Routledge Studies in Anti-Politics and Democratic Crisis

THE POLITICS OF POPULISM IN HUNGARY

Robert Csehi

The Politics of Populism in Hungary

The book assesses the development of the Orbán regime in Hungary after 2010 through analyzing the polity-politics-policy impacts from a perspective of populism as an ideology focusing on discourse and actual decisions.

By closely scrutinizing political narratives, actual decisions and survey data, this volume offers a systematic analysis of the impact of populism on the polity-politics-policy aspects of the political in Hungary after 2010. It analyzes the uses of constitutionalism and discriminatory legalism, the changes in the quality of democracy, the government's relationship with media and journalism, its influence over the party system and EU politics, and its approach to family and cultural policies. While each chapter in the volume describes the findings in response to the corresponding literature, highlighting the added value of the individual analyses, the book interprets the overall results under the notion of "smart populism" where the moral definition of "the people" allows for little political opposition, "the elite" is selected based on its multifaceted applicability for a political narrative and "the will of the people" is determined from above. The volume also suggests responses to "smart populism".

The book will be of particular interest to students and scholars of democracy, party politics the rise of populism and contemporary Hungarian politics.

Robert Csehi is a political scientist researching and teaching at the Bavarian School of Public Policy.

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For my wife without whom this would not have been possible

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About the author

Robert Csehi is a political scientist researching and teaching at the Bavarian School of Public Policy. His research interest focuses on two major fields: European integration and populism studies to which topics he also offers courses in Munich. His previous works appeared – among others – in *West European Politics*, the *Journal of European Public Policy* and *Democratization*. He received his PhD from the Central European University, and has been a reviewer at various high-quality journals, as well as a member in different research projects on the EU.

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Preface

The purpose of a writer is to keep civilization from destroying itself

Albert Camus

While the above quote might well have been meant for literary work only, I believe that books addressing the complexity of politics may also carry the same practical and normative "burden". For long, I have been a passive observer of political developments in my home country, Hungary. However, as public discourse has continued to slowly but steadily deteriorate in the past ten years, leading to an extreme polarization of the society, I felt more and more that I should contribute my two-cents to the debate which aimed to understand the nature of the emergent regime. Populism does not only use morality as a tool to divide society into honest and corrupt groups, as will be shown, but I have been increasingly convinced that it triggers a normative approach as well: critically engaging with the challenge posed by populism has become a "must" for me. By understanding the ins and outs of the phenomenon, I hope to contribute to the potential slowing and countering of its fallout. While such an intention may be objectively deemed noble, I am the first to acknowledge the limits of the likely influence of the finished product. I would humbly ask the reader to consider everything that follows as the first statement in a dispute.

The quotation above was not only selected to highlight the drive behind the project, but also to reflect on the times it was completed in. 2020 was dominated by a "plague", the Covid-19 pandemic. The spread of the infection changed the way we work. For me, the lockdown in the spring which led to home-office and a transition to digital courses required additional investment in teaching, which took some time away from the book project, causing a delay in the delivery of the final product. While accessing much-needed sources digitally sometimes proved rather challenging, thankfully, much of the literature used, and the data analyzed in this volume were obtainable online. Nevertheless, the virus had a great impact on the everyday lives of families as well, which demanded a closer look at work-life balance. Our case was no exception. Finishing the book required a lot of sacrifice, patience and skillful management of all members of our family. Without question, my wife

has carried most of the extra weight, sometimes under seemingly impossible circumstances. My elder daughter adapted well to the new conditions; she showed understanding and demonstrated immense levels of patience with me. To help the process, at some point, she started to write up the still missing chapters on her own.

Writing the book did take a lot of time away from my family. With that said, I would ask the reader to consider this volume the result of a team effort where all compliments should be directed to those that made the project possible. While I cannot compensate my wife and daughters for the time invested in the book, I hope that I will have managed to make them proud, which may, at least, partly offset this loss.

Albertirsa (Hungary) and Diessen am Ammersee (Germany)
December 2020

Introduction

A comprehensive study of the impact of populism in "the age of populism"

The word "populism" was announced as the "Cambridge Dictionary 2017 Word of the Year". This came as no surprise to those who followed world politics more closely. While Donald Trump won the US presidential election, and UKIP leader Nigel Farage managed to convince enough Brits to exit the European Union, the year 2016 also witnessed the rise of a populist Austrian presidential candidate. In 2017, the far-right, populist Alternative für Deutschland (AfD) entered the German Bundestag for the first time after the Second World War, and the right-wing, populist Freedom Party of Austria (FPÖ) joined the Austrian government as a junior coalition partner. Although French populist leader, Marine Le Pen lost her bid for the Presidency, populism was further invigorated through the electoral victories of Imran Khan in Pakistan, Jair Bolsonaro in Brazil, and the Five Star Movement and the League in Italy, just to name a few. By 2018 the share of far-right and far-left populist parties in Europe has multiplied, making the number of people living under governments with a populist in the cabinet also increase 13-fold.[1] Looking at the data, the public seemed to revive Mudde's (2004) notion of a "populist *Zeitgeist*", although others questioned the validity of a populist perspective behind these political dynamics (Art, 2020).

In 2018, one of the most relevant and influential populist successes in Europe was delivered by the then three-time Prime Minister of Hungary, Viktor Orbán. Although he started his political career as a young liberal, by the late 1990s Orbán occupied the conservative field within Hungary's political party system. At the time of his return to power in 2010, he and his party, Fidesz, were still considered to be part of the mainstream conservative wing of the European party system, which was reflected in the party's membership within the European People's Party (EPP) as well. Nevertheless, around 2011/2012, the political dynamics shifted, and the rhetoric used by Orbán was turning ever more populist (Csehi, 2019). Ever since, the Hungarian Prime Minister and his government has been considered as one of the populist power-houses within the European Union (EU). Mainstream media often

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refer to Orbán as a "nationalist-populist",[2] an "autocratic populist",[3] an "economic populist",[4] or an "authoritarian rightwing populist",[5] just to give a few examples. Theoretical expectations that populists in government are likely to lose their political appeal (Heinisch, 2003), and thus eventually fail, stand in sharp contrast with the Hungarian political reality. Despite (or because of) his populist agenda, Orbán has won the last three parliamentary elections in Hungary defying the incumbency curse (Csehi, 2019; Hegedűs, 2019), and the approval rating of his government remained compelling, despite the multi-faceted criticism that has been laid against his governing by various international and domestic actors.

In itself, the unusual political success of a populist political leader could call for a deeper analysis, however, given the experience of the past ten years, Hungary now provides one of the few cases – outside the Latin American context perhaps – where the impacts of populism may be assessed in a more systematic manner. Given the contemporary relevance of populism and its likely political persistence, a comprehensive scrutiny may lead to more refined findings and further specifications of existing theoretical and analytical frameworks, which could lead to more informed evaluations of future manifestations of populism around the world. Consequently, *the principal aim of this book is to provide a more thorough appraisal of the impact of populism in relation to the polity-policy-politics dimensions of the political*. In contrast to studies that focus on either one of these three components, this book analyzes populism's influence over (1) political institutions and their aggregate development, (2) everyday political relations concerning media and party politics, and (3) specific policy narratives and corresponding decisions in the context of Hungary.

