust surrounding the new leadership and the economic difficulties, Kádár was able to normalise the situation in a relatively short period of time (Romsics, 1999). We can say that after 1956, the Hungarian society recognised that under the circumstances, it was impossible to break away from the Communist Bloc. In contrast to Rákosi, who declared 'he who is not with us is against us', Kádár said that 'he who is not against us is with us'. Kádár gradually lifted Rákosi's authoritarian measures against free speech and movement, and also eased some restrictions on cultural activities. An arrangement was established between the Hungarian society and the Communist elite represented by Kádár. It was the so-called 'goulash' Communism, which was a biopolitical agreement ensuring the living standards and relative peace in society. It could also have been embarrassing to the Communist elite that Kádár, who was himself undoubtedly a populist figure and at the same time belonged to the transnational Communist elite, had become the dominant populist actor during these years.

9.4. Goulash Communism and Populist Legitimacy

I argue here that a biopolitical pact (or a 'compromise with Kádár') ensured social peace, which was the other legitimating factor (beside the official judgement on 1956) of the Kádár regime. This meant that Hungarians had much more freedom than their Eastern Bloc counterparts to go about their daily lives (that is why we can speak about 'Goulash Communism').[7] The Kádár regime was far more humane than the other Communist regimes, and this defined the nature of the Hungarian regime change (Tőkés, 1996). In a way, this kind of social populism was very similar to Latin-American populist regimes. Kaufman and Stallings (1991) defined populism in conjunction with Latin America in the following way:

> *it involves a set of economic policies designed to achieve specific political goals. Those political goals are (1) mobilizing support within organized labour and lower-middle-class groups; (2) obtaining complementary backing from domestically oriented business; and (3) politically isolating the rural oligarchy, foreign enterprises, and large-scale domestic industrial elites. (pp. 15–16)*

They also identified the economic policies instrumental

> *to attain these goals include, but are not limited to: (1) budget deficits to stimulate domestic demand; (2) nominal wage increases plus price controls to effect income redistribution; and (3) exchange-rate control or appreciation to cut inflation and to raise wages and profits in nontraded-goods sectors. (Kaufman & Stallings, 1991, p. 16)*

In my opinion, the situation was very similar in Hungary after 1968, the year of the beginning of the *New Economic*

Mechanism (NEM),[8] which was a major economic reform launched by the Communist Party. In the 1980s, Hungary had a higher ratio of market mechanisms to central planning than any other Eastern Bloc economy. The ratio was different to an extent that was politically challenging to bring about in the Soviet sphere because of the ideological mixture it required (Balassa, 1970; Benczes, 2016). The Goulash Communism was applied to this mixture. The Hungarian economy under the influence of the NEM principles was widely viewed as outperforming other Soviet Bloc economies, thus making Hungary 'the happiest barrack' among other barracks of Communism. Many Soviet and Eastern European people enjoyed going to Hungary (on work assignments or on vacations) because of the economic and cultural environment there. It meant that this biopolitical structure and its populist implications needed to enhance the apparent social and economic performance of the regime.

Benczes (2016) pointed out just that:

> *As it was hoped that a rising standard of living would lead to regime consolidation, reform of the functioning and management of the economy became a focal point of the communists from the early 1960s onwards. Rhetorically, the main objective of the first cycle of reforms (1968–1973) was to increase the efficiency of the economy under the name of the New Economic Mechanism (NEM). With the abolition of mandatory central planning, economic decisions were delegated to factories. (p. 4)*

At the beginning, this populist contract seemed to be successful because the strengthening of market incentives galvanised the economy, leading to the rise of the living standard of families (Benczes, 2016, p. 5). It could be embarrassing,

but while the populist nature of the NEM resulted in the preborn welfare state[9] in Hungary and became one of the most important pillars of the regime, the external debt increased inconceivably by the 1980s:

> *What made the situation really worrisome was that in place of internal sources, excess consumption was financed mostly by rising external debt. The (almost total) negligence of internal and external financial constraints was, once again, not just unique (in the socialist bloc), but also an unintended consequence of the country's reform tradition that favoured consumption over saving. (Benczes, 2016, p. 6)*

Nevertheless, the main political and theoretical background of Communism is internationalism. At the same time, I am referring here to nationalism as the structure of Communist populism. Of course, the Kádár regime could not be nationalist in the same way that the Horthy regime was. Instead, we can speak about *socialist patriotism* (Pap, 2013), which was a response to the ideologically overloaded revolution of 1956. After 1956, the propaganda elaborated the term socialist patriotism to identify political enemies and to clarify the foggy boundaries between the friends and foes. The first party resolution dealing with this question was *Bourgeois nationalism and socialist patriotism* in 1959. During this period of the retaliation, the negative side of this identity politics gained greater importance, but from the end of the 1950s and during the third biopopulist period, the positive character of socialist patriotism was emphasised (Pap, 2013, pp. 79–80). Conceptualising the identity of the political community created by the Kádár regime was critical. It is very interesting that from the 1960s, national identity played a crucial role in the debates, and the new danger was cosmopolitism.

In 1974, a working group of the Central Committee of the Communist Party elaborated a resolution titled *Timely issues of socialist patriotism and proletarian internationalisms,* which legitimised national cultural issues.

In my opinion, one of the main differences between the Horthy and Kádár regimes is that the nationalist governing parties under the Horthy Era used the biopower of populist governments to create a political community, and several social actors were excluded from the nation. Mátyás Rákosi prolonged this strategy, called exclusive populism, in the first part of the Communist era. After 1956, which was the biggest fracture in the Communist regime, the nature of populism changed. At the same time, János Kádár learned the lesson of biopower and used the populist logic to attempt to create a homogeneous political community. This was an *inclusive populism* compared to Horthy's agenda and the Communist regime before 1956. The concept of socialist patriotism showed that the Kádár regime tried to use populism to define and create political community in a Laclauian way. In my view, the regime change in the core nature of populism was not in 1948, but rather in 1956.

According to the Pew Research Center (2009), Hungarians were very sceptical about to their economic situation, and this could influence their political decision. This scepticism overshadows their judgement on every crucial question.

> *When asked to evaluate their nation's switch to capitalism, Hungarians are divided – 46% said they approve of the move from a state-controlled economy to a market economy, while 42% disapproved. In 1991, when the Times Mirror Center (the forerunner of the Pew Research Center) asked this same question, 80% had approved of the change …. Remarkably, 72% said most people in Hungary are actually worse off today economically*

> *than they were under communism, while only 8% said most people are better off and 16% said things are about the same. Again, Hungary stands apart from the other post-Communist societies surveyed – in no other country did so many believe that economic life is worse now than during the Communist era. (Wike, 2010)*

On the one hand, there is a palpable nostalgia towards the Communist era; on the other hand, the rejection of the current system is much more impressive. In my view, this nostalgia can be deeply understood if we investigated the historical roots of contemporary populism. This attitude towards the security provided by the state has been capitalised by the Orbán regime.

10. THE FOUNDATION OF NEOLIBERAL HEGEMONY

As it has been argued here, upon the case of Eastern European transitions, what has become hegemonic is not just liberal democracy, but neoliberalisms itself, as Eastern Europe and large parts of Asia have become a single market. These regime changes were crucial stages of neoliberal hegemony, which has been euphemistically called the 'third wave of democratisation'. In fact, neoliberalism was not a newcomer in the Easter Block, but there were several strategies how neoliberalism had been implemented into these societies. Dorothee Bohle and Béla Greskovitch (2012) investigated the configuration and diversity of neoliberal economic and political institutions after the regime changes and found that there was a 'primary neoliberal pattern' of institutional configuration, and this happened in the Baltic States, in the Czech Republic and Slovakia, Poland and, of course, as frontrunner in Hungary. It seems to be that in the Hungarian case 'embedded neoliberalism' played a crucial role.

Fabry (2018) argues Hungary was the leading country that 'embraced neoliberal policies of liberalisation, privatisation and macroeconomic stabilisation in the late 1980s and early 1990s' (p. 2). It is to say that this phenomenon can be seen as new form of colonisation, but there are several internal factors behind that. Fabry (2018) emphasises that:

> *[…] in the case of Hungary, neoliberalism was not simply an 'imported project', which arrived 'from the West' on the eve of the formal transition in 1989–1990. Rather, it is argued that it emerged organically in Hungarian society in the 1980s, as a response by domestic economic and political elites to the deepening crisis of the Kádár regime. Hence, the essential aim of the 'neoliberal turn' was to reconfigure the Hungarian economy in line with the exigencies of the capitalist world economy, while ensuring that the political transition went as smoothly as possible. (p. 1)*

This shows that the neoliberalisation of Hungary has been a much deeper project, thus making liberal economic and constitutional institutions and it is a 'part of a wider restructuring of the capitalist world economy from the early 1970s onwards' (Fabry, 2018, p. 3). The main steps in conjunction with neoliberalisation were the following: increasing the autonomy of state-owned enterprises in production and investment decisions, expanding the role of world-market prices in the economy, introducing a differentiated wage system and increasing foreign trade with capitalist states. It is worth saying that the neoliberalism has gained considerable support in the intellectual circles before the transition of 1989–1990. The radical reform economists and reform communists have played the role of 'organic intellectuals' of neoliberalism in Hungary (Fabry, 2018, p. 21).[10]

The history of neoliberalisation started before the regime change and this explains the neoliberal and anti-populist character of the transition. The political mainstream was influenced by neoliberal hegemony. Plehwe (2016) argues

> *Hegemonic constellations in Central Europe find expression in a variety of neoliberal institutional configurations even if the ideologies of leading parties would not always fit easily with the neoliberal universe of ideas. Some countries have been governed at times by post-socialist parties that are members of the Social Democratic party alliance; some have been governed by conservative parties. The shift from socialism and social liberalism to neo- or right-wing liberalism is nevertheless important in each of the non-neoliberal or anti-neoliberal camps. New social democracy has embraced market solutions to most problems and conservatives have embraced a somewhat more tolerant individualist outlook. (p. 63)*

The 'premature welfare state and liberal democracy' that was established in the late 1980s put a huge burden on Hungarian and other Eastern European societies. Although the system instituted the constitutional and intellectual pillars of liberal democracy, it lacked social acceptance. In the late-1980s and 1990s, Hungary was the leading post-communist country, which implemented the legal and economic requirements of liberal democracy. During the post-communist period, several structures of constitutional democracy – the Constitutional Court, *ombudsman*, the institutional system for the protection of human rights – were established. This aimed at the construction of legal instruments and an economy fully integrated into the neoliberal world order. The procedural legitimacy of the constitutional system was relatively strong,

but the political elite remained mostly uncritical towards global and local inequalities that were caused by hegemonic neoliberalism, both at home and in the European Union. This system, once institutionalised, was unable to compensate the losers of post-communism in Eastern Europe. Over time, the politics of austerity in these countries caused people to become overloaded with anger and resentment towards the politics of neoliberal austerity. In this sense, the Orbán regime was born out of the long agony of liberal democracy and not in a 'revolution' of 2010 (when the Fidesz[11] gained super-majority in the Hungarian parliament and repeated its victory in 2014 and 2018).

11. THE AGONY OF LIBERAL CONSTITUTIONALISM AND ITS INABILITY TREATING THE 'END OF PATIENCE'

I argue that the almost-death of liberal democracy, which institutionalised in constitutional set of ideas, in Hungary was undoubtedly caused by not the rising right-wing autocracy, but mainly the neoliberal hegemony. After the regime change in Hungary, mainly in the 1990s there was a strong consensus about the liberal democracy and the liberal democratic institutional system. This consensus proved stabile at least until the first Orbán government (between 1998 and 2002). Behind this consensus was *legal constitutionalism,* which has been the main paradigm of Hungarian legal and political thinking since the regime change. In fact, this consensus has never been a strong one, because legal constitutionalism has emerged as the main paradigm of hegemonic liberal democracy. As long as the liberal democracy proved a suitable concept, the legal constitutionalism was able to maintain the constitutional framework.

The constitution of 1989 and the jurisdiction of the Hungarian Constitutional Court were based on this concept. The Court's jurisdiction can be explained and characterised by legal constitutionalism. The idea of constitutional rights and the rule of law are at the centre of legal constitutionalism. This concept has been elaborated in the United States and the US Supreme Court has supported its practice. Bellamy (2007) states that:

> *[l]egal and political constitutionalism have often been identified with the American and British political systems respectively. The tendency to take an idealized version of the US Constitution as a model has been particularly prevalent among the highly influential generation of liberal legal constitutional theorists who grew to intellectual maturity under the Warren Court. (p. 10)*

According to this concept, constitutions secure the rights central to a democratic society. 'This approach defines a constitution as a written document, superior to ordinary legislation and entrenched against legislative change, justiciable and constitutive of the legal and political system' (Bellamy, 2007, p. 1). The judicial review and the Constitutional Court are essential for surveying democratic practices. According to Bellamy (2007), legal constitutionalism is founded on two pillars:

> *The first is that we can come to a rational consensus on the substantive outcomes that a society committed to the democratic ideals of equality of concern and respect should achieve. These outcomes are best expressed in terms of human rights and should form the fundamental law of a democratic society. The second is that the judicial process is more reliable than the democratic process at identifying these outcomes. (p. 4)*

Consequently, the courts, especially the Constitutional Court, can overrule the will of the people incorporated in parliamentary decision-making processes. Under the concept of legal constitutionalism, very strong liberal democratic institutions can be created, and the procedural legitimacy of the constitutional system could be relatively strong, but unfortunately, the political elite does not pay attention to the trust in democracy. The starting point of legal constitutionalism is a basic law that enshrines certain rights or norms beyond the realm of political disagreement and law making (Glencross, 2014, p. 1165). This was the situation in Hungary, where the Constitutional Court played a crucial role in implementing the liberal democracy and overruled the decisions of the incumbent governments several times. As Gábor Halmai (2002) argues:

> *The Constitutional Court, while relatively popular in the wider community, has sometimes been subject to strong criticism both from members of the government, Parliament as well as from academic commentators. The grounds of criticism have included the extent of the Court's intervention into the law-making process and the (perceived) liberal bias of the decisions, but the censure can be primarily characterized as the cost of the Court's judicial activism in its first nine years. (pp. 233–243)*

It is to say that before 2010 the legal system and the rule of law prevailed over the politics. That is why the first target of the emerging Orbán regime was the Constitutional Court, and by 2000 the situation had changed; the Fidesz and the emerging far right applied anti-establishment rhetoric and represented a radical critique of liberal democracy. In Eastern Europe and Hungary, the post-Communist elite accepted neoliberalism and so-called modern neoliberal reforms. Liberal democracy became a hegemonic political-legal framework in

this region, which also meant that the neoliberal elite was anti-populist. Given this, the political elite remained mostly uncritical towards global and local inequalities caused by the neoliberal hegemony, both at home and in the European Union. This 'reformist anger' has overloaded societies. The Fidesz, as the member of the political elite party group establishing the system of 1989, under the presidency of Orbán had managed to become a moderate conservative party from a liberal party, which was getting more and more critical with the consensus of regime change. It is remarkable that from this moderate position, the Fidesz and Orbán moved towards to a radical and authoritarian position after the electoral success of social liberals in 2002 and 2006. By this time, liberal democracy has lost its political acceptance in the right-wing political elite.

The liberal democracy was not able to compensate the losers of transition, democracy and the neoliberal economic policy did not let the implementation of this agenda. The main cause behind this situation was the assumption that the fundament of liberal democracy is the (neoliberal) capitalism itself. This resulted in the so-called politics of austerity, which was the main direction of international organisations (from IMF and World Bank to the EU) in which Hungary and other Eastern European countries got involved and the implementation of it caused several social catastrophes. The social democrats between 2002 and 2009, moreover the crisis manager minority government from 2009 to 2010, have been implemented this politics of austerity. I recall the argument of Béla Greskovits (1998) that the situation would come to 'the end of patience' in Eastern Europe. Indeed, according to Greskovits (1998), Eastern Europeans, in the decade following the fall of communism, refrained from protesting violently while slowly shifting to second, informal economy or relying on their employers' capacity to enforce protective state intervention (p. 180)

David Ost (2005) went further and stated that this situation accumulated the anger of 'wrathful people' and strengthened the latent base of the subsequent populist turn.

Likewise, in politics, Eastern Europeans slowly turned to protest voting and channelled their demands through democratic institution, abjuring other tactics. Stanley (2017) adds:

> *The second decade of transition saw the emergence of a new wave of radical populists who benefited from the 'transition fatigue' of the electorate and their disenchantment with mainstream parties. (p. 145)*

In Poland League of Polish Families, in Bulgaria the National Union Attack (ATAKA) and the Hungarian Movement for a Better Hungary (Jobbik) represent the main anti-elitist nationalist populist forces. Perhaps the most successful nationalist populist forces in Eastern Europe are the Polish Law and Justice (PiS) and the Hungarian Fidesz. These two parties have showed the new face of right-wing populism, because as government parties PiS and Fidesz have radicalised and become the mainstream parties in their countries. Orbán has managed to create a new political construction, which is on the on hand built up on right-wing populism and on the other hand means a collusion of autocratic state and authoritarian neoliberalism.

NOTES

1. This chapter is an extended version of my previous work (Antal, 2018).

2. De Cleen (2017) argues that the nation is constructed by exclusion and distinction: one nation and other nations, and between members of the nation and non-members (p. 3). This will be crucial to understand the biopolitical nature of the Orbán regime and its populism as civilisationsim.

3. 'The party won between 57.4 percent and 69.8 percent of mandates in the National Assembly/House of Representatives in the five national elections held in Hungary between 1922 and 1939, contesting the final two of these elections under the names Party of National Unity … and Party of Hungarian Life … respectively'. Lambert, n.d.).

4. The House of Representatives passed three Jewish Laws between 1938 and 1941 based on the German Nazi Party's 1935 Nuremberg Laws. The First Jewish Law, adopted in May 1938, limited the number of Jews working as journalists, physicians, engineers and lawyers, and at commercial, financial and industrial companies to 20% of the total number of those working in these professions and at such companies. The Second Jewish Law, adopted in May 1939, further reduced the number of Jews working as journalists, physicians, engineers and lawyers, and at commercial, financial and industrial companies to 6% of all those working in these professions and at such companies. It also prohibited Jews from working in the state administration and the judiciary, as high-school teachers, or in positions that exercised an impact on the intellectual and ideological direction of theatres and newspapers. The law defined Jews as those with at least one Jewish parent or two Jewish grandparents. The Third Jewish Law, adopted in August 1941, prohibited marriage and sexual relations between Christians and Jews (Lambert, n.d.; Lehotay, 2012).

5. *Source:* http://mek.oszk.hu/01900/01937/html/szerviz/dokument/msmphats.htm (this is available in Hungarian).

6. In relation to the history of the revolution, the *1956 Institute – Oral History Archive* provides excellent sources: http://www.rev.hu/en. During that time this book was being written, the 1956 Institute has been eliminated by assimilating to the *VERITAS Research Institute and Archives*, which is a propaganda institute of the regime.

7. This Communist politics based on populism caused an overarching phenomenon: the post-communist social peace proved relatively long-lasting after the regime change. The goulash Communism based on populist legitimacy is the main reason why Eastern Europeans did not protest against the brutal economic and social conditions as much as it was expected (Greskovits, 1998, p. 1).

8. *Source:* https://en.wikipedia.org/wiki/New_Economic_Mechanism

9. 'While the general characteristics of the pre-born welfare state such as free education and health care were the result of cautious design, this was hardly the case with welfare transfers. Instead, with the benefit of hindsight, it can be stated that Hungarian reform socialism was a politically motivated excess consumption regime …, or to apply the widely-known term, goulash communism, which was in fact a by-product of market reforms' (Benczes, 2016, p. 6).

10. Fabry (2018) also argues that these neoliberal intellectuals played crucial role during and after of the regime change: 'Also known as the 'Dimitrov Square Boys', in reference to the Karl Marx University of Economics in Budapest (where the country's economic and political elite – including most of the above-mentioned Dimitrov Square Boys – received their schooling in neoclassical economics), the members of this group played a key role in reform debates in the 1980s through the articulation and promotion of certain ideas and practices about the transition. Many of them would later go on to play an active role in the neoliberal transformation of Hungary after 1989' (p. 21).

11. The party's official name is: *Fidesz – Hungarian Civic Alliance*. Fidesz means *Alliance of Young Democrats*. I am using in the text the Fidesz abbreviation.

3

THE ORBÁN REGIME: NEOLIBERAL AND AUTHORITARIAN POPULIST BACKLASH

Using the theoretical framework analysed in Chapter 1 and the origins of authoritarian populism investigated in Chapter 2, this chapter intends to deal with the multifaced autocracy of the Orbán regime. First of all, its distinctive political theories (12) are examined with a special emphasis on left-wing thoughts (13). After that an overview on the creation of the regime is presented (14). Upon the issue of migration, the biopolitical character (15) is investigated. It is to say that at first sight the Orbán regime seems to be nationalistic, but it strongly depends on the neoliberal system and is financed by the German economic interest (16).

Before investigating the theoretical bases, it is necessary to point out that in the case of the Orbán regime, the process of moving towards an autocracy has increasingly been intensifying. This means that the autocratic nature of the regime at the time of the 2010 elections was not determined. On the contrary, there were democratic scenarios inside Fidesz regarding governance.

The conservatives of the leading think tank of Fidesz, called Századvég, investigated the Western theories and narratives in conjunction with the decay of modern democracy and strong governing structures. Aron Buzogány and Mihai Varga (2018) reveal that:

> *[a]n often cited contemporary reference is the work of Stein Ringen, a Norwegian Oxford sociologist, which develops an outcome-focused definition of democracy and contrasts this with procedural or liberal democracy …. Századvég intellectuals subsequently published a series of articles on the 'strong state paradigm' or the concept of 'hard government', criticizing the governance paradigm for diffusing power and depoliticizing essentially political decisions. (p. 819)*

Gábor G. Fodor and his colleague István Stumpf, who served as Minister of the Prime Minister's Office between 1998 and 2002 and later became a member of Constitutional Judge in 2010, were the main supporters of Ringen's (2009) hard government concept and the neo-Weberian state (Stumpf, 2009). The Fidesz was prepared in 2009 and 2010 to embrace power on these theoretical bases. Nevertheless, as the party gained a two-third majority, the original plans changed, theoretical concepts began to be used and Orbán's politics started to radicalise. In my view, there was no master plan to build autocracy in Hungary, but at the same time there was no direct theoretical and political intention to prevent the de-democratisation either. This opinion can be justified by the personal stories of Orbán's people, as some of them retreated to a rather cautious position of inner-opposition (for instance Stumpf) while others turned to more radical ideas and radicalised the regime itself (for instance G. Fodor).

12. THE PARTICULAR POLITICAL THEORIES OF THE ORBÁN REGIME

As investigated above, authoritarian populism itself rests on existing political theory. At the same time, I am trying to outline the particular theories/characteristics of the Orbán regime. The political theory of the governing party alliance (Fidesz-KDNP) in Hungary is based on five main pillars. (12.1) The first one is the concept of *the Political*, as elaborated by Carl Schmitt. Schmitt describes the depoliticisation tendencies caused by liberal democracies; he also argues that the bureaucratic nature of liberalism promotes law instead of politics. (12.2) The second pillar is *leader democracy*, which argues that the political leader, who is creative and charismatic, has a strong political responsibility. (12.3) The third pillar is a mixture of *political* and *populist constitutionalism*, which are counter-theories of legal or liberal constitutionalism and point out that legal institutions, including all judges and constitutional courts, cannot restrict the political institutions (parliaments and governments). (12.4) The next issue is a justification of the constitutional project of the regime, and it is based on the thesis that on the one hand every nation-state is entitled to choose its own national identity and the constitutional form this identity, on the other hand the internationalisation of human law regimes are about a creation of anti-democratic juridical system called 'juristocracy'. (12.5) The last is based on Thilo Schabert's *Boston Politics* (1989) and this can be seen as an uncritical apologetics of political leadership. Hungarian authors have theorised these pillars around the Orbán-led Fidesz and some theoretical aspects have been imported from foreign scholars and adjusted to the Hungarian circumstances by conservative and radical right intellectuals. Of course, after 2010, not all the theories have always been applied by the regime, some became decisive

and some went down: so, there is a constantly changing mixture of political thought, which characterises the regime. The leading think tank, called *Századvég*, proved a crucial factor implementing and propagandising the actual theoretical issues of the regime.

The common feature of these theories is the core promise of *repoliticisation* (instead of depolitisation, bureaucratic and anti-political nature of liberalism), and this populist promise means a new political construction, which is based on people's voice and is free from ideological debates. According to Agamben (2014) a massive depolitisation tendency has been prevailing in modern societies:

> *What was in the beginning a way of living, an essentially and irreducibly active condition, has now become a purely passive juridical status, in which action and inaction, the private and the public are progressively blurred and become indistinguishable.*

It means that citizenry and the public sphere have been dissolved in the private sphere, the public has lost its core political nature, and it has been depoliticised. In my point of view, current authoritarian populism can be seen as a core response to the crisis of political representation and the general trend of depoliticisation in liberal democracies.

12.1. A Renaissance of Carl Schmitt

Carl Schmitt (2000, 2007) elaborated the dangers of *depolitisation*.[1] From Schmitt's perspective, modern politics has become such a complex system that we cannot easily decide what is political and what is non-political. Schmitt aimed to create a very clear boundary to explain what is political and introduces a category called *the Political* (*das Politische*),

which is based on separating friends from enemies. Schmitt, summarised by Bellamy and Baehr (1993), 'blamed the failure of liberalism to appreciate or resist the challenge posed by democracy on its lack of an adequate conception of the political and hence of the state' (p. 43).

Schmitt's (2007) approach, elaborated in *The Concept of Political*, has fundamentally influenced, in addition other highly conservative thinkers like Leo Strauss and Eric Voegelin, the political advisers around the Orbán's governments (Buzogány & Varga, 2018). According to Schmitt, liberalism is about taking normative decisions and making consensus, but from Schmitt's approach, there is no consensus in the political sphere or at least it is undesirable. He is convinced that dangers and disputes concerning the political could only be settled through political decision – liberalism denies the relevance of the political. In my point of view this is one of the core elements of current authoritarian populism. After the Hungarian regime change in 1989, the 'real existing' liberal democracy actually has shown this anti-political attitude: the political elites and the institutions of liberal democracy weren't able to build the social and popular base of democracy, moreover no cohesive political community has been created in the decades since the regime change. According to Laclau (2014):

> *We will call a demand which, satisfied or not, remains isolated a democratic demand. A plurality of demands which, through their equivalential articulation, constitute a broader social subjectivity we will call popular demands – they start, at a very incipient level, to constitute the 'people' as a potential historical actor. (p. 74)*

In my view, the liberal democracy established in Hungary has not created and satisfied these popular demands. Orbán promised, on the basis of Schmitt's perception of politics, to

repair this situation, which is why Orbán calls his regime 'National Cooperation' (Hungarian Government, 2010). As I will show, this populist reasoning is totally false and Orbán would not like to repoliticise Hungarian politics.

Moreover, as Schmitt stated, liberalism denies the concept of enemy, which is the core element of Schmitt's theory. This is the reason why liberal democracies hesitate to act as political situations and crises require. According to Schmitt (2005):

> *Liberalism […] existed […] in that short interim period in which it was possible to answer the question 'Christ or Barabbas?' with a proposal to adjourn or appoint a commission of investigation. (p. 62)*

In this point of view, it can be stressed that liberalism tries to depoliticise and neutralise all the political conflicts and turn political battles towards legal and economical fields. Schmitt denied the liberal rationalist's faith in the ultimate ethical harmony of the world.

> *Good consequences do not always follow from good acts, or evil from evil ones; similarly, truth, beauty and goodness are not necessarily linked. Most importantly he recognized that we are often faced with difficult or tragic choices between conflicting but equally valuable ends – for no social world can avoid excluding certain fundamental values. In this situation, as Weber insisted, we cannot escape the responsibility of choosing which gods we shall serve and by implication deciding what are to count as demons. (Bellamy & Baehr, 1993, p. 45)*

The dilemmas of politics can be solved politically, through political decisions, which take place in the state. Liberalism has no positive and adequate theory concerning the state and that is why liberalism cannot handle pluralism, which is the

main source of political conflicts. Schmitt and Max Weber both argued that morals and politics are distinct and problems based on this fact can only be handled by a political way, through political debates and decision, and not from a liberal perspective (metaphysically and through rational discussion).

Schmitt is convinced that the locus of the mentioned political decisions is the sovereign state. The sovereignty of the state is a matter of politics and lies outside of the law. The sovereignty of the state is crucial in understanding why the 'sovereign is he who decides on the exception' (Schmitt, 2005, p. 5). The state of exception shows the real nature of politics:

> *The existence of the state is undoubted proof of its superiority over the validity of the legal norm. The decision frees itself from all normative ties and becomes in the true sense absolute. (Schmitt, 2005, p. 12)*

According to Schmitt, the legal-based approach of liberalism overlooks that the legal instruments and the rule of law are products of political struggles (Bellamy & Baehr, 1993, p. 46). Liberalism is so dangerous for Schmitt because it attempts to deny the need for a sovereign (state) and with this the political basis of law has become questionable.

12.2. Leader Democracy

Another intellectual pillar of Orbán's regime is the theory of *leader democracy,* which shows the increasing role of political leadership. Leader democracy is an elitist political theory and András Körösényi is the main Hungarian theorist on this matter. He pointed out '[b]eside Max Weber's concept of Führerdemokratie, it was Joseph Schumpeter who put the emphasis on the role of political leaders in his concept of competitive

democracy' (Körösényi, 2005, p. 359). Körösényi applied Schumpeter's approach to the problem of leadership in representative democracy and combined Schumpeter's theory with that of Max Weber, Carl Schmitt, Bertrand de Jouvenel and Michael Oakeshott.