An analysis of the post-2010 Hungarian political developments is by no means a novelty in the literature. However, so far, there hasn't been a comprehensive study that adopted an explicit populism perspective. Even though Füredi's (2018) monograph addresses questions related to populism, its focus is centered around the issue of Euroscepticism. While EU policy, and indirectly Euroscepticism, is discussed in this volume, not only is it approached from a different theoretical angle, but the scope of the entire book goes beyond this single element. The same applies to Ágh's (2019) more recent book on populist de-democratization tendencies in the East Central European region.

Democratic decomposition, in fact, seems to be a major theme across the various analyses of the Orbán regime. While Scheiring (2020) provides a political economy explanation of the Hungarian illiberal tendencies, the edited volume by Kovács and Trencsényi (2019) also concentrates on the anti-liberal features of Orbán's political system. In contrast, beyond Magyar's (2013b) multi-volume interpretation of the emerging polity as a "maffiastate", Körösényi, Illés and Gyulai (2020) advance an alternative reading and argue that Orbán's regime – instead of a successful populist appeal – is a manifestation of the Weberian model of plebiscitary leader democracy. What is

common in these works is that they do not adopt an explicit, overarching framework embedded in the study of populism, but rather approach the topic from different, sometimes rather eclectic perspectives. Although Pippa Norris and Ronald Inglehart's (2019) book has Viktor Orbán's portrait on the cover, its main focus is on understanding the voter base for authoritarian populism, and there isn't much specifically dedicated to the Hungarian issue. Also, while their comparative work is based on statistical methods to show an intergenerational gap in values and attitudes, the book proposed here aims at using more qualitative analysis (with a combination of quantitative data occasionally), and the focus lies more on the impact as opposed to the drivers of populism.

Beyond the added value of the book's comprehensive approach to study the Orbán regime from the perspective of populism, the volume carries some value for the broader populism literature as well. Although *The Oxford handbook of populism* by Kaltwasser et al. (2017) covers many of the topics addressed in the book proposed here, Hungary is only mentioned in a chapter on East-Central Europe, and when it comes to policy impacts of populism, it focuses just on foreign policy. Also, it does not carry out a systematic analysis of single case studies that would enlighten the multifaceted nature of populism. While clearly this wasn't the idea behind the *Handbook*, this volume's aim is to look at most of the issues addressed in the *Handbook* through the example of Hungary to better understand the potential interlinkages between the different elements and features of populism. The same could be said about De la Torre's (2019) *Handbook.* Additionally, Müller's (2016) and Mudde and Kaltwasser's (2017) concise, mandatory, yet rather introductory pieces may demonstrate the versatile nature of populism, but they do not address the diverging impact of populism on polity, policy, and politics through individual case studies. Additionally, while Moffitt's (2016) monograph is yet another key literature within the field, he deviates somewhat from the ideational approach advanced in this volume, and instead focuses on populism as a political style and analyzes its consequences through examples drawn from different parts of the world.

All things considered, while the study of populism is in vogue, this volume may add to the existing literature through its comprehensive approach, its theoretical and empirical aims, and its case selection.

What is populism?

The selection of the approach through which one studies the political impacts of populism is a crucial task. The chosen framework has to be specific enough to be able to substantiate any links between the phenomenon itself and its impacts, but also flexible enough to be applicable for an analysis of the various dimensions of the political as highlighted above. Based on these requirements the ideational approach (Mudde, 2017; Stanley, 2008) was chosen to guide the study. Although populism has been defined in the scholarly literature as a

political logic (Laclau, 2005), a political strategy (Weyland, 2017), a political style (Moffitt & Tormey, 2013), a discursive frame (Aslanidis, 2015), or a combination of various factors (Engesser, Fawzi & Larsson, 2017; Olivas Osuna, 2020), there seems to be a consensus emerging around the approach which defines populism as a "set of ideas" (Kaltwasser & Taggart, 2015), despite its known weaknesses (cf. Dean & Maiguashca, 2020). Mudde conceptualized populism as a

> thin-centered ideology that considers society to be ultimately separated into two homogeneous and antagonistic groups, "the pure people" and "the corrupt elite", and which argues that politics should be an expression of the *volonté générale* (general will) of the people.
>
> *(Mudde, 2004, p. 543)*

Populism as an ideology is considered to be *thin-centered* as its conceptual patterns and arrangements are thought to be "insufficient to contain the comprehensive solutions for the full spectrum of socio-political problems that the grand ideological families have customarily sought to provide" (Freeden, 2017, p. 2). Although Freeden claimed that populism was not thin-centered but rather "emaciatedly thin" (Freeden, 2017, p. 3), considering populism as a set of ideas driving political narratives and action gained traction.

The core concept of the populist ideology is "the people", in relation to which all other concepts are defined: "the non-people" and "the elites", the antagonism between them and "the people", and popular sovereignty as well. Who are "the people" according to populists? Scholars still emphasize the ambiguity of the term (cf. Kaltwasser, 2014a) yet it is mainly used in three different senses: the "*united people*" (as a nation), "*our people*" (as an ethnic group) and the "*ordinary people*" (as the silent majority) (Canovan, 1999). Katsambekis (2020), from a discursive perspective, criticized the *homogeneous* character of "the people" indicated by the ideational account, arguing that a substitution of the term with *unity* was more reflective of empirical realities. Additionally, he argued that the morally defined character (i.e. "the *pure* people") of "the people" should be considered as a manifestation of their *political* antagonism towards "the elite". While the first argument is rather compelling, the second raises the conceptual clarification problem between politics and populism as highlighted by Arditi (2010), and stands in contrast to Müller's (2016, 2019) and Olivas Osuna's (2020) claim that populism has an explicit moralistic imagination of politics, which is also reflected in its anti-plural understanding of "the people" (Müller, 2014). This anti-plural character then allows populists not only to differentiate vertically between "the people" and "the elites", but also horizontally (cf. Brubaker, 2017) between "the people" and, for the lack of a better word, "the non-people". Moral differentiation matters as it creates not only agonism but rather *antagonism* between the "in-", and "out-groups", and leads to the questioning of the legitimacy of "the other" (Urbinati, 2019b). It simplifies politics into a moral

"black or white" frame where "compromise is impossible, as it 'corrupts' the purity" (Mudde, 2004, p. 544).

As far as "the elite" is concerned, it is identified as a group "dominating politics, economics, culture, media or the judiciary" (Castanho Silva, Vegetti & Littvay, 2017, p. 425), and even the academic and scientific community, one should add now. Although populists always speak out against "elites", despite Mudde and Kaltwasser's (2017) suggestive interpretation, they are not anti-elitist *per se* (Aslanidis, 2015), nor can they be, given their attempt to gain political power. Populists simply have to be able to demonstrate their distinctiveness compared to other elites (Moffitt & Tormey, 2013), and depict themselves as "the right representatives represent[ing] the right people" (Müller, 2014, p. 486).

The binary ontology of populism (Stanley, 2008) naturally feeds into the second feature of populism as an ideology: the antagonism between "the people", "the non-people" and "the elite". The nature of the conflict between these groups may be based on socio-economic considerations (i.e. "losers" versus "winners" of globalization or the "haves" versus the "have-nots"), political grievances (i.e. those represented versus those that are excluded), identity and culture claims (i.e. ethnic, religious, etc. majorities versus minorities and their proponents), and it always has a moral component to it (i.e. those that are morally justified versus those who aren't).

As for the last element, popular sovereignty claims are often made by populists as a reference to the failed nature of representative institutions which are supposedly occupied by "the elite", and act as hurdles in the way of "the will of the people". Consequently, each measure that increases the relevance of some form of direct popular participation in government is a welcome development in populist-style government, and is often portrayed as the inclusionary promise of populism (De la Torre, 2016). Building on the negative experiences and evaluations people may have towards non-majoritarian organizations, populists not only reject independent institutions and deliberations as "redundant impediments" (Abts & Rummens, 2007, p. 417), but also tend to advocate "plebiscitary acclamation" instead (Kaltwasser, 2014a, p. 501) which supposedly reflects the notion of popular sovereignty much more directly.

The multifaceted impact of populism as an ideology

It is argued here that populism as an ideology qualifies as a sufficient scheme to be applied to the study of the polity-policy-politics impacts of the phenomenon. Populism as an ideology "is fundamentally a mindset and a mental map which, *when put into practice*, leads to a divisive politics in terms of its *rhetoric*, its embodied *performances* and its *policies*" (emphases added by the author of this volume) (Dean & Maiguashca, 2020, p. 16). In fact, while it is claimed here that populist narratives are crucial reflections of the ideology, populism is more than a discourse. Rather, its main ideological components are likely

to influence (1) the institutions and processes populism emerges from and in (consider the literature on populism's impact on democracy, cf. Canovan (1999), Abts and Rummens (2007), Kaltwasser (2012), Tormey (2018), Bang and Marsh (2018), Huber and Schimpf (2016), etc.), (2) the way political decision-making and governance unfolds (especially concerning media, inter-party and intergovernmental relations) (cf. Peters & Pierre, 2020), and (3) the substance of policy measures (cf. Bartha, Boda & Szikra, 2020).

As far as the expected *polity* impacts are concerned, given the moral and anti-plural nature of "the people" in populist narratives, and their criticism of non-majoritarian settings, extensive institutional disruptions are anticipated which are likely to include (1) a revision of the constitutional framework and legislative decision-making to be more reflective of "the people" and their interests, (2) a delegitimization of allegedly non-representative institutions to get rid of "the non-people" and "the elite" (e.g. civil society and non-governmental organizations) and (3) an overall decline of fair democratic procedures (as "the people" and their representative shall always rule). Furthermore, it may be expected that the bigger the power of populists, the greater the polity impact. Naturally, if populists in government have a constitutional majority which allows them to carry out a full-scale reform of the state, the more likely it is that they will use this power also in order to cement their governmental position for the future. Secondly, it may be hypothesized that institutional reforms are not purely supply-driven, but rather there is a demand coming also from "the people" which supports particular changes.

As for *politics*, the relationships between key political actors that participate in the interest-formation process are expected to change. First and foremost, it is suspected that inter-party relations will be reorganized. Populists generally promise to be the voice of the unheard, thus it is anticipated that they will represent formerly under-, or misrepresented interests linked to specific political issues (cf. Backlund & Jungar, 2019), and that they will influence the position of other parties as well depending on their weight within the party system. Based on their "us" versus "them" rhetoric, one may witness a major shift towards majoritarian settings (even attempts to push towards a two-party system). Additionally, populist parties are expected also to shift the position of the electorate on issues the party deems central. Secondly, relations with the media are also anticipated to alter. Given that media often play a role in the interest formation and articulation process, and the fact that populists consider themselves the only legitimate representatives of "the will of the people", populists' contacts with the opposition media (i.e. those representing "the non-people" and "the elite") are likely to become extremely conflictual. Furthermore, much in line with the polity-related arguments, it is expected that both the regulatory framework and the media landscape will undergo major reforms initiated by the populist logic. Last, but not least, intergovernmental relations are also expected to change, which in the context of Hungary refers mainly to European Union (EU) politics. Once again, based on the ideology of populism, it is anticipated that populists will exploit

an EU-critical narrative (i.e. the EU is "the corrupt elite" against which "the will of the Hungarian people" shall be defended) in order to cement their domestic political positions.

Lastly, populism as an ideology may have serious *policy* implications as well. Populists are expected to approach policy questions with the aim of dividing the population vertically into "the corrupt elite" and "the people", and horizontally into "us", the insiders, and "them", the outsiders. They build a narrative around these groups that establishes a conflict line between them, which can only be addressed by the populist political leader himself. It is also essential that populists show that previously accepted and followed policies did not represent "the will of the people". Indeed, policy failure is often interpreted by populists as a cause of a conspiracy between "the elite" and "the non-people". While a handful of studies already exist that look into the link between populism and public policy (cf. Bartha et al., 2020), there is no comparative analysis that would study the populist narratives and measures in the different policy fields. Based on the type of policy, the impact of populism may play out differently. On the one hand, regulatory policies which prescribe the "dos" and "don'ts" for different groups in given areas may trigger a discourse about "corrupt scientific elites", and an attempt to challenge the authority of independent institutions that are responsible for implementations. On the other hand, redistributive and distributive policies initiated by populists are likely to combine interest- and identity-based grievances in their narrative and focus on socio-economic and cultural benefits and advantages for "the right people".

In sum, it is expected that populism as an ideology leads to clearly identifiable populist narratives which may be linked to the different aspects of the political, and that these narratives – depending on the position of populists – are likely to materialize in concrete measures.

Case selection and methods

Methodologically, given populists' interest in building narratives about "the honest people" and "the corrupt elite", the study of populism has come to be dominated by discourse and content analysis. As Rooduijn and Pauwels (2011) rightly argue, this methodology is not without its shortcomings and potential pitfalls. The fluidity of the main concepts used within the ideational approach to populism leaves relatively broad room for interpretation. However, over the years, newer and newer methods have been devised and developed to minimize issues connected to coders' bias.

The book follows these footsteps and is built around content analysis mainly. Although there is still some debate about it, the examination used in this volume considers paragraphs or parts of entire speeches as the right unit of analysis. Keyword search has been adapted according to the topics covered in this volume. As far as the data are concerned, the main focus will be on the speeches given by the Prime Minister, Viktor Orbán. His unquestionable

centrality in the political agenda-setting of his party in particular, and in the politics of Hungary in general, makes this an adequate choice. The speeches covered in the book range from parliamentary speeches and interviews through conference and congressional key notes and press conferences to his most famous speeches delivered during national holidays. Additionally, in selected cases, the narrative is extended with comments made by key government figures and other officials, which may add nuance and clarification to the overall picture.

Given that the book goes beyond the question of whether the current Hungarian government qualifies as a populist, and rather looks into the impact of populism on the different components of the political, the analysis cannot stop at the confirmation of a populist discourse. While in most chapters the description of the development of a populist narrative occupies center stage, actual manifestations of populism are also considered. In the case of the impact of populism on the polity, a closer scrutiny of institutional changes (e.g. constitutional changes and legislative decisions), and a qualitative assessment of the overall quality of democracy is provided with the help of existing datasets. As far as the politics dimension is concerned, once again, content analysis is complemented with quantitative data mainly on party system dynamics and Euroscepticism. As for the policy implications, beyond the study of populist narrative, special consideration is given to impact assessments within the different policy areas that helped cement the populist discourse of the government, and this is mainly carried out with the help of survey data.