Körösényi compared leader democracy, which is a minimalist concept of democracy, with deliberative and interest-aggregating models of democracy, which aim to set up criteria for the normative justification of democracy. Unlike the other theories,

> *leader democracy belongs to the Schumpeterian tradition; it is a descriptive-explanatory account of democratic politics. It does not aim to catch the best form of democracy, and does not even address the perfectibility of it. (Körösényi, 2005, p. 360)*

According to Körösényi, leader democracy is sceptical of the feasibility of democracy in the sense of self-rule by the people. It has been argued in leader democracy that citizens are less competent than politicians, but 'they may be capable of giving some overall retrospective assessment of the achievement of the government' (Körösényi, 2005, p. 361).

Leader democracy is not the self-rule of people but a form of leadership and representative government with democratic elements and that is why it is one of the fundamental pillars of Orbán's regime. Körösényi pointed out the theoretical bases of representation in leader democracy: 'Schmitt's personalistic idea of representation and Weber's concept of charismatic leadership applied to democratic legitimacy express the personalized character of leader democracy' (Körösényi, 2005, p. 377). Since 2010, it has been proven in Hungary that the main political leader (the Prime Minister) is the leader who is authorised to act politically. The domination of the Prime Minister is not the well-known phenomenon of chancellor

democracy, because in leader democracy, the political leaders are active political representatives. Accordingly, representation is not static but a dynamic action, where political leaders act in contingent political situations: 'the representatives are political leaders with a free mandate for leadership' (Körösényi, 2005, p. 377). In this sense, representation is political representation and furthermore, political representation is leadership.

Leader democracy is also the personalisation of politics, and this nature of leader democracy has changed the subject of representation. According to Körösényi, the decline of parliament and the crisis of representation

> *turn our attention to the question of whether we may or should apply the concept of representation to the executive, i.e. to the government. In my view, the answer can be only affirmative. Therefore, both the government (and prime minister) of a parliamentary system and the head of state of the presidential form of government are to be considered as the subject of representation. (Körösényi, 2005, p. 368)*

The weakest point of classical legislative representation is that stands for discussion, debate and deliberation, but not action. From an action-based approach, the political leader needs to be a subject of representation. Körösényi added that:

> *[r]epresentation in leader democracy means leadership (acting, in Hannah Pitkin's terminology) and not a descriptive mirroring of the composition or will of the people. Leader democracy combines democracy and representation in a way that produces responsible government, where office holders are accountable and responsible to the people. (Körösényi, 2005, p. 378)*

These theoretical aspects are the core promises of the Orbán Governments: the leader represents the will of the people and because of this the devaluation of parliamentarian representation becomes invisible to the society. Körösényi assumes that leader democracy provides a strong normative justification: the accountability and responsibility of leaders. Moreover, leader democracy produces responsible government. Nevertheless, a regime based on inter alia leader democracy can very easily lose this responsibility. The greatest danger is the identification of political representation with leadership. The leader can vitalise the representative institutions but cannot take over the role of parliament. It has been shown by Körösényi that the political leader 'does not reflect the diversity of the nation through his acts, i.e. he does not represent it in a descriptive sense' (Körösényi, 2005, p. 369). If the political leader assumed that (s)he could overrule the diversity of the political community and its representation in the parliament, then the leader democracy could easily become (constitutional) dictatorship.

12.3 From Political to Populist Constitutionalism

Since 1989 legal constitutionalism has been the main paradigm of Hungarian legal and political thinking (Antal, 2017). The Constitution of 1989 and the jurisdiction of the Hungarian Constitutional Court were based on this concept. The Court's jurisdiction can be explained and characterised by legal constitutionalism as I elaborated in the previous Chapter under Section 11.

In 2010, the Hungarian political right gained supermajority in parliament. Viktor Orbán's Government has completely redesigned the constitutional system and legal constitutionalism has collapsed. The initial constitutional concept adopted by the Orbán era is political constitutionalism. The new

Fundamental Law is based on this concept. The foundational premise of political constitutionalism is that a constitution can only exist in 'the circumstances of politics […] where we disagree about both the right and the good, yet nonetheless require a collective decision on these matters' (Bellamy, 2007, p. 5). This is very similar to Schmitt's conception of the Political. Bellamy argues that legal constitutionalism attempts to take certain fundamental constitutional principles outside of politics, viewing them as preconditions for the political system. This means depolitisation, and creates apolitical politics. Hence, politics and politicisation allow for much broader participation in determining core political debates via 'party competition and majority rule on the basis of one person one vote' (Bellamy, 2007, p. viii). According to this concept, democracy needs to be defended against judicial review. As Bellamy (2007) puts it,

> *[t]he judicial constraint of democracy weakens its constitutional attributes, putting inferior mechanisms in their place. That is not to say that actually existing democracy is perfect, and decisions made by judicial review necessarily imperfect, merely that the imperfections of the first cannot be perfected by the second. (p. 261)*

Political constitutionalism can be seen as a constitutional concept that recognises the core element of the concept of the Political. Bellamy and Baehr (1993) pointed out the Schmittian roots of political constitutionalism:

> *Schmitt maintained that the decision over what is legitimate activity or not can only be made politically, not by a court on the basis of legal norms. He believed that the courts have neither the will nor the authority to act in such circumstances. (p. 49)*

Political constitutionalism is founded 'on a normative claim, namely that only political methods for resolving disagreements can be conducted in a way that respects political equality' (Glencross, 2014, p. 1165). Summarising the main elements of current Hungarian political constitutionalism are the restriction of the Constitutional Court's power, which was the main counterweight institution of the Government's power; the reinforcement of the Government's power; the stable majority of the Government in the Parliament; the control over the Parliament by the Government; the power of Government to overrule decisions of the Constitutional Court, raising the dilemma of an unconstitutional constitution and concentration of powers instead of separation of powers.

In this sense, the Orbán regime restructured the constitutional framework according to political constitutionalism, which will be analysed in the next section. Political constitutionalism has become a determinative concept inside of the Orbán regime. As the regime became more and more authoritative, several signs indicated that Orbán and his circle changed the direction of their constitutional concepts and moved from political to populist constitutionalism. The concept of populist constitutionalism (Blokker, 2018; Blokker, Bugaric, & Halmai, 2019) has become a highly debated concept.[2] While investigating constitutional tendencies in Hungary and Poland Blokker (2018) argues,

> *[p]opulism is explicitly present in the constitutional developments … and is causing significant tensions in the European Union, which is formally grounded in the values of democracy, the rule of law, and fundamental rights. The populist-constitutional phenomenon spawns debates on democratic backsliding and illiberal democracy in Europe as well as on the supranational monitoring of democracy …. (p. 113)*

Blokker characterises populist constitutionalism with three main pillars. First of all, populists are about to reconsider the concept of popular sovereignty, which is, according to them, insufficiently guaranteed in legal/liberal constitutionalism. Populist constitutionalism can moreover be characterised with legal scepticism – this takes back Schmitt legal and political theory, because it is 'wary of the institutions of and limits of liberal constitutionalism' (Blokker, 2018, p. 114). Populist are convinced that their political and legal theories need to be constitutionalised, that is why they have an engagement in constitution-making and constitutional reform (Blokker, 2018, p. 114). It is to say that all mentioned elements have become crucial in conjunction with the Hungarian case and the move from political to populist constitutionalism is determined by the three two-third-election victories, which have been interpreted by the regime as an unlimited authorisation to display popular sovereignty against any other branches of power.

12.4. National Identity and the Concept of 'Juristocracy'

The Orbán regime is seeking the legal and political theoretical concepts to justify the anti-legal commitments. In this sense, the theorist of the regime places an emphasis on the idea of *national constitutional identity,* debating the priority of European identity and seeking the rehabilitation of national sovereignty. This argumentation occurred in the judicature of the redesigned Constitutional Court in 2016 to justify the government's refusal to apply the EU's refugee relocation scheme in Hungary. The argumentation of the Court is as following [decision number 22/2016. (XII. 5.) AB]:

> *The Court held that the constitutional (self-) identity of Hungary was a fundamental value that had not been created, but only recognized, by the*

> *Fundamental Law and, therefore, it could not be renounced by an international treaty. The defence of the constitutional (self-)identity of Hungary will be the task of the Constitutional Court as long as Hungary has sovereignty. Because sovereignty and constitutional identity are in contact with each other in many points, therefore the controls of sovereignty and identity need to be employed considering one another. (Halmai, 2017, p. 13)*

It is remarkable that the regime is very flexible in creating and applying various theoretical concepts.

Századvég, the leading think tank behind the regime, also played a decisive role here, insofar it translated and published Bertrand Mathieu's book on *Law against Democracy* in 2018, which can be seen as a justification of anti-legalism. There are other Hungarian approaches criticising human rights regimes and justice systems under legal constitutionalism. One of the key concepts is the theory of *juristocracy* delivered by Béla Pokol (2015, 2017), who has been a member of the Constitutional Court since September 2011. The juristocracy is a complex critique of liberal democracy and constitutionalism – focussing primarily on judicature of the Constitutional Court and legal misinterpretation. Pokol (2015) starts from the problem of legalising democracy and politics and believes that a radically extreme practice of this has been implemented in contemporary constitutional systems. In these systems judges and judges at Constitutional Courts (called by Pokol juristocracy) have ensured constitutional monopoly for themselves, and through this, it resulted a constitution-making position, which ensured a hegemony over the democratically elected political decision-makers (i.e. parliaments and governments), which is an anti-democratic restriction of politics. The concept criticises the legal contains of the government's actions; it is undemocratic that the unelected judies are influencing

political priorities instead the political majority, that is why according to Pokol (2017, p. 2) the modern Constitutional Courts jeopardise democratic legitimacy and sovereignty. This is particularly noteworthy given that the author is an incumbent judge at the Hungarian Constitutional Court.

Pokol analysed the threats posed by juristocracy: the expanding system of human rights regimes represented by civil rights organisations; global constitutionalism which reduces the nation-state sovereignty; litigation politics; the oligarchic elite of judges who support these directions and the infinite constitutional interpretation by Constitutional Courts, which is threatening the constitutional power itself. He argues that the threats raised by juristocracy are a present danger not just for the nation-sate, but also on a global level (Pokol, 2015, pp. 4–5). Pokol argues that the European Court of Human Rights, the Venice Commission – organisations the Orbán regime is constantly arguing with belong to the global juristocracy, moreover he is speaking about juristocratic state (Pokol, 2017, p. 1). Pokol's prognosis is that the elitist constitutional monopoly is necessarily doomed to failure, because in a 'democratic political system, the juristocracy which is permanently oppose the masses cannot escape the explosion in the long run' (Pokol, 2015, p. 7). An important factor is that global and transnational constitutional structures want to unify the legal order at national level and actually dissolve them in a common norm system, and this cannot be tolerated by the repolitisation tendencies – the authoritarian populism can be seen as a leading stream in this sense.

12.5. The Creative Political Leader and His Court

Some part of the political theory underlying the governance of Fidesz after 2010 is about politics and its nature. It also discussed the way in which politics being discredited by liberalism

as liberalism hinders decision-making and moralisation is actually paralysing modern policy. Modern politics must be freed from unrestrained, unrealistic liberalism: simply looking at the world in realistic and non-utopian terms and 'doing' politics. This is what I called repoliticisation and it was summarised in the previous sections. The other direction of the trends is that only the political leader (and 'his court') can be granted power, because of his ability and his charismatic personality, associated with exceptional powers to do all this. All this realistic political programme is described by András Lánczi (2009), who was a very close political adviser to Orbán and the rector of Budapest Corvinus University,

> *If Schabert is right, we must not only rehabilitate the classical concept of the prince, but also the classical Aristotelian typology of political systems, which is undoubtedly more realistic in determining the 'best government form'. Or, at least, we must reconsider the difference between the republics and the principals expressed by Machiavelli. If the prince is the eternal type of government, we cannot ignore Carl Schmitt's decisionism – there it has always been someone who decides, the act of decision-making is government. In the light of all this, I do not agree with those who see a sharp contradiction between liberal democracy and other forms of government – borders are never sharp in politics. (p. 27)*

Underpinning the political philosophy of Orbán's regime using the concept of leader democracy, the pundits turned to Tilo Schabert's (1989) political thoughts, which are elaborated in *Boston Politics: The Creativity of Power*, in Lánczi's term the modern concept of the prince need to be rehabilitated.[3] In fact, Schabert saw the controversial political style of Kevin White, the celebrated Democratic mayor of Boston

between 1968 and 1984. Schabert created his theory based on/using white political techniques. In the following section, I briefly summarise the basic elements of this political programme and philosophy that have had a strong impact on Orbán's system that emerged after 2010.

Schabert is rightly referred to as the apologist of creative governance. According to this chaos in politics, or more precisely chaos, which is simultaneously generated and dominated by a political leader, is a catalyst for creativity. Buzogány and Varga (2018) argue that:

> *Schabert, a German political science professor, a former student of Eric Voegelin and the main custodian of his intellectual oeuvre … was also head of the Eranos Society, an esoteric conservative intellectual circle with a long and illustrious history that gathered at the Monte Verità and can … be regarded as an intellectual antipode of the neoliberal Mont Pèlerin Society that convened at a nearby mountain. (pp. 817–818)*

Schabert's political ideas are also centred on political leadership and the leader itself. We have seen that in the concept of leader democracy the head of the executive power, the political leader also acts as a political representative, and even in Schabert's system he is forming a political community (the 'one leader' represents the whole political population). The executive power is acting and is represented by its acts. Scahbert does not merely extend his theory to the political leader, but also to the 'court' of the new political prince, which is 'the area of political creativity'. Political creativity embodied in/by the political court is, in fact, the central category of Schabert's policy approach and ensures the possibility of a second or shadow governing system. The court is therefore the legitimate power clientele of the political leader, a government

body that is constantly embodied by his personal power, but it – based on Kevin White's example – was created within the bureaucracy, although works above it.

In the Orbán regime, the Századvég conglomerate from the pre-2010 opposition period had occupied the role of the court, and after the 2010 election victory many people from Századvég, also attended the prime minister's political court (for example, András Giró-Szász, Gábor G. Fodor, András Lánczi and Tamás Lánczi, Antal Rogán and other economic oligarchs). The main coordinator of the yard is Árpád Habony. This court works in the space between politics and bureaucracy, as some members have a public or public administration position, while others (e.g. Árpád Habony) are obviously parts of the court, but they do not have formal positions. The court of Orbán is very changeable and Orbán has planned politics how reconsider it again and again. By 2019 Gábor G. Fodor, Árpád Habony and Antal Rogán were the key people of the court and this phenomenon is linked to the radicalisation of the regime. As the regime became more and more authoritarian, several members dropped out.

In addition, the leader's court is a kind of predominant policy centre that constantly produces (policy and politics) political initiatives that dominate the political agenda. The political leader is able to maintain his power with this endless political machine and the court works in the grey zone between politics and bureaucracy because although everyone knows of its existence, it is very difficult to identify the exact nature of the court's strategic centre. That is why the court can easily be the place of corruption; moreover following Schabert argues that the political leader and his court operate on public money, but secretly the Hungarian regime has legitimised corruption at this court.

Beyond the courtyard of the political leader, there is another organisation that is even more invisible to citizens

and the general public: this is the leader's *personal party* (in the case of Schabert, the 'Kevin White Party'). It is no coincidence that the name Schabert has chosen, insofar it refers to a political conglomerate organised around the premiere politicians of the premodern political era, and it has no other purpose than to bring the political politician to political power and support it. The Kevin White Party was a government party formed of private interests; its main purpose was to bring the mayor to power, to hold power and to support him. In the personal party, Schabert saw the power of friends connected to each other's which can be used to gain more power. By then, the governing party in Hungary had lost its traditional party nature and Fidesz became 'Orbán Viktor's Party' as the main political pillar of authoritarianism in the making. Orbán's court fully accepted and implemented the thought that the locus of political power is not the bureaucratic government, but the personal party itself.

13. THE RADICAL LEFT THEORETICAL BASES OF AUTHORITARIAN POPULISM

In the previous section, I investigated the particular theoretical set of ideas behind the Orbán regime. Perhaps reading these lines several assumptions (for instance the critique of liberalism, the role of the conflict in modern politics, political leader vs rule of law) were familiar in the light of radical left political theory. For a while radical left and right theories had been overlapping, and the ideological pundits started to learn from each other. The best examples of this ideological trade are the appearance of Carl Schmitt and Antonio Gramsci. They are the most favoured authors of anti-liberal right and left. Schmitt's *The Concept of the Political* exerted a significant

and enormous influence on both political universes. Tom G. Palmer (2016) argues:

> *[i]n recent years, a 'Carl Schmitt industry' of publications has emerged on the far left; the influential Marxist Telos journal and academic circle embraced Schmitt's theoretical foundation of politics for their anti-liberal program and his ideas play a central role in the influential, bitter, and violent attack on liberalism and peace, promoted as 'the new Communist Manifesto', by Italian leftist writer Antonio Negri … and the American literary theorist Michael Hardt*

In my view, the theoretical occupation of the Orbán regime can be seen as an unintended, but it is a direct answer to the radical left's attempts to use the Schmittian theory. Orbán's politics is a par excellence Schmittian intervention, which has strong Gramscian pillars. This can be justified by the fact that in Orbán's court it is a project to 'privatize' Gramsci and create a right-wing Gramscian thought.[4]

The turning point of the right-wing breakthrough in Hungary was believed to have happened in the year 2010, although in reality the process had begun much earlier. Indeed, the Hungarian right spent over a decade (the 2000s) to create a right-wing hegemonic structure in a Gramscian sense. The politics and tactics of Fidesz, the leading right-wing party since 1998, can be analysed from a Gramscian perspective. Fidesz began as a party in government (between 1998 and 2002), and then became the main opposition party (between 2002 and 2010) after a fierce struggle on political, economic and cultural fronts. The party managed to build a complex political and economic network as a *historical bloc*, which it has used to create a national popular movement ('civil circles'), thus politicising masses. The right claimed that the successive social-democrat

governments (first from 1994 to 1998, then from 2002 to 2010) caused an *organic crisis*, in also a Gramscian sense, as it was framed within an economic and social crisis, which turned into a crisis of hegemony. This overlapping crisis culminated successively in 2006 (when the right-wing blew out rough street movements because of the moral crisis caused by the scandal surrounding the lies of the incumbent socialist prime minister), in 2009 (when the left-liberal governing coalition collapsed) and in 2010 (when Fidesz reached two-thirds in the parliament for the first time). The left-liberals lost their grip on the superstructures, while the authoritarian right put forward innovative ideas, perspectives and practices. Although, the hegemonic project of the right has its roots in nationalism, antagonising rhetoric and xenophobia, it also reflects a Gramscian way of thinking. In this sense, Viktor Orbán has emerged as a 'postmodern Prince', which is 'a political subject that could form a collective will out of diversity and difference, in a social, cultural, and political context' (Briziarelli, 2018, p. 106).

Fidesz can be seen as a counter-hegemonic project against the left-liberals. This is also true for Jobbik, which is the former leading extreme right-wing opposition party of Hungary. By 2019 the Jobbik nearly collapsed under the constant attack and pressure by the Fidesz. Jobbik has also shown that besides the Gramscian framework, the Laclau–Mouffian (Laclau & Mouffe, 1985) perspective can be applicable in Hungary. Jobbik realised this project in a radically reactionary way, but in many respects, the party has taken the place of the Left. The Laclau–Mouffian theory of populism is based on 'the heterogeneous, precarious and volatile subaltern, which is formed by people who feel they have fallen outside society's social contract' (Briziarelli, 2018, p. 106). What makes the populism of Jobbik remarkable is the fact that Jobbik reacted to the transformation and liquidation of the working-class (Rovny, 2018): its populism goes beyond class-based politics and embraces

a nationalistic-nativist discursive strategy. Jobbik emphasised on the making of sub-cultures, which offered the replacement of narrow ideologies with populist transversalisity. This kind of populism based on catchwords and 'empty signifiers' (Laclau, 2005b) is capable of merging several sources of discontent together to create a strong protest identity. Based on the Laclau-Mouffian populist model, Jobbik and Fidesz successfully expropriated the left's critique of globalised capitalism and neoliberal institutions of the EU.

The phenomenon described above also reveals why left populism is underrepresented and weak in contemporary Eastern Europe. Stanley explains the weakness of left populism in the following way:

> *The relative absence of left-wing populism reflected the compatibility of nationalist, traditionalist, and authoritarian attitudes with anti-market economic stances. Right-wing populists were able to articulate this combination of ideological views without difficulty, whereas populists who laid claim to a left-wing identity had to be more careful in associating themselves with non-progressive political currents (Stanley, 2017, p. 147)*

According to my understanding, what makes right-wing populism extremely successful in Eastern Europe is the historical-theoretical complexity of populism and nationalism. In other words, the Eastern European left has given up not just its nationalist, but also its populist roots and the main right-wing populist parties have learned a lot from the left populist theories. It is to say that to some extent, contemporary authoritarian right-wing populism is based on radical left political and critical thoughts.

The populist right wing has reconciled the class-based and mass-based aspects of populism, but this required these

parties to become authoritarian populists just like the Orbán regime did. Such reconciliation raises several possible dangers. Briziarelli (2018) warns about the tension upon the case of Podemos, where the reconciliation of Gramscian and Laclau–Mouffian assumptions caused internal tensions and an unstable accommodation of both perspectives (p. 98). The situation is terribly frightening in the case of the right-wing authoritarian populism, because the successful reconciliation required hyper-nationalism, xenophobia, racism and hate-politics based on endless political cleavages created by the right-wing nationalist forces. Authoritarian populism means a significant danger to democracy, not because its populist or nationalist nature, but because of the authoritarian post-modern Princes (Briziarelli, 2018) who are convinced that they are entitled to represent 'the nation' and 'the people' at the same time. The political and discursive merging of people with the nation is the first step towards the hegemony of post-modern Princes because they can decide who belongs to the group of 'good people' – that is, who can be seen as a member of the nation, as it has been realised in the biopolitics of the Orbán regime.

14. THE CREATION OF A NEW REGIME: LEGALISING THE AUTOCRACY

The Orbán regime is a multifaced autocracy, which can be seen as collusion of neoliberal and populist autocracy. The most remarkable aspect of such an autocracy is the its constitutionalised nature; the Orbán regime not just created a new constitutional structure, but it contains several obviously unconstitutional elements. The parliament of the regime as the constitutional power started to legalise every arguable political purpose by constitutional framework (14.1). This legalised or constitutionalised autocracy is the real innovation

of the Orbán regime, which is why the regime's Western critics and adversaries cannot find a way to act against Orbán. The two main fields of this unprecedented phenomenon are the oligarchic Hungarian party system and the Orbán-based oligarchic network financed by public money (14.2)

14.1. Constitutionalising a Dictatorship

The formal starting point of the regime was the parliamentary elections held in Hungary on 11 and 25 April 2010 to choose MPs for the National Assembly. 386 members of parliament were elected in a combined system of party lists and electoral constituencies. In fact, as it has been argued, the Fidesz ruled and radicalised the political landscape as an opposition party since 2006. The Fidesz and KDNP candidates achieved a two-thirds majority required to modify major laws and the Constitution. The *Program of National Cooperation*, which was the programme of Orbán's government in 2010 and it has been adopted by the Hungarian National Assembly has showed the populist characterisations which have been analysed in the previous section. According to the Programme:

> *For lack of a social contract Hungary during the era of transition was controlled by elite agreements and invisible pacts; fruitless debates hampered the country's progress. On account of this the country in recent years was smothered in the battle of private and partial interests; our common national causes were obscured. (Hungarian Government, 2010, p. 9)*

The first step in the procedure of constitutionalising the Orbán regime was the destroying the Constitution of 1949. Although, adopting a new Constitution was not part of the

Fidesz platform for 2010 national elections, the Fidesz, with the two-thirds majority convinced that there is a core need replace the Constitution of Communist-era or the 'Stalinist' Constitution as Orbán called it.[5] In fact, the number has not changed of the Constitution, it has totally been redesigned in 1989 owing to the roundtable discussion where Orbán and the Fidesz played a crucial role. The Fundamental Law replaced the former Constitution, but the Constitution of 1989 was not the same before, given the fact the Fidesz-KDNP-ruled constitutional power adopted 12 new amendments to it, it shall be called *pre-constitutionalisation* of the regime. These 12 amendments [the amendments of the Constitution 25 May 2010, 5 July 2010, 6 July 2010 (two amendments on the same day), 11 August 2010 (two amendments on the same day) and acts of CXIII of 2010, CXIX of 2010, CLXIII of 2010, LXI of 2011, CXLVI of 2011, and CLIX of 2011)[6] have totally redesigned and destroyed the Constitution. Among others introduced, the following precepts preparing the basis of the new Fundamental Law in making: the number of members of parliament has been reduced; the system of nomination of Constitutional Court judges has modified (ensuring that the Fidesz-KDNP's majority has hegemony in conjunction with the election of the Court's judges); the number of members of the Constitution Court has been increased from 11 to 15 (aiming to elect judges with loyalty to the evolving regime); the authority of the Court has drastically restricted (see below); the legal foundation of the nationalisation of the assets of local governments. The Constitutional Court was about to lose not just the legal, but also its organisation autonomy. I have pointed out that the number of the members of the Court has been raised to 15 and the governing majority gained hegemony, the consent of the opposition is not required anymore, to elect these judges. Moreover, an amendment of the Constitution (act LXI of 2011) introduced that the president of the Court is proposed to

elect by the two-thirds majority of the Fidesz-KDNP-led parliament. Given the fact that the president was elected before by the member of the Court this meant a significant overruling by the Orbán regime.

These exorbitant constitutional amendments proved unprecedented after the regime change, given the fact that between 1990 and 2010 24 amendments have been adapted to the Constitution the emerging Orbán regime passed 12 during one and half year. This predicted that that the constitutional, legal and political philosophy will change and the regime will create a new hegemony and legitimize itself in a very deep sense.

The main target of pre-constitutionalisation was the Constitutional Court, which embodied the former hegemonic legal/liberal constitutionalism. After that the government began to destroy the constitutional system of 1989; it emerged that the legal authority of the Constitutional Court has been restricted very seriously to ensure the rule of the politics instead the rule of law upon the case of 98 % retroactive tax, the case of this special tax will be analysed in the Section 16.3 in the light of exploitation of workers, here I am dealing with the battle against the Court. Fidesz-led government accepted a 98% retroactive tax on the customary departing bonuses, and the Constitutional Court has found this unconstitutional [resolution number 184/2010. (X. 28.) AB]. The regime responded by amending the Constitution to take away the Court's power over fiscal matters. The act CXIX of 2010 stipulated that as long as state debt is over half of gross domestic product, the Constitutional Court may review legislation pertaining to the government budget only on the grounds that it may violate the rights to life and human dignity and the freedom of thought, conscience and religion and the right to protection of personal data. The accepted Fundamental Law reinforced this regulation and added further restrictions. It was also unprecedented that the government used

the constitutional majority to win a political battle – this, I call is *over-constitutionalisation*; a commonly accepted and applied tool of the regime. The Court is banned to review for constitutionality laws on budgets or taxes unless those laws affect rights that are hard to infringe with budget measures (for instance rights to life and data privacy) (Halmai, Scheppele, & Bánkuti, 2012). The constitutionalisation of the Orbán's autocracy has started before the adoption of the regime's Constitution.

That period has followed by the actual *constitutionalisation of the regime*. Hungary's National Assembly adopted the Fundamental Law by a vote of 262 to 44 with one abstention on 18 April 2011. Of the four parties represented in the National Assembly, only those from the Fidesz-KDNP alliance voted to approve the Fundamental Law. It is remarkable that the Fundamental Law declared the previous 1949 Constitution, which was the factual legal bases of New Constitution, invalid because it served as the foundation for tyrannical rule. It is a Schmittian and Agambenian moment because the Fundamental Law caused declared a permanent state of exception in which the former legal bases were suspended, and the politics has been put into a hegemonic position. The Fundamental Law defined family as that founded on marriage between a man and a woman and limited religious freedom by giving parliament the sole right to decide which religious organisations are considered 'churches' for the purpose of domestic legislation, which provision has been changed and today the courts have this right. Otherwise, the Fundamental Law followed the way started by pre-constitutionalisation period and several new regulations accepted during this period have been incorporated to the new Constitution. The conflict between the Orbán regime and Constitutional Court has reappeared upon the case of *Transitional Provisions of the Fundamental Law*.[7] The Fidesz-KDNP MPs before the Fundamental Law

came into effect adopted a new act with the title of Transitional Provisions to the Fundamental Law on 30 December 2011. The Transitional Provisions outlined the 'crimes outlined of the communist régime' and declared that:

> *the Hungarian Socialist Workers' Party, its legal predecessors and the other political organizations established to serve them in the spirit of communist ideology, were criminal organizations and their leaders shall have responsibility without statute of limitations for maintaining and directing an oppressive régime and for the breaches of law committed and for the betrayal of the nation.*

It would be unprecedented that the constitution would blame an existing political party. The Transitional Provisions tried to attempt constitutional authorising the president of the National Judicial Office to transfer legal proceedings from one court to another, permitting the government to impose special taxes to pay for the cost of financial obligations stemming from court decisions. The Constitutional Court found the whole act of Transitional Provisions unconstitutional and declared that parliament passed the legislative authorisation provided by the Fundamental Law and the Transitional Provisions contained such regulation, which cannot be handled as transitional provisions [decision number 45/2012. (XII. 29.) AB].