The time period covered in the book runs from 2010 to 2018. Although Orbán won the 2018 parliamentary elections and is still governing Hungary as Prime Minister at the time this manuscript is being finalized (December 2020), it is argued here that the basic contours of his populist politics became visible during this period. In fact, as is highlighted in the Conclusion, extended coverage of developments in the areas covered in the book seems to only substantiate the findings about the second and third Orbán governments. There are two cases where the analysis slightly diverges from this timeframe: (1) in relation to media politics, Orbán's press conference at the beginning of 2019 was included as it revealed important insights about the government's approach to the media; (2) in discussing cultural policy, the Prime Minister's 2009 speech in a gathering in Kötcse was also referenced, as it shed light on Orbán's view of the cultural sector. As has been pointed out, the conclusion does extend the discussion of the impact of populism to post-2018 developments, yet they fall outside the scope of the kind of systematic analysis that is provided of the 2010–2018 period. Nevertheless, these more recent examples may be further analyzed in a potential follow-up of this volume.

In sum, the analysis combines content analysis with additional qualitative and quantitative data, which also allows an interpretation that does not solely focus on supply-side factors.

The structure of the book

The book is structured based on the different impacts that populism is expected to have on the political. Each chapter follows the same logic and structure: after the clarification of the main focus, a topic-specific literature review is provided which is then followed by an analysis of both the populist narrative and actual impacts within the Hungarian context. This common pattern allows for diverse uses of the book, as the individual chapters may be used for issue- and case-specific studies, whereas the volume in its entirety delivers an additional message (see Conclusion).

After the Introduction, the attention is turned to institutional consequences. Three major elements are analyzed in detail. First, the constitutional framework is put under scrutiny. Given the constitutional majority of the governing party, Fidesz, in the Hungarian parliament, Orbán set out to change the basic law structuring the political life of the country. Although the passing of a new Fundamental Law did not feature in the electoral program of the party, once in government, Orbán felt that there was a need to provide "the people" with a new constitution that better reflected "the will of the people" and put greater emphasis on majoritarianism, a feature rather alien to centuries of Hungarian political history, but consistent with the notion of populist constitutionalism. Chapter 1 looks into the narrative debate that arose around the creation and adoption of the new Fundamental Law, and highlights some of the features of the new constitution and its amendments which reflect populist institutional design and which allow for populist interpretations of politics. It is demonstrated that populism as an ideology in relation to the constitution is likely to manifest itself in a constant "re-adjustment" of the polity in the name of "the people".

Chapter 2 follows the same footsteps, albeit at a lower level of the legal hierarchy: it focuses on special legislation that helped define and solidify populist aims in democratic institutional engineering. Building on government discourses and a handful of selected cases it is shown how discriminatory legalism may be used, abused, or contingently used by populists to benefit "the people" and punish "the non-people" and "the elite".

Chapter 3 then provides a more general assessment of the democratic impact of populism in Hungary. Theoretically, populism is described as democracy's immune system which is susceptible to mutate into an auto-immune disease endangering the host. In fact, the analysis confirms – based on an in-depth theoretical discussion – that populism has a negative impact on democracy in general, and not only its *liberal* version. Additionally, a closer scrutiny of Orbán's speeches reveals the internal contradictions and incoherence of his *illiberal* and *Christian* democracy ideas which were inspired by the Prime Minister's populist ideology.

The second section of the book focuses on the changes linked to different aspects of the *politics* component. Chapter 4 serves almost as a link between polity and politics implications, given that media are often believed to serve

as one branch of government. Based on the internal logic of the populist ideology it is analyzed what a "re-balancing" act against the alleged dominance of "the corrupt elite" in the media domain translates into. It is shown that, besides an overhaul of media oversight institutions (to make them more representative of "the people"), a major, "state-sponsored" restructuring of the media landscape was orchestrated which led to the strengthening of a "Christian-conservative-national" journalism interpreted as being in line with "the will of the people". Simultaneously, all opposition voices were discredited as illegitimate (i.e. representing "the non-people" and "the elite"), which resulted in hostile media relations, and a "re-interpretation" of media freedom by the government.

Chapter 5 turns from studying media–government relations to the analysis of inter-party linkages. In reflection of the expectations formulated in the scholarly literature, it is analyzed what impact populism exerted on party positions and representative capacities of political parties in the Hungarian context. It is demonstrated that Fidesz's reorientation as a populist party disrupted party politics inasmuch as it restructured cleavages partly by bringing the populist position from the fringes to the center of the party system. Nevertheless, while the governing party and its electorate seem to have followed the Prime Minister's views as reflected in his narrative, the overall impact of Orbán's position shifts were limited among his opposition and mostly their supporters.

Chapter 6 picks up the line of argument and delves deeper into the issue of EU politics. It advances the notion of "Eurosceptic populism" as a distinct type of populism where the EU and its institutions are equated with "the corrupt elite" that allegedly acts against "the will of the people". The chapter not only demonstrates how a multifaceted narrative is crafted by the Prime Minister on the antagonism between "Brussels" and "the Hungarian people", but also shows that this Eurosceptic discourse had a slow but steady impact on the views of Orbán's electorate concerning the EU. The final conclusion seems to suggest a deviation from the post-functionalist expectations concerning domestic political dynamics linked to the EU. In fact, two parallel dynamics are identified in Hungary which reflect the populist division of "us" versus "them": a "constraining consensus" between the government and its electorate and a "permissive dissensus" between opposition voters and Orbán's government.

The third section of the book concludes the analysis with a focus on the policy implications of Hungarian populism. Chapter 7 addresses the redistributive area concerning family policies. It is highlighted that (working) families were explicitly equated with "the people" in official narratives. Nevertheless, it is pointed out that it wasn't the redistribution favoring this group within society which made the policies populist, but rather the fact that Orbán's narrative elevated "the family" from being a private matter into a public concern, from being a socio-economic unit into a political, cultural and even moral reference point, which allowed him to divide the society into

"the people" and "the non-people". The relevance of this moral division seems to underline Müller's (2016) argument about morality's role within the ideational approach.

This moral feature of public policy is also traced in Chapter 8 which places cultural policy under scrutiny. The chapter analyzes how the Orbán government has built a narrative in which "the cultural elite" is increasingly accused of acting against the interest of "the Hungarian people" through their allegedly anti-national, anti-Christian, and overtly liberal cultural orientation. The examples of the National Library, the establishment of the Hungarian Academy of Arts, and the implanting of Christian values within the constitutional framework are used as manifestations of the projected antagonism between "the people", "the non-people" and "the elite".

The Conclusion provides a brief overview of the post-2018 developments concerning the areas analyzed in the previous chapters, and summarizes the main findings in relation to populism as an ideology. As an overall interpretation, it highlights the contours of "smart populism" which defines its core ideational elements in such a way that political opposition to it becomes hard to sustain. Nevertheless, the chapter and the book conclude with a suggestion of how the shift of political focus from national to local politics may serve as the iceberg for the *Titanic* of populism.

Notes

1 www.theguardian.com/world/ng-interactive/2018/nov/20/revealed-one-in-four-europeans-vote-populist. Last accessed 2 December 2020.
2 "Viktor Orban: the rise of Europe's troublemaker", *Financial Times,* 24 January 2018.
3 "I watched a populist leader rise in my country. That's why I'm genuinely worried for America", *Washington Post*, 28 December 2016.
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Part I

Polity impact

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1 Populist constitutionalism in Hungary after 2010

The link between populism and the constitution, understood as a legal document that aggregates fundamental principles and established practices of a given polity, has always been controversial (cf. Müller, 2017). Populists tend to criticize existing constitutional frameworks which supposedly cement the power of "the corrupt elite" in opposition to "the honest people", and which places a hurdle in the way of the fulfillment of "the general will of the people". Consequently, populists are expected to be more active in constitution-making and constitutional reform, which is indeed what we witnessed in Hungary. The aim of this chapter is threefold. First, it provides a theoretical framework which spells out the characteristics of "populist constitutionalism" with a reflection on other notions of constitutionalism. Building on the ideational approach of populism, it is highlighted how populist constitutionalism constructed "the people", "the non-people", "the elites" and their conflictual relationship, and how the notion of popular sovereignty was supposedly strengthened in the Fundamental Law. Secondly, the constitution-making process of Hungary after 2010 will be scrutinized with a focus on the various elements of populist constitutionalism. Beyond a summary of the constitution-making process, the political narrative built around the new Fundamental Law (i.e. the new constitution) is assessed to highlight the ideational features of populist constitutionalism. Claims by the Prime Minister, Viktor Orbán, and the alleged drafter of the new constitution József Szájer will be analyzed along with official documents that further explain the position of the government. Thirdly, the numerous amendments of the Fundamental Law are inspected through the lenses of populist constitutionalism with the same methods.