The Fundamental Law on the basis of political and populist constitutionalism further increased the restrictions on Constitutional Court. Until December 2011, the citizens were entitled to initiate abstract constitutional review; this was the so-called *action popularis*, which required no specific personal legal interest. From January 2012 the Fundamental Law came into force and the action popularis was abolished and German-type constitutional complaint procedure had been

institutionalised, which ensures for the citizens to initiate a constitutional procedure in the case of specific infringement of their fundamental rights.

After the constitutionalisation of the regime, there was an even more destructive phase, which I call *post-constitutionalisation*. After 12 amendments of the former Constitution, a new Fundamental Law and a failed Transitional Provisions the Orbán regime adopted 7 incredible amendments to the Fundamental Law until 2019.[8] All in all, it means that during the last nine years, more than 20 constitutional legislations have been initiated and voted in the regime in Hungary. Compared to the 24 amendments of the former Constitution between 1990 and 2010 it not just means a significant change, but it shows how the constitutionalisation of a dictatorship works. In my view, by these seven amendments of the Fundamental Law the Orbán regime entered to its constitutional dictatorship phase, because the regime started to constitutionalise obviously unconstitutional norms and the interest of the regime, to decide political debates by constitutional amendments.

The post-constitutionalisation can also be seen in the light of the battle of the regime and the Constitutional Court. The Court declared that several acts initiated by the regime to be unconstitutional (I am referring in parentheses the resolution umbers): the mentioned 98 % retroactive tax [184/2010. (X. 28.) AB]; legislation permitting state employees to be fired without stated justification [29/2011. (IV. 7.) AB]; legislation forcing university students who received state scholarships to work in Hungary within 20 years after graduation for a period at least twice as long as the number of years they received such scholarships [32/2012. (VII. 4.) AB]; legislation reducing the mandatory retirement age for judges to 62 years old from 70 years old [33/2012. (VII. 17.) AB]; legislation declaring living in public spaces to be a criminal offense or in other words, criminalising the homelessness [38/2012. (XI. 14.) AB]; the

also mentioned Transitional Provisions [45/2012. (XII. 29.) AB] and legislation on prior registration to vote in elections [1/2013. (I. 7.) AB]. It seems like the Constitutional Court tried to uphold and enforce the requirement of constitutionality and rule of law until 2013/2014. In 2019, all the members of the Court have already been appointed during the Orbán regime, but there are still six judges who have been elected in the first years of the regime, before 2013 and have been affiliated in the mentioned constitutional defending procedures. But there is a cleavage, because in 2014 three, in 2015 one and in 2016 five new judges were elected by the regime becoming more and more authoritarian. It means that institution has totally been renewed in the last four to five years compared to the first part of the Orbán regime. This also refers the fact that the regime needs increasingly loyal judges to maintain its hegemony.

The regime answered to the last voices of legal constitutionalism with the 'A-bombe' of the seven amendments of the Fundamental Law. The *First Amendment* (18 June 2012) incorporated the Transitional Provisions to the Fundamental Law. The *Second Amendment* (9 November 2012) inserted the new prior registration to vote in elections into the Fundamental Law's Transitional Provisions, but the Constitutional Court found the prior registration unconstitutional, given this fact, the amendment has been annulled. The *Third Amendment* (21 December 2012) declared that adoption or amendment of legislation aiming to the acquisition and use of agricultural land and forests in Hungary shall be supported the two-thirds of MPs.

The *Fourth Amendment* (25 March 2013) meant a major constitutional revision and the authority of the Constitutional Court have been further reduced. This amendment inserted those parts of the Transitional Provisions into the Fundamental Law that the Constitutional Court found unconstitutional: from this moment the unconstitutionality of the provision did

not matter for the regime. The regulation declared that the political parties, which have a nation-wide support and other organisations that nominate candidates, must be provided free and equal access, as defined in an act accepted by two-thirds majority, to political advertising in public media outlets during the parliament and European elections. The right to express one's opinion guaranteed in the Fundamental Law may not serve to violate another person's human dignity or the dignity of the Hungarian nation or any national, ethnic, or religious minority group. The amendment put regulations, which have been found unconstitutional by the Court, into the Constitution: those who receive government grants to pay their university tuition must subsequently work for an undefined period at Hungarian companies or institutions and municipal councils may prohibit habitation of public spaces within their jurisdiction. The major consequence of the former constitutional debate between the Court and the regime was that the new restriction, which states that the Court may review the amendment to the Fundamental Law on procedural grounds only and not substantive grounds. The regime intended to transform not just the authority of the Court, but also its judicature. In this sense the fourth amendment may not refer in its verdicts to any resolution made between 1990 and the coming into force of the Fundamental Law on 1 January 2012.

The *Fifth Amendment* (26 September 2013) rescinded or modified four provisions of the fourth amendment, which the European Union and the Council of Europe have highly criticised. The following regulations have been annulled: that authorising the government to impose special taxes to pay financial obligations stemming from court decisions; and that making it possible for the president of the National Judicial Office to transfer legal proceedings from one court to another. The new regulation declared that the state has the right to

cooperate with autonomous churches operating independently in accordance with organisational forms specified in a two-thirds act if the Churches request such cooperation. It has modified the provision of the fourth amendment prohibiting political parties participating in national elections from publishing campaign advertisements in the commercial media, permitting such advertising if the broadcast is free of charge in equal proportion among the parties as in the public media. This provision ensures an extraordinary power to the government, which may adopt decrees by means of which it may suspend the application of certain acts, derogate from the provisions of acts and take other extraordinary measures.

The *Sixth Amendment* (14 June 2016) declared by the votes of Fidesz-KDNP and the radical right Jobbik authorisation of the National Assembly that the initiative of the government a 'state of terrorist threat' would be crucial in the light of the biopolitics, analysed in the Section 15, of the regime. This new form of state of exception means that in the event of a significant and direct threat of a terrorist attack or in the event of a terrorist attack, the National Assembly shall, at the initiative of the government, declare a state of terrorist threat for a fixed period of time and shall simultaneously authorise the government to introduce extraordinary measures laid down in a two-thirds act. During this state of exception, the government may, by means of decrees, introduce measures derogating from the acts concerning the organisation, the operation and the performance of activities of public administration, the Hungarian Defence Forces, the law enforcement organs and the national security services, as well as those laid down in a two-thirds act.

The Jobbik supported The *Seventh Amendment* (28 June 2018) as well, and it can be seen as a new chapter of the biopolitical fight against migration and refugees and a discursive manifestation of the racism and xenophobia of the regime. The Fundamental Law declares that no 'foreign

population' shall be settled in Hungary. The protection of the constitutional identity and Christian culture of Hungary shall be an obligation of every organ of the state. It states the exercising the right to freedom of expression and assembly shall not impair the private and family life and home of others. The amendment ensures the constitutional bases of administrative courts, which shall decide on administrative disputes and other matters specified in an act being to set up. The new regulation criminalised homelessness saying that using public space as a habitual dwelling shall be illegal.

The Venice Commission and the European Union have elaborated its concerns several times about the provision of the Fundamental Law and its amendments. In July 2013, the European Parliament adopted the so-called *Tavares Report* criticising many stipulations of the Fundamental Law and its subsequent amendments on the grounds on the basis that they violated the fundamental European precepts of liberty, democracy and the rule of law (European Parliament, 2012). The Report stated that many Hungarian constitutional provisions mean a clear and serious breach of the common European Union values of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law proclaimed in Article 2 of the Treaty on European Union. The Report argued that:

> *violation of the Union's common principles and values by a Member State cannot be justified by national traditions nor by the expression of a national identity when such a violation results in the deterioration of the principles which are at the heart of European integration, such as democratic values, the rule of law or the principle of mutual recognition. (European Parliament, 2012, M–P)*

One of the main aims of the Fundamental Law was to further weakening the government counterweights. That is why

the Report has criticised the provisions against the Constitutional Court:

> *the Constitutional Court's powers of ex post review of the constitutionality of budget-related laws from a substantive point of view have been substantially limited to violations of an exhaustive list of rights, thus obstructing the review of constitutionality in cases of breaches of other fundamental rights such as the right to property, the right to a fair trial and the right not to be discriminated against. (European Parliament, 2012, AN)*

It called Hungary,

> *To fully restore the prerogatives of the Constitutional Court as the supreme body of constitutional protection, and thus the primacy of the Fundamental Law, by removing from its text the limitations on the Constitutional Court's power to review the constitutionality of any changes to the Fundamental Law, as well as the abolition of two decades of constitutional case law. (European Parliament, 2012, p. 71)*

Following the Tavares Report the European Parliament adopted a legislative initiative (Committee on Civil Liberties, Justice and Home Affairs, 2016), which aimed to create a new EU mechanism to ensure that all EU member states respect the values enshrined in the EU treaties and set clear, evidence-based and non-political criteria for assessing their records on democracy, rule of law and fundamental rights in a systematic way and on an equal footing. The other consequence was that in May 2017 that European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) was instructed to study the situation in Hungary with a view to actuating

Article 7(1) of the EU Treaty. The so-called Sargentini Report (Committee on Civil Liberties, Justice and Home Affairs, 2018) investigated that the situation in Hungary means a systemic threat to the values of Article 2 and constitute a clear risk of a serious breach thereof. That is why it invited the European Council to determine whether there is a clear risk of a serious breach by Hungary of the values referred to in Article 2 and to address appropriate recommendations to Hungary in this regard (Committee on Civil Liberties, Justice and Home Affairs, 2018, E.4).

14.2. Oligarchic Structures

Orbán argued in May 2012 in the National Assembly 'there are no oligarchs in the System of National Cooperation'. This is not true, because the regime has institutionalised and legalised the oligarchic systems. First of all, it has been created a dominant party system in which Orbán is the political and economic oligarch.

After the serious public and constitutional debates between 2010 and 2014, The Fidesz–KDNP electoral alliance won 66.8% of the 199 seats in Hungary's National Assembly on just under 45% of the party votes cast in the national election held in 2014. This meant a new two-thirds majority with 133 mandates to the governing alliances.[9] In 2018, the Fidesz-KDNP got its two-thirds majority for the third times with also 133 seats.[10]

The Fidesz-KDNP adopted a new electoral law in 2011, which nearly halved the number of representatives in the legislature and eliminated the second round of voting. The three main factors that ensured the overwhelming majority for the Fidesz were the following. (1) First, the strengthening the individual electoral districts. The new regulation reduced

the number of individual electoral-districts to 106 from 176; eliminated the requirement that 50% of eligible voters participate in National Assembly elections within a given electoral district in order for the initial round of elections to be considered valid; moreover eliminated the requirement that candidates receive an absolute majority of votes cast in order to win initial round of voting within individual electoral-districts, thus enabling candidates to win elections with a relative majority of votes cast. The Fidesz-KDNP created the individual electoral-districts by gerrymandering. (2) The law ensured classified votes for winning candidate in excess of those needed to win elections in individual electoral-districts as so-called 'fragmentary votes' added to votes for parties on the national party-list (in addition to those cast for losing candidates in individual electoral-districts as previously). (3) The new legal provisions extended the right to vote for the party-lists in National Assembly elections to Hungarian citizens who do not live in Hungary (a condition that applies primarily to the approximately 2.5 million Hungarians who live as national minorities in neighbouring countries).[11]

All these factors meant that the concept of 'National Cooperation' realised in the electoral system, because a dominant party system has been created which means that only a strong-central party can realise the advantages ensured by the system. The re-election of the Fidesz-KDNP government was endorsed by the electoral system, the deep media penetration and centralisation of the regime. Attila Ágh (2018) calls this phenomenon 'elected autocracy' and argues:

> *these unfair, manipulated elections have completed the transition to the higher level of authoritarian rule, and this sub-chapter tries to conceptualize and analyse this newly emerging elected autocracy that has had fatal consequences for the Hungarian party-political system, and for Hungary in general*

> *towards a new kind of authoritarian system. With the 2014 elections Fidesz has further strengthened its dominant position in the hegemonic party system, so this second party system has been partially consolidated due to the lack of strong opposition parties having meaningful political alternatives. (p. XX)*

The Hungarian party system has become centralised – which is dominated by the Fidesz-KDNP – and there are weaker parties on both sides. The main character of this regime is that the hegemonic governing parties are maintaining and manipulating the opposition parties hurting their political and economic autonomy.

The oligarchic regime and the economic sphere are overruled by the electoral system. The theories of 'crony capitalism' (Tóth & Hajdu, 2018) and 'mafia state' (Magyar, 2016) reveal the corrupt nature of the regime, but do not reflect very much the fact that regime of national oligarch is maintained and developed as a result of reconciliation with neoliberal capitalism. The fact that Orbán wanted to have a political empire surrounded by a system of national oligarchy has actually been known for a while. Orbán criticised the conservative prime minister of the regime change, József Antall with these words:

> *We should have found the eight to ten large entrepreneurs who will be the great capitalists of Hungary […]. It would have been necessary to build personal contact with them, which they could then use well in the market as a competitive advantage. The connection that would have attached them to the prime minister of Hungary or to his inner circle. Yes, the country would have become the economic sphere of eight to ten large*

> *capitalists in specific areas. It would have been possible to let it go […]. It is inevitable that the country's economic map will sooner or later look like this. (Debreczeni, 2009, pp. 107–108)*

It is to say Orbán realised this programme, the system of national oligarchs is transforming the European and Hungarian taxpayers' money into private assets, and this is a key element to maintain Orbán's power. Lánczi declared openly:

> *Was the communist nationalization after 1948 corruption or the privatization of regime change after 1989? What [the critics of the Orbán regime] call corruption in practical terms is the most important policy goal of Fidesz. What do I mean? The government puts forth such goals as the creation of a domestic entrepreneurial class, or the building of the pillars of a strong Hungary in agriculture and industry …. (Hungarian Spectrum, 2016)*

After 2010, a new national capitalist class has evolved due to the unsustainable capital accumulation using community resources, and it is declared as a kind of national justice mission. The Orbán regime is based on the transformation of public money into private interests for the construction of political stability. Orbán seeks to pacify the Hungarian society through the client system of national oligarchs and ensures supporting of the system, in spite of the huge social injustices.

Sándor Csányi and the recently deceased Sándor Demján, who has accumulated significant assets without the political backlash of the Orbán regime, can be classified as the main members of oligarch system. The vast majority of national capitalists, however, are produced by the Orbán regime, above all István Tiborcz and Lo˝rinc Mészáros and his family,

who are the closest person to Orbán, István Garancsi, Árpád Habony, Zsolt Hernádi, György Matolcsy and his son, Ádám Matolcsy, László Szíjj and the recently deceased Andy Vajna. We should mention those ex-oligarchs, first of all, Lajos Simicska and Zoltán Spéder, who have been forced to compromise with Orbán.[12] The existence of national oligarchs and the enormous amount of commercial and public bank loans for them represent huge financial and economic risks. The Orbán regime has built the neo-feudal world of national oligarchs, in the in the middle of which is the prime minister and his own family and business interests. Therefore, in this system there is a networked operation and the distance from Orbán Victor determines the life cycle of the oligarchs. At the same time, it is important to note that the regime is functioning on European and Hungarian public money. So, it is not the situation that nationalist capitalists are working on the progress of the country achieving the public interest: the goal is to generate profit and to operate the power structure and secure themselves. The national capitalists are not independent from the neoliberal capitalism; they are embedded to authoritarian neoliberalism (Scheiring, 2018). They work with and for multinational companies, and this is an interdependent relationship, because global capitalist players get huge public money in the Orbán regime (see Section 16.2).

15. THE BIOPOLITICS OF THE ORBÁN REGIME

Hardt and Negri (2004, p. 6) stipulate that *the separation of war from politics* was a fundamental goal of modern political thought and practice among both liberal and non-liberal political theorists. On one hand, the nature of war has changed and now the state of the war cannot be seen as a

conflict between independent nation-states. According to my understanding, the transformation and decline of the theory and practice of modern nation-state sovereignty has changed the nature of war – an asymmetric situation and can take place between state and non-state actors. On the other hand, consensus about separating war from politics has been broken and there are several political actors who are interested in introducing the permanent state of exception elaborated by Agamben (1998, 2005), especially in authoritarian populist regimes. In my view, the disappearing borders of war can be interpreted in a way that war is dissolving in the peace situation and the rise of state of exception remarkably indicates this procedure. In this sense, the police forces have become the soldiers of the state of exception where the rules of war and even the legal bases for a normal situation will be empty.

As a result, the state of exception-based form of government has created a new form of taste, which can be called authoritarian populist regime focussing on the security issues (for instance terrorism, domestic problems). This has caused several dangers:

> *placing itself under the sign of security, the modern state has left the domain of politics to enter a no man's land, whose geography and whose borders are still unknown. (Agamben, 2014)*

In my view, the rise of the police state based on the state of exception means unprecedented danger, because populist governments can use the power of the police/penal state to create political enemies and annihilate them as modern forms of *homo sacer*.

The political success of Fidesz in Hungary has a very close relationship with the party's penal populist and nationalist attitude which is based on law and order attitude: the party's 'landslide victory in 2010 was in part the result of its

unapologetic politics of fear and promises to get tough on crime' (Haney, 2016, p. 353). In the centre of any authoritarian populist regime is penal nationalism, based on blaming and criminalising others in a very similar way in neoliberal penal systems (Section 2). According to Haney (2016), 'although there is no way to measure levels of punitiveness in discourses of crime, nationalist sentiments do seem more pervasive and mainstream' in Eastern Europe (p. 356). For the penal nationalist, crime control is not just about protecting its people, but also defending the nation against external and internal groups of people as well. Haney (2016) stresses that in Eastern Europe:

> *the response to the migrant crisis also reveals, for penal nationalists punitiveness has become the basis of national sovereignty – It is as if being 'soft' on punishment will mean a loss of national independence and autonomy. (p. 357)*

The Hungarian situation fits well in the context of the creation of permanent state of exception. Haney also pointed out the exceptional nature of Eastern European penal nationalism. This

> *is hardly the only area with harsh, racist, penal politics. This occurs all over the world. What is more distinctive is the substance of that politics in this region: how it equates the general crime problem with specific historic crimes against the nation and how it frames crime prevention as an issue of national sovereignty. How this nationalist criminalization of the other evokes an extreme politics of inclusion and exclusion – treating perceived differences through confinement, while insisting on a hierarchical version of social and cultural inclusion. (Haney, 2016, p. 359)*

15.1. The Biopolitics of the Orbán Regime: The Refugee Crisis and the Hungarian Hate Campaign

In this section, I analyse the anti-refugee campaign in Hungary since 2015. I would like to emphasise that this continuous campaign is a populist and racist one. In my view, the current Hungarian political regime raises very similar dangers and dilemmas to what the totalitarian regimes put on the table:

> *One might find many examples of the figure of bare life: Jews in Nazi camps, brain dead patients in hospitals, contemporary refugees, the dispossessed, and so on. What is common to all of them is that they are produced through the mechanisms of biopolitics. (Takács & Losoncz, 2015, p. 8)*

The first step of the hate campaign based on/using biopolitics was the biological demonstration of the fabricated 'enemy'. At the beginning of the migration crisis during 1–5 September 2015, thousands of refugees gathered outside Keleti railway station at Budapest (BBC, 2015). The Hungarian government said it was trying to enforce EU law (the Dublin Regulation), in fact Hungarian authorities sealed off the terminal to stop migrants travelling through the EU. This was the very moment when the Orbán government started to handle refugees as biopolitical objects and recognised the possibilities of utilising them. The migrants wanted to claim asylum in Germany and camped outside the station for four days. Eventually, hundreds began walking along the motorway to the Austrian border. This proves that the Hungarian Government's intention to enforce the regulation was pure populism that the Government abandoned attempts to register the refugees and send buses to bring them to the border. The refugees at the Keleti were handled in an inhuman and unacceptable way and they were helped/supported only by

Hungarian and international NGOs. The main aim of the government was to demonstrate the crowd of refugees and the regime refused to ensure humanitarian aid. This was the beginning of the rough biopolitical campaign against refugees.

In the field of discursive politics, the government aimed to rule the communication sphere from the beginning and consequently used the phrases such as 'migrant' and 'migration with economic purpose' (this phrase was used by the Orbán regime stirring chauvinistic emotions) instead of using the term 'refugees'. Moreover, the representatives of the Orbán government denied that the migration crisis was caused not just economic factors, but in fact humanitarian disasters, civil war and climate change.

The anti-refugee campaign had an impact on the Hungarian public sphere and media, which were inundated by large billboards with brutal populist messages.[13] This biopolitical campaign was full of misinformation and hate rhetoric. Given the fact that the slogans were xenophobic, racist and based on prejudice instead of facts, this campaign was about post-factual politics. At this point we can say that this hate campaign verifies my original hypothesis that stated that populism has entered its new phase using biopolitics and the discursive implications of biopower (the tools of propaganda, mass media, and moreover nowadays the post-truth, post-factual politics, fake news techniques).

The Hungarian anti-refugee campaign reached its nadir with the fencing off the Hungarian border. In 2015, the Hungarian Government built a barrier on its border with Serbia and Croatia (The Guardian, 2016). The razor wire has become the biopolitical symbol of the Hungarian government's hate campaign. The handling of the refugees at the fence does not comply with European traditions and regulations. Moreover, the biopolitical aim of the government is to scare away refuges with the anti-human treatment (Rodgers & Kallius, 2015).

In the spring of 2015, the Orbán government initiated a non-binding 'national consultation' on 'immigration and terrorism'. The questionnaire was mailed to eight million citizens to urge them to agree with, for instance, the view that 'mismanagement of the immigration question by Brussels may have something to do with increased terrorism' (Hungarian Government, 2015). This was a crucial penal populist and nationalist moment in conjunction with the biopolitical combination of migration and terrorism.[14]

The other populist height was the Hungarian migration quota referendum on 2 October 2016 (Dunai & Than, 2016). A referendum related to the European Union's migration relocation plans and was initiated by the government. While the majority (98.36%, 3,362,224 citizens) of voters rejected the EU's migrant quotas, turnout was too low to make the poll valid. The question raised typical populist and nationalist sentiments: 'Do you want the European Union to be able to mandate the obligatory resettlement of non-Hungarian citizens to Hungary even without the approval of the National Assembly?' The referendum itself was just the biopolitical framework and validating it did not play a crucial role in reaching the government's objectives. Instead of public debate and participation the demonstration of the biopolitical crowd was the main goal.[15] The referendum campaign was full of welfare chauvinism, xenophobia and racism ('If you come to Hungary, don't take the job of Hungarians!') (Müeller, 2016).

The Orbán government used this biopolitical moment and created a very new state of exception by the amendment of the constitution. As it has been mentioned in Section 14.1 the *Sixth Amendment* (14 June 2016) declared by the votes of Fidesz-KDNP and the radical right Jobbik authorisation of the National Assembly to declare at the initiative of the government a 'state of terrorist threat'. In my view, introduction of this new and terrorism related state of exception is a

biopolitical act and means that the Orbán system uses the legal instrument to fulfil biopolitical achievements.

The hate campaign did not stop with the refugee crisis and the government started to create and manage other crises based on the circulation of anger and hate. This requires new enemies: the populist weapon turned against Brussels, Hungarian human rights NGOs, George Soros and other inner enemies. The hate raised in conjunction with the anti-refugee campaign is increasingly produced:

> *Hungary's government is set to launch its third taxpayer-funded campaign likely to fuel anti-foreigner sentiment. It's aimed at highlighting what it calls a plan by Hungarian-born philanthropist and billionaire George Soros and the European Union to bring millions of immigrants to Europe. (Gall, 2017)*

This propaganda has obvious xenophobic, racist and anti-Semitist assumptions. On 13 September 2017, Orbán stated at the National Assembly that the government would conduct a new national consultation on the 'Soros Plan' pertaining to the European migrant crisis. The questionnaire is out rightly populist and full of hateful rhetoric, as well the previous consultation.[16] Through consultation and legislation, the government prepared the 2018 campaign and the post-election steps: this is what we call the so-called 'Stop Soros' package. The Stop Soros Act has been accepted in 2018 after the election and restricted tax regulations disadvantageous to humanitarian NGOs, amended the Hungarian Penal Code introducing the new offence of aiding illegal immigration (Bohus & Kovács, 2019).

In my opinion, the Orbán system has legalised the state racism maintained since 2015. The Seventh Amendment of the Fundamental Law, analysed in Section 14.1, constitutionalised this scheme. The amendment declared that no 'foreign

population' should be settled in Hungary. The protection of the constitutional identity and Christian culture of Hungary shall be an obligation of every organ of the state. The regime has laid down some constitutional basis for the xenophobic hatred policy of the previous years.

The EU accession clause was also supplemented with highly nationalist regulation. According to the new regulation, the exercise of competences under EU accession clause shall not limit the inalienable right of Hungary to determine its territorial unity, population, form of government and state structure. In this way, the Orbán system began to hit the fundamental principle of the superiority of national law in EU law.

Summarising this short analysis, we can conclude that all the aspects of the Hungarian anti-refugee campaign have biopolitical implications and this biopolitics has met with the penal populist/nationalist nature of the Orbán regime. This populist framework is dominated by four biopolitical elements of the hate campaign. Four elements have risen from the campaign: the biological demonstration of the 'enemy'; hate campaign on the streets; the fence off the border and moving beyond the migrant crisis, campaign against Brussels, NGOs, George Soros, other inner enemies. Moreover, the Orbán regime during this biopolitical hate campaign introduced and prolonged the real state of exception. Following the clashes at the southern border of Hungary, the government wanted to create the most secure basis for the moral panic caused by the regime, and therefore the modification of the act LXXX of 2007 on asylum from 15 September 2015 introduced a new state of emergency called the 'crisis caused by mass immigration'. The executive power has full authority over the state of exception – it can be ordered by a government decree on the whole or in a specific territory of Hungary. The government introduced *crisis caused by mass immigration* in two southern counties of Hungary on 15 September 2015 by the decree of government 269/2015.

(IX.15.). In this way, the government introduced a state of exception without any real bases and centralised every exceptional power. The government mad the local state of exception to nationwide by the decree of government 41/2016. (III. 9.). After that the nationwide crisis caused by mass immigration has been constantly prolonged until 7 September 2019. The state of exception has become the rule in Hungary after 2015.

15.2. Populism as Civilisationism

In my view, the other determinative cause behind the success of authoritarian populism is the reconfiguration of nationalism as biopolitics and civilisationism. This can be understood as some kind of rebirth of interwar right-wing nationalism. This situation has been reinforced by the refugee crisis in Eastern Europe since 2015. Biopolitics has always used populism and populist regimes (both democratic and totalitarian) have used biopolitics. At the same time, it seems that contemporary authoritarian populism has an overwhelming biopolitical character. In my view, the post-totalitarian views on nationalism reveal the importance of biopopulism:

> *Our society is identified as a race which is threatened by racial enemies without and within; the population with which biopolitics is concerned is demarcated from the enemies of the population, with whom the sovereign power to kill is concerned … State racism allows for the identification of enemies as being outside of the population, whether they are to be found inside or outside the boundaries of the state, and thus licenses the killing of these people, or simply letting them die, since part of the biopolitical technology, at least in its more developed form, is trying to keep people alive. (Kelly, 2004, p. 60)*

Étienne Balibar (1991) puts it forward that a transition from biological racism to a 'neo-racism' is happening in which culture has replaced ethnicity as the 'stigma of otherness' (cited by Kelly, 2004, p. 62).

> *Race has never been a concept which has been simply about physical appearance. Foucault alludes to how in the Middle Ages the predominant form of racism was a religious racism in which European Christians saw Muslims as the racial other. The words 'nation' and 'race' were once used interchangeably, and it is in this broad sense of 'race' that the principle of division between the population/nation/race and its enemies is called 'state racism'. (Kelly, 2004, p. 62)*

According to my interpretation, biopolitics connects modern forms of nationalism and state racism and puts them into a biopolitical framework. Kelly (2004) argues that *bionationalism* 'does still make large-scale use of … racial and national prejudices and divide people along national and racial lines which are long-standing' (p. 64). In this sense contemporary nationalism influenced by biopolitics cannot be identified as totalitarianism, at the same time it is obvious that bionationalism is based on biopolitically oriented racism. Brubaker (2017), investigating national populisms, puts forward very similar assumption. He argues that national populisms of Northern and Western Europe can be seen as a distinctive form within the Atlantic political perspective of populism. He adds:

> *They are distinctive in construing the opposition between self and other not in narrowly national but in broader civilizational terms. This partial shift from nationalism to 'civilisationism' has been driven by the notion of a civilizational threat*

> *from Islam. This has given rise to an identitarian 'Christianism', a secularist posture, a philosemitic stance, and an ostensibly liberal defence of gender equality, gay rights, and freedom of speech. (Brubaker, 2017, p. 1)*

Bionationalism as a political technique does work, as it has been proven by the case of the Hungarian anti-refugee campaign. Pew Research Center revealed that:

> *Despite the country's labor shortage, Hungarians overwhelmingly see refugees as an economic albatross …. Roughly eight-in-ten believe refugees are a burden on their country because they take jobs and social benefits. Similarly, about three-quarters believe that refugees will increase the likelihood of terrorism in Hungary, and about seven-in-ten see the large influx of refugees from countries like Syria and Iraq as a major threat. These figures are much higher in Hungary than in almost every other EU nation surveyed. (Manievich, 2016)*

16. ORBÁN'S HUNGARY AS A NEOLIBERAL PROVINCE

In conjunction with the discursive politics of memory of the Horthy regime, I analysed the self-serving and deceptive nature of Orbán's nationalism. In this section, I attempt broadening the spectrum of my investigation and examine how, despite the economic nationalist discourse, the Orbán regime serves neoliberal interests. Such nationalism is better understood when it has been considered, as in Chapter 1, the cooperation of authoritarian neoliberalism and populism proves requires strong state. First of all, I argue here how

the Orbán regime started its anti-capitalist and nationalist rhetoric in 2010 (17.1). In fact, the regime is interested in supporting global companies as much as possible and it is also remarkable that the regime is financed and supported by neoliberal entities (17.2). The cooperation with neoliberalism requires the increase of worker exploitation; therefore the regime demeaned as a 'good province' and put the burden on the workers (17.3).