Populist constitutionalism

What is the link between populism and the constitution? Why do populists attack existing constitutional frameworks, and are ready in turn to draft new constitutions? What does "populist constitutionalism" mean?

Constitutionalism, according to the Merriam-Webster dictionary, is "adherence to or government according to constitutional principles".[1]

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Naturally, there are different approaches to the exact understanding of constitutional principles, and this is where distinct types of constitutionalism may be identified. In fact, Tushnet (1999) makes a distinction between *thick* and *thin* constitutions, the former detailing provisions regarding the organization of government, while the latter focus on solely enshrining fundamental principles. Walker (2019) claims that constitutionalism is indeed a balancing act between different values and principles. Among those most relevant are the individual–collective, the universal–particular and the plurality–unity distinctions. While Walker (2019) argues that populist constitutionalism arises from the inherent tension between these principles, Tushnet and Bugarič (2020) claim that populism is in no inherent opposition to thin constitutionalism, it simply rejects "the classical elements of the thick one – checks and balances, institutional principles, judicial review, etc." (Fabbrizi, 2020, p. 441). Nevertheless, Tushnet and Bugarič (2020) also acknowledge that the selective combination of thick components *à la* Frankenstate (Scheppele, 2013) does set populism and constitutionalism against each other.

So, what is populist constitutionalism? It is a contemporary phenomenon that is generally defined in both a negative and a positive manner, in other words, based on what it opposes, and in turn what it stands for. In general, populist constitutionalism may be differentiated from other forms of constitutionalism, such as authoritarian constitutionalism (Walker, 2019), democratic constitutionalism (Blokker, 2019a), deliberative constitutionalism (Chambers, 2019), legal constitutionalism (Blokker, 2019b), liberal constitutionalism (Bugarič, 2019a), and popular constitutionalism (Müller, 2017). It is not authoritarian as it claims to speak for and in the name of the people. It is not democratic and deliberative as it denies pluralism and meaningful participation of the people. It is not legal inasmuch as it criticizes norm entrenchment and judicial review. It is not liberal, as it tends to attack basic institutions of liberal democracy, such as the system of checks and balances, and the rule of law. Last, but not least, it is not popular as it adopts a *pars-pro-toto* claim (Arato, 2013), arguing that a "we and only we are the people" approach is necessary to mend potential, existing representative shortcomings in a constitutional design.

What are the characteristics of populist constitutionalism? Walker, in line with the ideational approach to populism, defines "populist constitutionalism" both as "a reaction against a certain type of constitutional orthodoxy" (Walker, 2019, p. 529) and as a constitutional practice "involving a binary opposition between 'two homogeneous and antagonistic camps'" (Walker, 2019, p. 516). In fact, populists nowadays show deep resentment towards the existing dominant liberal constitutional framework (Bugarič, 2019a) as it supposedly serves the interests of "the corrupt elite" in opposition to those of "the people". The elite generally involves legal specialists that have the right and capacity to interpret the constitution, and the political establishment which sustains the system. They may also be linked to a complicit "non-people" who supposedly abuse the benefits of the constitutional architecture

(e.g. proponents of minority rights in opposition to "the will of the people"). Both are essentially pictured as those responsible for breaking the direct link between "the will of the people" and the exercise of power (Walker, 2019).

But who are "the people"? The notion of "the people" is key in populist constitutionalism. The imagined community of "the unified people" and its role in constitutional reform defies the basic idea behind liberal and legal constitutionalism. In fact, there is a sharp contrast between democracy's notion of a plural, and open *demos*, and the populist idea of "the unified people" that reflects a monolith and closed community (Mueller, 2019; Müller, 2014). Opposition, disagreement and criticism are hardly imaginable and even less acceptable as they not only defy the notion of "a unified people", but also weaken the state. As Blokker argues, contrary to liberal understandings of political fragmentation, "populists deny conflict within society or they understand conflict as an inherently problematic phenomenon, rather than as a legitimate expression of different viewpoints and interests" (Blokker, 2019a, p. 544). Consequently, populist constitutionalism diverges from the democratic one as the former claims to make decisions based on the idea of a "united people" (see the Introduction to this volume) whereas the latter emphasizes citizen engagement.

This notion of a "unified people" becomes relevant for constitutionalism. Abts and Rummens (2007) argue that, in constitution-making, the locus of power shall remain essentially empty. While populists tend to fill the place of power with "the people" (i.e. the rule of men), liberal democrats attempt to use the "rule of law" for the same purposes. In fact, populist constitutionalism uses an appeal to "the people" in its "rhetorical and justificatory framework for constitutional reform" (Chambers, 2019, p. 1117). Given that the "rule of men" is less likely to remain constant, and is more vulnerable to opportunistic exploitation, populist constitutionalism is expected to be an ongoing process. As Chambers (2019) rightly pointed out, "the people" is always a work in progress, which ultimately means that the constitutional framework is always in progress too. Indeed, populists dispute a sovereignty transfer between the *pouvoir constituent* (i.e. the people) and the *pouvoir constituée* (i.e. the institutions safeguarding the constitutional construct, generally meaning judicial review). This means that, whereas legal constitutionalism considers constitutions rather complete, populist constitutionalism makes the constitutional process essentially open-ended, which "endorses the possibility of constituent power to re-emerge from time to time within the constitutional order" (Blokker, 2019b, p. 342). While it may sound a convincing argument, the link between constituent power and populism has been increasingly criticized (cf. Doyle, 2019; Grant, 2020).

As far as the antagonism between "the people" and "the elite" is concerned, populists often claim that liberal constitutionalism (i.e. a constitution in conformity with liberal democracy) tends to depoliticize matters relevant for "the people". They claim that this practice alienates citizens from institutions, and weakens the polity because of the neutrality of the state (Blokker, 2019a).

Instead of this rather "conservative" approach, they propagate a more "revolutionary" path that also allows for the normalization of rather unorthodox solutions (Uitz, 2019). Walker (2019) and Blokker (2019b) both argue that populist constitutionalism is not only backwards-looking, meaning that it attacks the previously existing constitutional order, but also forwards-looking, suggesting its more revolutionary character that also contrasts it with other types of constitutionalism. Essentially, populists take issue with the legalistic approach, and challenge fundamental elements of the legal constitutional model (Blokker, 2019b). They challenge the view that constitutions are legal structures independent from their subjects once constituted (cf. Dahl, 2003 on the "paradox of constitutionalism"). Quite the contrary, populists argue that legal constitutional institutions hinder a meaningful exercise of popular sovereignty, therefore they need to be corrected. Consequently, they propagate a kind of political constitutionalism that politicizes matters previously rendered untouchable by legal constitutionalism. As Ferrara put it: "because the electorate is the people's current incarnation, the constitution is in the electorate's hands" (Ferrara, 2018, p. 468). Additionally, an extreme propagation of majoritarianism coupled with the belief in a "unified people" is likely to shrink the space between ordinary and constitutional politics (Blokker, 2019a), thus leading to an extension of constitutionalism from polity to policy issues. Such an instrumentalist approach to constitutionalism once again is likely to manifest itself in frequent revisions and amendments, and may result in de facto *de-constitutionalization* (Ferrara, 2018, p. 469).