16.1. Pseudo 'Freedom Fight'

Let's start with the fact that before Fidesz came to power in 2010, Orbán, as the leader of the opposition, criticised the capitalist regime upon the crisis of 2008 (Hungarian Spectrum, 2008). After the 2010 election victory, he elaborated about the crisis of Western-style capitalism at Băile Tuşnad/Tusnádfürdő,[17] explaining that its moral foundations were shaken and strongly criticised the hegemony of neoliberal solutions that caused the crisis (Hungarian Spectrum, 2010). In Orbán's view, speculative capitalism, in which speculative manoeuvres came to the fore over work and value creation, has emerged instead of productive capitalism. Orbán argues that the market must not only be effective, but it must also be based on morality.

Following the election in 2010, a major struggle took place between the Hungarian government and the IMF/World Bank and the EU aiming to get rid of the loan (BBC, 2012). Hungary raised EUR 20 billion from the IMF–EU–World Bank Group in 2008, drawing EUR 14.3 billion. From summer of 2010 onwards, the Fidesz-led governing structure sharpened the struggle that the prime minister called the 'economic freedom fight' and 'unorthodox economic policy' against global financial organisations and speculative capital. The 'liberation' from

financial dependence on international financial institutions was embedded in a massive nationalist and sovereign discourse from the outset, which was a huge battle for the recovery of economic capacity. In other words, Orbán wanted to get rid of the IMF and finance the country from the market.

The goal was that the financial organisations would not be able to force an economic policy on the Hungarian government, which would result in harsh austerity measures as it happened after 2008. This can be seen as a legitimate political agenda, because as we have seen in the analysis of authoritarian neoliberalism, the politics of austerity is indeed one of the most brutal weapons of global financial capitalism. At the same time Orbán's goal was not protecting the population at all, especially not those left behind who most need protection: the regime really wanted to get back the financial sovereignty, but only to be able to negotiate in a stronger position and make a pact with the banks and companies of global capitalism. After the regime change of 2010, the government wanted to pursue a looser fiscal policy, but the European Commission did not agree to it. This became evident in June 2010 when the prime minister faced severe fiscal conditions at the Orbán-Barroso meeting. President Barroso made it clear: 'without fiscal consolidation, without financial rigor, there will be no possibility for confidence and for growth'.[18]

By July 2010, the Hungarian government applied one of the strongest weapons of financial nationalism: special taxes. The goal was to demonstrate the government's political power in the financial (primarily banks, insurers) and corporate sectors and to prepare the terrain on which the Orbán era will be able to make the compromise with neoliberal capitalism. On the one hand, this laid the foundations for client building and the passivity of actors of neoliberal capitalism in the degradation of rule of law from 2010 onwards. Along with blocking negotiations with the IMF,[19] the government announced

a new tax package. The main elements were bank tax, flat tax, the new 16% personal income tax and the reduction of corporate tax from 19% to 10%. This tax policy is extremely talkative and predicts that the real purpose of the Orbán regime is not to help society as a whole, nor to support the domestic small and medium-sized enterprises in general, but to put the (selected) multinationals and the national oligarchs into position.

All this has been compensated and the Orbán regime put the wealthy, middle- and upper-class people to in an extremely advantageous position. The declared goal of the government to help the most prosperous people, Gyula Tellér, one of the main closer advisers to Orbán, stated in 2014 that the main aim of the political leadership to distort the social distribution systems for the benefit of those social groups who show performance. In return, the main expectation of the government is stable support delivered by these privileged social groups (Hungarian Spectrum, 2014). This is the pure expression of political clientelism in a neo-feudal structure.

Thus, the Orbán regime serves the interests of the Hungarian elite and international corporations. An example of this is the reduction in personal income and corporation tax mentioned above. It is worth pointing out that there has been a further reduction of corporate tax: it is 9% since 2017. For instance, at the beginning of the regime in 2010, the annual corporate tax income was HUF 609.3 billion, it reduced to HUF 372 billion by 2011; in the case of personal income tax, the appropriation was HUF 1881 billion in 2010, which was only HUF 1,362.9 billion by 2011.

Of course, Viktor Orbán never admitted his acceptance of the neoliberal agenda and the pact with large companies, and he still sees himself as 'a modern Robin Hood' who supports the Hungarian families by disrupting multinational companies.

In 2017 Orbán described himself at as a political leader who disciplines multinational companies:

> *Many of you may have noticed that in Hungary we spend an enormous amount of money on the promotion of families, in the interest of a strong Hungary. The question is this: where does that money come from? The truth, Ladies and Gentlemen, is that we take this money from multinational companies. If it wasn't immodest, I could also say that I take it from the multinationals ….*[20]

Of course, this argumentation is far from disturbing these companies, as the government pays them abundantly as we will see below, since 2010, Orbán's governments have supported with more than HUF 288 billion the foreign owned multinational companies.

16.2. How the 'German Empire' Finances the Orbán's Regime

The Orbán regime is not just a product of the declining liberal democracy; it is in fact financed by the EU's neoliberal framework especially by German automotive companies. According to Peter Bloom (2015):

> *Germany has been charged with continuing a tradition of market driven political authoritarianism, updated for the 21st century, a classic and still tragic tale of a stronger country using its power to exploit a weaker nation at the behest of international finance. According to one commentator, the Greeks must 'confront neo-liberal authoritarianism'.*

Wolfgang Streeck (2016) argues very sharply:

> *The international relations embedded in the EMU consolidation state are highly asymmetrical. Economically weak countries, while in the majority, face a small number of economically strong countries in a position effectively to dictate to them, by threatening to withhold financial support. Germany, on account of its regained economic power after 2008 and as the main beneficiary of EMU due to its export strength and to currently low European interest rates, de facto governs the EMU as a German economic empire. (p. 131)*

This is definitely true, not just in the case of the EMU, but the whole European project itself.

Hungary has become a 'good province' of this neoliberal empire. From the first sight, it seems embarrassing that on the one hand Orbán's regime has been criticised by Chancellor Merkel and the EU bureaucracy and on the other the economic precondition of his political regime has been maintained by the EU and German industrial (especially automotive factory) interests, but this reveals deep tensions between liberal democracy and neoliberal capitalism. The Hungarian example is an anti-Greek story, insofar the Greek government tried to unsuccessfully get rid of neoliberal austerity, yet Orbán's regime built up the autocracy in neoliberal framework. As it has been argued in Chapter 1, cooperation between authoritarian neoliberalism and authoritarian statism/populism is not a new phenomenon, but the Hungarian example is unprecedented because it is the first case when the authoritarian neoliberalism was able to unfold in the framework of the authoritarian state inside the EU.

The compromise with neoliberal capitalism has several elements: strategic partnership agreements between government

and companies, providing direct and indirect state support to major partners and the creation of a suitable legal environment for neoliberal capital. Firstly, I focus on the strategic partnership agreements and state support for capitalist giant companies financed by Hungarian taxpayers. Of course, these tools have been used and applied by all governments after the regime change, and even the Kádár system was integrating the capitalist world economy before 1989, but the extent to which the Orbán regime has continuously been financing the neoliberal capitalism has no precedent. The system of strategic partnership agreements with multinational companies is a commonly used method by nation-state governments. After 2010, the Hungarian government also preferred these kind of agreements (Bartha, 2014). However, from this practice, many conclusions can be drawn about how the Orbán system intends to cooperate with neoliberal capitalism. The system of strategic partnership agreements established by the Orbán governments can be seen as a grey zone between authoritarian state and globalised capitalism: the elimination of legally transparent lobby activities has put the strategic agreements at the forefront of the government's own political competence (Bartha, 2014).[21] This means that there is no legal or social control over who the government considers a strategic partner, and who, on that basis, is granted serious state aid. Of course, the strategic agreement itself does not oblige the government to do anything, and very often it functions as a kind of business diplomacy message, but the fact of the agreement is also an important sign for each actor and the market itself.

Instead of supporting domestic small and medium-sized enterprises, the Orbán regime prioritised supporting multinational enterprises. At the same time, these agreements were urgently needed for these market participants. The first agreement was signed in 2012 to reassure economic actors recovering from the crisis. That is why I disagree with the interpretation of Transparency International Hungary, which states that these kind of agreements 'are not the indicators

of unfair lobbying; they rather aim at re-establishing normal communication between business actors and the government' (Bartha, 2014, p. 6). It is to say that neoliberal capitalism relied on the emerging Hungarian autocracy.

According to government information,[22] 81 strategic partnership agreements have been concluded since 2012 (as of March 2019). The exposure of the Hungarian economy to Germany is illustrated by the fact that a significant part of these 81 agreements (15) were concluded with German companies' Hungarian subsidiaries, and it is particularly important that many strategic partner companies have received public support. It is also worth mentioning the fact that these mostly automotive companies have enjoyed the grace of incumbent governments before 2010. It is rather strange that they were able to collaborate with the authoritarian regime emerging from 2010.

Here I am dealing with the state aid provided by individual governments. Since 2003 it is a legal possibility for the Hungarian governments to make non-refundable grants to companies that are willing to commit to creating a certain number of jobs. Moreover, there is an opportunity to make strategic agreements between the government and companies, which do not constitute direct financial support, but several strategic allies got non-refundable grant. The Hungarian governments have constantly supported huge industrial project since 2004. The vast majority of these subsidies went to German multinationals in the automotive sector. It seems to be that all Hungarian governments tend to support the main neoliberal actors, although there are significant changes in this pattern. Before 2010 the social-liberal governments spent HUF 133 billion on non-refundable state aids (the German companies got HUF 40 billion from this amount), while between 2010 and 2018 the nationalist Orbán-governments expended HUF 288 billion for the same purpose (the German interest is more than HUF 100 billion). This means that

the Hungarian province aided more than HUF 140 billion (which is one third of the whole sum) German enterprises over the last 14 years. The Orbán system did not change the trend itself, but changed the proportions, but it is remarkable that close to the same time the Orbán regime supported more than HUF 60 billion the subsidiaries of German companies than the former social-liberal governments. It is also important that as we approach each election year, the state's expenses jump, and this trend is especially true in the case of German companies.

In addition to the state subsidies, a multinational company gains significant advantage in Hungary because of the very low corporate tax. In fact, from the point of view of the Effective Tax Rates (ETRs), it can be said that the because of the various tax-reducing factors and discounts the 9% corporate tax is reduced approximately 7.5% (Greens/EFA, 2019). Of course, both small and large businesses can take advantage of such discounts, but a multinational company will be the biggest beneficiary. Given this ETR, which is the lowest in EU, it is not an exaggeration to say that Hungary under the Orbán regime represents a tax haven for multinational enterprises of neoliberal capitalism.

16.3. The Exploitation of Workers

The only way the neoliberal interest can be implemented is by exploiting the workers. In the following section, I briefly summarise how the Orbán regime put the Hungarian workers in the most vulnerable position after the regime change. I detail how the regime destroyed the process of social reconciliation, the 98 % special tax, the market-friendly nature of the new Labour Act, ruined strike laws and introduced the so-called 'slave law'. It is worth mentioning that Orbán has declared the concept of increased social exploitation in

the framework of 'workfare society',[23] which is based on industrialised work and stigmatisation of the poor, and serves the interest of employers. According to Dorottya Szikra (2014):

> *The government's grandiose plan has been to establish a 'workfare society' as a positive alternative to 'the decline of Western welfare states' … and to create 1 million jobs within 10 years … (p. 7)*

The first step towards the integration of this cruel neoliberal doctrine was the Fundamental Law which declared in Article O):

> *Everyone shall be responsible for him- or herself, and shall be obliged to contribute to the performance of state and community tasks according to his or her abilities and possibilities.*

Orbán (2014) at Băile Tuşnad elaborated that after nation-state, liberal state and welfare state next is workfare:

> *The Hungarian answer to this question is that the era of the work-based state is approaching. We want to organise a work-based society …. What this means is that we must break with liberal principles and methods of social organisation, and in general with the liberal understanding of society.*

Seizing power, the Orbán system immediately attacked the institutionalised tripartism and reconciliation, with the aim of abolishing the National Interest Reconciliation Council (NIRC) and damaging social participation; these steps were necessary in order to pass legislation, which adversely affected the workers. After the election Orbán declared: 'the two-thirds majority means that people have legitimized the government's decision-making without the consent of the NIRC (National Interest Reconciliation Council)' (Szikra,

2014, p. 4). On 15 June 2011, the government abolished the tripartite (workers, employers and government) social reconciliation forum called NIRC, which was entitled to make agreements at national level to protect the interests of employees (Komiljovics, 2011). The forum has been replaced by National Economic and Social Council (NESC), which only has the right to make proposals.

In July 2010, the government adopted the 98% retroactive tax on severance payments for former public servants. The tax that should have been paid on the severance payments came to over two million forints. It has been found unconstitutional by the Constitutional Court [resolution number 184/2010. (X. 28.) AB] (Deák, 2011). The situation resulted in a political war and constitutional crisis between the government and the Court. Upon this case, the constitutional majority behind the Orbán regime restricted the powers of the Constitutional Court. It was the first case where the aforementioned political constitutionalism manifested. These restrictions were incorporated into the Fundamental Law. Nevertheless, the debate moved on, and despite the reduced power, the Constitutional Court has found a way to again declare the unconstitutionality of the 98% taxation [resolution number 37/2011. (V. 10.) AB]. Moreover, the government introduced termination of government official's contract without justification, which has been found unconstitutional. It is not a coincidence that the confrontation of the government's political and the Court's legal constitutionalism happened upon the case of workers' rights. The Orbán regime has abandoned not just the liberal rule of law, but also all social commitments of the welfare state in order to meet the expectations of neoliberal capitalism.