A further line of antagonism may be described as a conflict between the individual and the collective. In fact, "the people" is not only relevant in terms of its role as a constituent power, but also as a signal of shift of emphasis from the individual to the community. Instead of considering constitutions as tools to protect individuals from one another and state power, populist constitutionalism regards "constitutionalism as a means to protect a distinct community, its ethos, and its traditions" (Blokker, 2019b, p. 339). Additionally, given that the self is embedded in society, the focus should not be solely on individual rights but also on duties (what makes one worthy of belonging to the community) (Blokker, 2019a), and how the state is capable of protecting the community.

As for the notion of popular sovereignty, as Müller argued, populists claim that "checks and balances, divisions of power, etc. prevent the singular, homogeneous will of the singular, homogeneous people from emerging clearly" (Müller, 2017, p. 598). As Peruzzotti stressed in relation to Latin America, populists see the problem in "the lack of true democracy, that is, regimes that could adequately and forcefully express the will of the people … the model of polyarchy is predicated on the need to ensure the government of minorities, not to realize majority aspirations" (Peruzzotti, 2017, p. 392). In response, Blokker (2019a) points out that populist constitutionalism rejects the notion of rule of law as it only serves the interests of a minority, and prioritizes popular sovereignty or the "rule of men" instead (Walker, 2019). In fact,

populists may believe that "minority rights merely reflect illegitimate political correctness, that checked and balanced powers give unwarranted strength to their opponents … and that constitutional accountability and limited government are unnecessary" (Scheppele, 2018, p. 562). They are convinced that non-majoritarian institutions enshrined in constitutions are redundant hurdles hampering the expression of "the will of the people", and thus need to be corrected or even discarded. In fact, Bugarič (2019b) claims that populist constitutionalism attacks and attempts to alter four main elements of liberal democracy: the checks on the executive power, the media, civil liberties and the quality of elections. Furthermore, populists are likely to believe that the rule of law emphasizes individuality which erodes unity, and this makes the polity weaker both internally and externally. Chambers (2019) also points out that, even though populists want a constitutional order that better represents "the will of the people", it is likely to come with a serious price tag coded in the nature of populism. While "the means and justification are all about the people, participation, democracy and citizen power. The ends are all about the consolidation and concentration of power and ultimately the limitation and suppression of the people, participation, democracy and citizen power" (Chambers, 2019, pp. 1119–1120). After all, if "the people" may only be truly represented by a populist leader, should a constitution not ensure that such a leader stays perpetually in power (Müller, 2017)? In fact, while populist constitutionalism likes to demonstrate higher democratic credentials than liberal constitutionalism (Arato, 2019), and likes to criticize the liberal constitutional order of not living up to its promises (Blokker, 2019b), a populist constitutional redesign does include potential pitfalls for democracy itself. Chambers (2019) asserts that populist constitutionalism involves attacks on the public sphere, the free press and even dissenting voices during the constitutional reform process, leaving very little room for *meaningful* participation.

In sum, populist constitutionalism promises to correct alleged deficiencies in existing constitutional frameworks which (1) serve the interests of "the corrupt elite" (and the complicit "non-people") against those of "the honest people", (2) are rigid, legal constructs tipping the balance between plurality and unity, the individual and the community, and legal and political matters, and (3) constrain the manifestation of "the will of the people" through unnecessary institutions and processes (Table 1.1). Nevertheless, the democratizing promise of populist constitutionalism is likely to take a negative turn and trigger criticism which derives mainly from the anti-plural feature of the populist ideology itself (Müller, 2016). Additionally, as Fabbrizi (2020) rightly points out, populist constitutionalism risks jeopardizing fundamental principles (along the lines of what "the people" want), questions the stability of law over time and turns legal action into an ongoing referendum campaign.

Table 1.1 The ideational approach to populist constitutionalism

The people and the elite	*Nature of antagonism*	*Popular sovereignty*
• The establishment and the complicit "non-people" as beneficiaries and sustainers of the previous constitutional framework • The people as "constituent power" whose interests were not sufficiently reflected in the existing framework	• Plurality vs unity • "Conservative" vs "revolutionary" approach • Legal vs political • Individual vs collective • Rights and duties	• Promise direct exercise of power • YET! No *meaningful* participation and engagement of the citizen • Frequent amendments • Extending constitutionalism to policy areas

Constitution-making in Hungary in 2011

After having clarified the building blocks of an ideational approach to populist constitutionalism, this part zooms in on the Hungarian case. In April 2010 Viktor Orbán led his center-right party, Fidesz to a landslide electoral victory. Given the peculiarities of the electoral system, 53% of the votes translated into 68% of the seats in Parliament, which ensured the governing coalition[2] a constitutional majority. By the end of April 2011, a new Fundamental Law was passed which replaced the previous constitutional framework established during the transition period of 1989–1990. Ever since, the government has amended the Fundamental Law multiple times. Do the actions of the Hungarian government represent a case of populist constitutionalism? This chapter aims to answer this question.

A rationale for constitutional change: the elite's constitution failing to represent "the will of the people"?

Was it necessary to draft a new constitutional document in Hungary 20 years after its transition from a communist regime to democracy? While Orbán did not ask for a mandate to write a new constitution during the 2010 parliamentary election campaign, after the election victory and the publication of the Declaration of National Cooperation, it became evident that constitutionalization was on the way (Uitz, 2019). On the one hand, one could argue that the system established in 1989 proved sustainable as it allowed for stable governing coalitions, and ensured the durable functioning of the most relevant institutions safeguarding democracy. On the other hand, the governing coalition built a populist narrative arguing that the existing system was (1) partly illegitimate as it served the interests of a powerful elite, and (2) did not serve the interests of "the people" as it led to a socio-economic disaster, and political anomalies in the previous two decades. As for the former,

despite its proven merits, the 1989 constitution was adopted by the last parliament under communist dictatorship. Although details of the amended 1949 constitution were worked out with the newly formed and re-established democratic opposition parties, the accepted framework was thought to be a temporary solution, mainly to facilitate the first democratic parliamentary elections in 1990 (Ablonczy, 2011). Orbán associated this period with an era where "post-communist structures were created … where no constitution existed, only the old one was amended",[3] and added a moral justification as well, claiming that "constitutional institutions had no solid moral and legal basis".[4] Additionally, before the new constitution was adopted in 2011, Orbán referred to the old document as "a shy constitution", and "an imperfect constitution",[5] and equated his political opponents to "defenders of the post-communist system".[6]

As for the latter point, in a parliamentary speech, the Prime Minister compared the existing polity to

> a political system of abusers … [where] governments and the leaders of the country did not pay heed to the will of the people …, [but rather] governed the country with dictates serving private interests cooked up in narrow circles.[7]

On another occasion, in the European Parliament, Orbán argued that

> the old constitution was incapable of defending the wealth of the country and indebted the future of Hungarians … it did not defend competition, and the Hungarian economy was dominated by monopolies and cartels, and the previous constitution did not defend the environment … and it did not defend civil liberties, as it did not protect civilians against the abuses of the police.[8]

Practically, the Prime Minister made the constitutional system responsible for the governmental inefficiencies that caused many of the policy challenges in the country, and thus legitimated constitution-making based on a moral justification coupled with the current Hungarian socio-economic and political reality. On the necessity to draft a new constitution, Orbán argued that "there was no compulsion, but there was a need"[9] to elevate the country out of its dire state. József Szájer, the alleged framer of the new constitution, further explained: "this governing coalition received a mandate not primarily to carry out some kind of a legal act but to make a root and branch change. Change must start from the foundations" (Ablonczy, 2011, p. 19). Furthermore, building on the political critique of legal constitutionalism and following Thomas Jefferson's idea that no generation should be bound by the laws of previous generations (see also Tushnet & Bugarič, 2020), Szájer asserted that "We do not see the constitution as a taboo or a sacred text that cannot be tampered with. The very fact that 20 years have gone by since it

was last amended was enough to justify changes" (Ablonczy, 2011, p. 19). As it will be shown later, it is somewhat contradictory then that the governing coalition cemented a lot of politically sensitive issues in cardinal laws and the constitution itself, effectively removing them from future political discourse. Denying political contestation of certain policy questions for others ("the non-people") is indeed a populist move.

All in all, when it comes to the rationale of constitution-making, it could be argued that, while the Fidesz-led government had all the right to draft the new Fundamental Law (although they did get rid of the four-fifths majority requirement with a constitutional change first (Uitz, 2019)), the arguments put forward to justify it were rather populist in tone and nature. They claimed that the previous constitutional order served the interests of an elite, lacked a moral basis and acted against the interests of "the people". What this means for the Fidesz-led governing coalition of 1998–2002 remains unclear, nevertheless. The corrupt nature of the existing constitution was also highlighted in their criticism of the illegitimate nature of its drafting, despite the fact that Fidesz had readily participated in politics ever since the first democratic parliament was elected in 1990. While Fidesz (along with the liberal SZDSZ) did not sign the Opposition Round Table's pact on the constitution in 1989, they did not veto it either. While already in the rationale of constitution-making a populist tone is emerging, it is worth looking at the actual constitutional text and the process that led to its adoption to verify a full-blown populist approach.

The contents of the Fundamental Law – identifying "the people", repoliticizing the constitution and deconstructing hurdles in the way of "the will of the people"

The previous section helped contextualize the constitution-making process and laid the groundwork for a populist division of the society into "the elite" and "the people". Now turning to the actual text of the Fundamental Law shall help further crystallize the mentioned division, and also explain the antagonistic relationship between "the elite", "the people" and "the non-people" (i.e. citizens that do not belong to the populist understanding of "the people"). Some provisions and clauses of the Fundamental Law are used to highlight the features of constitutional cleavages driving populist constitutionalism. Close scrutiny of official documents arguing in favor and against the new constitution is complemented once again with the political discourse of the most relevant actors. This section only deals with the 2011 constitutional document, all amendments and the political, legal debates surrounding them are discussed in the subsequent part.

The Fundamental Law is divided into five major sections: the National Avowal, the Foundation, the section on Freedom and Responsibility, the part on The State, and the Closing and Miscellaneous Provisions. The European Commission for Democracy Through Law (Venice Commission) gave its

opinion on the new constitution in June 2011. While the document stresses that it is not meant to be an in-depth study, it provides key general and specific remarks on the text. This section will follow a similar logic and will use a few selected issues to provide examples of a populist fingerprint on the constitution.

First, the notion of "the people" needs to be addressed. The National Avowal starts with stating "we, the members of the Hungarian nation" suggesting that the constitution is the result of the democratic will-formation of only the dominant ethnic group in the country, and not that of the country's citizens. According to the Venice Commission (2011a), this fact is not changed by the section that states that "the nationalities living with us form part of the political community and are constituent parts of the State". In its official response to the Venice Commission's report, the Hungarian government did not provide any answer to this point raised (Hungarian Government, 2011), which seems to suggest that the members of the Hungarian nation, as an ethnic community, is considered "the people" behind the making of the constitution. Orbán seems to support this notion:

> There is a school of thought according to which the best constitution is one that nobody can relate to, because this enables it to be everybody's constitution, but not anyone's truly. I don't share this way of thinking. A constitution must include some things that grab one by the heart, that take hold and don't let go, that make it clear that you belong to this constitution and that the constitution belongs to you.[10]

This in fact coincides with the claim made by Szájer who argued that "Our aim was to make the Fundamental Law's preamble part of the definition of national identity" (Ablonczy, 2011, p. 42). Additionally, the Venice Commission also argued that the "historical summary" provided in the preamble was partially selective and could be interpreted as an exclusionary act.

The new constitution leaves little doubt about the anthropological character of "the people": "We hold that the family and the nation constitute the principal framework of our coexistence, and that our fundamental cohesive values are fidelity, faith and love". On the question whether the values incorporated within the National Avowal were based on a consensus, Szájer claimed that "The accusations of ideological bias are false, but those who voice them exclude themselves from the community of rational citizens encompassing every member of society" (Ablonczy, 2011, p. 56). Renáta Uitz (2019, p. 16) claims that:

> The Fundamental Law's anthropological presuppositions about a proper Hungarian are clear: she is a God-fearing (preferable Christian) married individual who is willing to make sacrifices for family (also in the form of supporting her elderly parents, see Article XVI(4)) and country.

To what extent family should be the basis of societal coexistence, and "the basis of the survival of the nation" (Article L of the Fundamental Law) may be questioned. On the one hand it may artificially divide the society between those living in a family and those living without, essentially implying that the latter is less valuable for the society as a whole irrespective of the reasons why living without a family occurred. On the other hand, the definition of family in the Fundamental Law is also quite ambiguous, especially after constitutional amendments (see later).

In terms of "sacrifice for the country", Article O of the new constitution creates an obligation for every person "to contribute to the performance of state and community tasks to the best of his or her abilities and potential". Although the government claims that this coincides with "the will of the people" manifested in the National Consultation that wanted to balance rights with duties, the article itself is too vague, and may even be read so as to suggest that rights actually are given to those who have fulfilled their duties to the state. As the government argued, "We wanted to break with the doomed notion … that the individual expects the state to provide everything and does not feel the need to make any effort to better their lot in life" (Ablonczy, 2011, p. 80). This is in line with the thoughts of the government's alleged chief theoretician, András Lánczi, who argued that "You have rights, but first you have to fulfil your obligations. Without your personal merits, your community cannot stand by you when you need it, community assistance is not unconditional."[11] This assumption changes the link between the individual and the community: the liberal view considers the community as built by individuals, where the populist view believes that the individual is created through the community. In fact, it was argued that

> everyone enjoys freedom of speech, freedom of assembly, freedom of religion, and freedom of expression, regardless of whether they fulfil any of their civic obligations or not. There are, however, certain entitlements, primarily in the realm of social rights, which the state might justifiably make conditional upon the fulfilment of certain obligations.
>
> *(Ablonczy, 2011, p. 94)*

In general, it could be argued that the new constitution shifts the emphasis from "an expression of exaggerated individualism" (Ablonczy, 2011, p. 95) to a preference for the collective (see also Article I(2)). In line with this, "whilst the level of protection for the individual has been reduced … the protection … of the community as a whole has been significantly bolstered" (Ablonczy, 2011, p. 144). This coincides with the instrumentalist claim made by Blokker (2019a) that populists tend to use the law to advance collectivist projects, which often means the mobilization of constitutional issues in daily politics. Additionally, the new constitution aims to balance rights with duties that may be used to differentiate between those that belong to "the people" the government is set to represent and those that do not.