The main weapon of the government against the workers was the fundamental modification of labour law and rules on strike. The Orbán regime adopted a new Labour Code (Act of I/2012.) (Prugberger & Szöllös, 2012). The draft of

the new regulation was released in July 2011 and its starting points were extremely cruel. In the second half of 2011, huge debates and mass movements accompanied the proposed legislation. The draft, in the name of 'competitiveness', has significantly increased the room for manoeuvring the market and the employers; moreover, it has put the workers in a vulnerable position. The government did not consider the special nature of employment status; it was rather seen as a civil law relationship. The proposal meant a significant change, while the former regulation ensured the warranties for employees, the Labour Code of the Orbán regime allowed the degradation of workers' rights in collective agreements or agreements between employers and employees. The exploitation of the workers was reinforced by a significant cut of trade union rights and the fact that because of anti-worker politics the employers are less interested in concluding collective agreements. Moreover, unemployment insurance has accordingly been reduced from nine to a maximum of three months.

Subsequently, trade unions initiated to have negotiations with the government and organised demonstrations against the regulation. The Orbán government 2011 has adopted the act on 19 October, and then it was passed to the parliament. After that, major road closures took place against the unacceptable regulations. Starting at the end of November 2011, the government renewed the negotiations with the trade unions, which basically focused on collective rights and the adoption of the regulation would have virtually eliminated trade unions. As a result, the government and trade unions signed an agreement on 2 December 2011, which practically saved trade unions. On 13 December 2011, the Hungarian parliament adopted the new act, which entered into force on 1 July 2012. Although trade unions have been saved, the new regulation has pushed workers into a much more vulnerable position because it has implemented a liberalisation

that serves the interests of employers and pushed the defence-based labour law relationship towards civil law. The stated reason for this was better position of investors and employers. The new regulation meant that collective workers' rights were hurt and employees are forced to represents their interest as individuals. The new Labour Code ensures the opportunity to make special agreements, which can depart from general rules of labour rules, between employers and employees.

At the same time the strike provisions have been brutally disciplined – for the public sector the legal strike has become nearly impossible because the government can politically prevent the agreement on sufficient level of the service. According to the amendment of the strike law in 2010, the exercising the right to strike was made conditional for the employers who carry out activities that affect the general population: a strike can only be exercised here in such way that it does not hinder the fulfilment of the sufficient service, the extent and conditions of sufficient service can be determined by law. The level and conditions of sufficient service should be agreed during the pre-strike consultation; in this case, the strike can be sustained if the parties have concluded the agreement or, in case of failure, at the request of either of them, the court has determined the conditions of sufficient service. In this sense the new regulation made lawful strike in the public sector impossible.

Favouring the neoliberal agenda required several brutal elements, which have been analysed here. Orbán regime's generous financing of authoritarian neoliberalism is shocking in itself, but the way the Orbán governments started to exploit the workers is absolutely unprecedented. The situation has changed with the so-called 'slave law'. The Orbán regime proposed this regulation even in 2017 and abandoned the adoption of the regulation in this time. The essence of the proposal, became known as the slave law in the press and

accepted in December 2018, is to extend the working time frame to three years instead of the previous two months, as long as the parties also agree on a collective agreement. The regulation would have allowed a 'flexible' rearrangement between the used and unused working hours for a period of three years, taking into account the cyclical nature of the automotive industry. The legislator would have made it clear too, that the uninterrupted days of uninterrupted work for an employee in multiple shifts or seasonal activities could be divided unevenly across the working hours, meaning that he would not even have to set a rest day for several weeks. The common assumption is that the modification was clearly 'ordered' by the automotive manufacturers themselves, which is clearly favourable to multinational companies. The slave law is the completion of the procedure that was started with the new Labour Code and the protection of workers and the trade unions continued to weaken. The Hungarian society recognised this unbearable exploitation and the adoption of slave law caused several protests at the end of 2018 and early 2019 (Graham-Harrison, 2019). The slave law, which forces overtime on workers allowing companies to demand that staff work up to 400 hours overtime a year, has been the most brutal piece of this neoliberal puzzle. The Hungarian society started experiencing the multifaced authoritarianism and that the neoliberal autocracy can be reinforced by the autocratic state.

Since then the dissatisfaction has subsided and the Orbán regime opened it to the public that the analysed exploitation structure serves the interest of the multinational companies. On 29 May 2019, at Hungarian Investment Promotion Agency (HIPA) conference in Budapest Minister of Foreign Affairs and Trade Péter Szijjártó announced unvarnished: 'Hungary does not support Brussel's plans to senselessly restrict the competitiveness of the automotive industry, citing environmental protection' (Ministry of Foreign Affairs and Trade, 2019).

NOTES

1. The intellectuals around the Orbán regime has become very open and sensitive towards the concept of *depolitisation*. In 2015, one of the leading journals affiliated to the regime, called 'Századvég' published a special volume with the title '(De)politization'. The volume is available in Hungarian: https://szazadveg.hu/uploads/media/588f410aa5326/szazadveg-75-depolitizalodas.pdf

2. In April 2019, *German Law Journal* published a special issue on populist constitutionalism which is available from here: https://www.cambridge.org/core/journals/german-law-journal/issue/0F9B4B67BD86371F777DD9D26547212A

3. Schabert's Hungarian reception was delivered by Századvég. The mentioned leading think tank translated in to Hungarian and published some parts of Schabert's book and other writings in 2013, under the title *Dignity and importance of politics* and organized several debates on the politics. As Buzogány and Varga (2018) argues: 'Száazadvéeg exposed two lines of thought intended to challenge liberalism and what it depicted as a major component of liberal thought, namely institutionalism: On the one hand, there was a neo-Weberian critique of the minimal state, largely based on Western public administration scholarship and best embodied by Stumpf, the long-serving head of Századvég until 2010 …. On the other hand, by the end of the 2000s, Századvég had also produced a steady stream of essays that sought a more radical break with liberalism, a rejection of its ideas based on readings of Leo Strauss, Eric Voegelin, and others. András Lánczi uses the term 'conservative' to describe this position and Századvég's leanings, and defines it as primarily referring to an opposition to modernity, liberalism, and socialism' (p. 818).

4. It is remarkable that there is a direction inside the Orbán's court which committed to implement right-wing Gramscianism. The leading theorist in this field is Márton Békés who is a research director at House of Terror, which is one of the main propaganda institute concerning politics of memory in the Orbán regime. Békés published an article with the title *Gramsci jobbról* [Gramsci from the right] (*Mandiner*, 31 July 2018. Retrieved from https://mandiner.hu/cikk/20180731_bekes_marton_gramsci_jobbrol). Békés is

convinced that right-wing is entitled to use and fulfil the Gramscian programme of hegemonic block, cultural and political hegemony on the basis of new right-wing organic intellectuals.

5. I call the former Constitution adopted in 1949 and fundamentally redesigned in 1989 as 'Constitution' and I call the Fidesz-KDNP adopted one in 2011 as 'Fundamental Law'.

6. All proposed amendments all available in Hungarian. Retrieved from https://www.parlament.hu/fotitkar/alkotmany/modositasok.htm

7. The text of the provisions is available on the Venice Commission's site: https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2012)018-e

8. The English text of the Fundamental law and the seven amendments are available: https://www.kormany.hu/download/f/3e/61000/TheFundamentalLawofHungary_20180629_FIN.pdf

9. In the opposition the alliance of Hungarian Socialist Party, Democratic Coalition, Together, Dialogue and Hungarian Liberal Party received 38 seats, Jobbik 23, and the Politics Can Be Different 5 seats.

10. In the opposition the alliance of Hungarian Socialist Party-Dialogue received 20, Jobbik 26, Democratic Coalition 9, Together 1, Politics Can Be Different 8 seats. There were 1 independent MP, 1 MP delegated by the council of Germans who live in Hungary.

11. The OSCE International Election Observer Mission's monitoring report has mentioned a series of violations of democratic electoral rules in conjunction with the Hungarian 2014-elections: the election acts were 'passed and modified without public consultation'; there was an unfair electoral system with gerrymandering in the electoral districts and the new districts were highly unequal in size; there was an increased electorate abroad from ethnic Hungarians; the 'tone of the campaign was dominated by alleged corruption cases at the expense of discussion on substantive issues'; and the National Election Commission was 'a partisan commission' serving the Orbán government, so 'did not fully respect the separation of party and state' (OSCE, 2014, pp. 4–8).

The report about the 2018-election argues the media freedom 'is often influenced by the concentration of media ownership in the hands of business groups aligned with the governing coalition' (OSCE, 2018, p. 2).

12. Detailed investigations on Orbán's oligarchs can be found at Átlátszó's, a Hungarian investigator and data journalist initiative, English page: https://english.atlatszo.hu/tag/orbansfriends/

13. The main populist slogans were the following: 'Did you know? More than 300 people were killed in terrorist attacks in Europe since the start of the migrant crisis'; 'Did you know? The Paris terrorist attacks were carried out by immigrants'; 'Did you know? 1,5 million illegal immigrants arrived to Europe in 2015'; 'Did you know? Brussels wants the forced resettling of a city's worth of illegal immigrants into Hungary'; 'Did you know? Almost one million immigrants want to come to Europe from Libya alone?' and 'Did you know? Since the start of the immigration crisis, sexual harassment of women has increased in Europe?'.

14. Some relevant questions sound like this: 'Do you think that Hungary could be the target of an act of terror in the next few years?'; 'There are some who believe that Brussels' policy on immigration and terrorism has failed, and that we therefore need a new approach to these questions. Do you agree?'; 'Do you agree with the Hungarian government that support should be focused more on Hungarian families and the children they can have, rather than on immigration?'.

15. It is remarkable that the Orbán's government has achieved its goals not just in Hungary, but at European level: 'A campaign that is already spreading hate at home risks having serious fallout for Europe as well, further fracturing leaders already split over everything from the refugee crisis to the euro's woes, and potentially consolidating Orbán's efforts to challenge the status quo with a bloc of other eastern nations' (Graham-Harrison, 2016).

16. Some relevant questions sound like this: 'György Soros along with leaders in Brussels together want to get European Union member states, thus Hungary as well, to dismantle border-protection barriers and to open frontiers to immigrants.'; 'Part of the Soros plan is that Brussels will mandatorily distribute

immigrants gathered in Western European countries with particular regard to Eastern European countries. Hungary must participate in this.' *Source:* The Orange Files (2017). *National Consultation on the 'Soros Plan'*. Retrieved from https://theorangefiles.hu/national-consultation-on-the-soros-plan/

17. Băile Tuşnad/Tusnádfürdő is a town in Harghita County, Romania. It lies in eastern Transylvania. Since 1990 it gives place *Bálványos Free Summer University and Student Camp* which is a large-scale intellectual workshop of the Carpathian Basin. Since the Orbán regime has become heavily involved using the Camp for its political purpose which resulted that the Romanian and politicians have become became very critical. *Source:* Wikipedia: Bálványos Free Summer University and Student Camp. Retrieved from https://en.wikipedia.org/wiki/Bálványos_Free_Summer_University_and_Student_Camp

18. Joint press point of President Barroso with Viktor Orbán, Prime Minister of Hungary. Retrieved from http://europa.eu/rapid/press-release_SPEECH-10-291_en.pdf

19. In 2013 after completing the repayment of the IMF loan, Hungary has not requested any further arrangements from the IMF.

20. Viktor Orbán's speech at the 28th Bálványos Summer Open University and Student Camp. Retrieved from https://www.kormany.hu/en/the-prime-minister/the-prime-minister-s-speeches/viktor-orban-s-speech-at-the-28th-balvanyos-summer-open-university-and-student-camp

21. The report of Transparency International Hungary in 2014 emphasized the high risk of corruption and revealed the tendencies of state autocracy: 'In the current Hungarian situation state capture is combined with cronyism. In this special type of state capture the extensive and expansive state has been in symbiosis with some powerful business groups and oligarchs. Although the magnitude of corruption may not have changed after 2010, when the current government took power, the corruption schemes have changed significantly. Corruption, similar to the overall structures of the public sector, has an extremely centralized character in today's Hungary. It comprises the elimination of independent state institutions, the almost total abolishment of checks and balances,

some violation of private ownership rights and also the rise of rent-seeking behaviour and actions. In the current Hungarian model, the country is heading for an eastern type of state capitalism characterized by cronyism' (Bartha, 2014, p. 5).

22. Ministry of Foreign Affairs and Trade: Strategic Partnership Agreements. Retrieved from http://www.kormany.hu/hu/kulgazdasagi-es-kulugyminiszterium/strategiai-partnersegi-megallapodasok (the site is Hungarian).

23. Orbán's concept of workfare reminds us the interwar right-wing nationalism and the programme of its significant figure, Gyula Gömbös, who was an anti-Semitic and highly conservative prime minister during the Horthy era. Göbmös issued his programme with the title, National Work Plan. 'He envisioned a boost of the heavy industry by providing "work instead of welfare" and denied "any form of social assistance to the able-bodied"' (Szikra, 2014, p. 8).

4

CONCLUSION: A WAR BETWEEN LAW AND POLITICS

By the third term of Orbán after 2010, a populist authoritarian regime has been institutionalised in Hungary. On the one hand, this kind of autocracy is far from a product of a revolution, but it is embedded in the Hungarian history fuelled with nationalism and populism. On the other hand, Orbán's authoritarian populist regime is not so much nationalist as it is thought and the regime has compromised with neoliberal capitalism. The main common point between nation-state populism and neoliberalism, investigated in this volume, is their autocratic attitude. Based on all these arguments, the first take-away of my book is the fact that contemporary authoritarian regimes are built at once to the autocracy of the modern state and the market. Understanding these multifaced autocracies is one of the most the most pressing and urgent challenges of our time.

Secondly, this book emphasises the historical and theoretical background of Orbán's autocracy. In my view, the two most effective explanatory theories to understand the regime

are the permanent state of exception and the constitutional dictatorship. Such authoritarian populist structures as the Orbán's regime can be seen as some kind of re-birth of post-war Schmittian politics. In my view, it is contemporary authoritarian populism, which is a real incarnation of constitutional dictatorship elaborated by Schmitt. The Third Reich was established on the continuous extension of state of exception, which did not meet with Schmitt requirements. It is to say that modern authoritarian populisms, especially the Orbán regime, not just prolong the exceptional governance, but rather transform their legal and political system as a whole according to the demands of constitutional dictatorship, but at the same time the exceptional politics remains unavoidable. That is why it is so crucial to understand how the Orbán regime institutionalised and constitutionalised itself.

Consequently, the multifaced autocracy and constitutionalised dictatorship using the tool of state of exception can be investigated in a broad sense in the light of the clash of leader- and legal-based political regimes. The rise of liberal democracy depoliticised the post-war political structures, which resulted on the one hand to lose the control over neoliberal autocracy, and on the other hand the break-through of right-wing authoritarian populism. By the crisis of liberal democracy, its main concern on rule of law over politics has also lost its hegemony. There is a new hegemonic struggle between law and politics, but the charismatic populist leaders are not about to crash legal systems and constitutionalism. That is why we can speak about populist constitutionalism and constitutional dictatorship. Authoritarian populist regimes are based on rule by law, moreover they are trying to constitutionalise this approach. So, what is to come is nothing other than the total reconfiguration of post-war legal/political order in an unprecedented war between law and politics. Unfortunately, Schmitt's supporters seem to win.

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