As far as the antagonism between "the people" and "the elite" is concerned, the conflict was crafted between a legal and a political approach. As argued before, this fits nicely within a populist narrative inasmuch as it is claimed that constitutions are walled off from citizen engagement. As a response, not only should the power of the beneficiaries and sustainers of said system (i.e. "the corrupt elite") be curtailed (above all constitutional review), but the constitution itself should be repoliticized. In general, Orbán argued that

> the Constitutional Court took upon itself the job to complement and correct the shortcomings of the imperfect constitution. Out of this process emerged a so-called invisible constitution which was never approved or accepted democratically by anyone, yet it surrounded us and regulated our lives.[12]

The conviction of the government was that "the court is empowered to interpret the content defined by Parliament, not to create new laws. This balance has tipped in the past 20 years" (Ablonczy, 2011, p. 109). Resonating with the ideas put forward by Tushnet (1999) and Howse (2019), the Prime Minister argued: "the guards of the constitution are constitutional court judges, but who guards them? … members of parliament always feel that they are no inferior guards of democracy".[13] As a consequence, and as a manifestation of the shift towards political constitutionalism, the articles regulating the Constitutional Court have changed considerably in the Fundamental Law. The number of judges increased from 11 to 15, their term of office was extended from 9 to 12 years, and the way judges and the president of the court were selected have changed. These measures helped the government exercise more power over the structure of the court, questioning the independence of the institution (see Venice Commission report). Additionally, the competences of the Constitutional Court have been curtailed. Article N(3) imposes the obligation on the court to respect the "principle of balanced, transparent and sustainable budget management" in the course of performing its duties. What this entails in terms of potential conflicts with fundamental rights for instance remains unclear. In a similar fashion, Article 37(4) confines the constitutional review competence of the court related to the central budget, its implementation, taxes and duties to whether they are in conformity "with the rights to life and human dignity, to the protection of personal data, to freedom of thought, conscience and religion, or the rights related to Hungarian citizenship", as long as state debt exceeds 50% of GDP. The Venice Commission argued that "such a limitation creates the impression that capping the national budget at 50 per cent of the GDP may be considered to be such an important aim that it may even be reached by unconstitutional laws" (Venice Commission, 2011a, p. 25). While in its official response, the government failed to provide any argument to defend this specific clause, it was argued otherwise that "the checks and balances related to the stability of the budget and the management of state institutions were not strong enough" (Ablonczy, 2011, p. 87). In

general, given that the years 2011–2012 were still dominated by the economic and financial crisis, it comes as little surprise that the political approach to constitutionalism seems to have trumped the legal one through economic arguments. As Szájer put it, "There are certain economic preconditions for a democracy to function" (Ablonczy, 2011, p. 144). In a similar manner, Orbán argued: "the main crust of a constitution is of economic nature".[14] Referring to Orbán's infamous "illiberal state" speech, Scheppele (2019, p. 321) claims that the newly established constitutional order adopted the view that "the test of a well-organized state was its economic success, not the realization of the rights of the ability to meet the aspirations of its citizens". While the repoliticization of certain constitutional features may be a legitimate position, as argued before, this blurs the line between a constitutional framework and simply bad governance being responsible for economic and social inefficiencies.

Another dimension worth exploring pertains to the cleavage between plurality and unity. Populists' approach to the exercise of power is rather simple: "the people" are represented by them and them alone, and the role of the democratic state is to fulfill "the will of said people". Essentially, this boils down to a very simple equation of unity: the people = the state. As Bugarič (2019a, p. 604) put it, "the role of the populist leader is to do what the people want. The formal structures of liberal democracy have to be put aside if they are preventing the populist leader from fulfilling his role." The idea is reflected in the reductions of checks and balances in the new constitutional order. While Orbán claimed that the system of checks and balances only had meaning in the US,[15] the Speaker of the National Assembly, a member of the Fidesz party, László Kövér actually argued that

> the system of checks and balances – I don't know what you learn about that – is crap; forget about it because it has nothing to do with a country of law and democracy … some people seriously think that one has to contain the government that came into being as a result of democratic will.[16]

Beyond the already mentioned increase in the number of constitutional court judges, other measures point in the same direction, namely putting all potential checks and balances institutions under government control. "The early removal of the former chief justice of the Supreme Court and the data protection commissioner through constitutional amendment illustrate open political discretion in selecting veto players for the new constitutional regime" (Uitz, 2015, p. 292). One may extend the list with additional positions concerning public media for instance, an issue to be addressed in another chapter.

Adopting the Fundamental Law – controlled popular sovereignty?

As argued before, part of the criticism against the previous constitutional order was built around the claim that it wasn't consented to by the people,

and it failed to represent and carry out "the will of the people". The new government after the 2010 parliamentary elections, and in line with the ideational approach to populism, promised to correct these deficiencies and to allow a greater role to popular sovereignty in politics in general, and in constitutionalism in particular. However, the government did not live up to its promise. In fact, the Venice Commission criticized the constitution-making process, arguing that "the procedure of drafting, deliberating and adopting the new Constitution … restricted possibilities of debate" (Venice Commission, 2011a, p. 4).

As a first step, the governing coalition issued a National Consultation on the constitution in February 2011. National Consultations are surveys sent out to the electorate asking them about their opinions on a few selected issues. They have been criticized on numerous grounds: the questions are generally manipulative, the consultation forms are essentially direct marketing campaign letters of the governing coalition, and results are never transparent. In the case of the consultation on the constitution, questions related to a wide range of issues. Some were rather rhetorical in nature with obscure legal consequences and an uncertainty about their feasible implementation (e.g. whether a constitution should declare duties next to rights and liberties as well; whether beyond basic human rights other values such as family, order, home, work and health should also enjoy constitutional protection; whether the constitution should protect the natural diversity of the Carpathian basin, the national wealth, land and water; and whether the new constitution should bear responsibility for future generations and those living outside the borders as national minorities in neighboring countries). Others referred to very concrete issues whose direct linking to a constitution proved rather controversial, nevertheless (e.g. whether parents with children should have extra voting rights; whether costs of bringing up children should and could be taxed; whether the constitution should limit indebtedness of the state; whether life sentences without parole should be allowed by the constitution; and whether public procurement should be limited by constitution to firms with a transparent ownership structure). Nevertheless, the Prime Minister argued that the National Consultation guaranteed that "the will of the people" was reflected in the final text.[17] As he explained it in a radio interview: "This is the heart of the matter, governing together, because the prerequisite of all successful professional solutions is societal cooperation, unity, consultation, and the sustainment of inclusion".[18] However, whether the questions raised in the consultation were really relevant for a constitution (especially in light of the cleavages highlighted in the previous section) and whether they ensured a *meaningful* participation of the citizens in the drafting process is debatable (Uitz, 2015). As Chambers highlighted in relation to the deliberative element of constitutionalism:

> we do not ask, did or could everyone agree with this piece of legislation; we ask how confident are we that the existing discursive structure of

> public communication facilitates an egalitarian circulation of information, reasons, justification, criticisms, commentary and so on.
>
> *(Chambers, 2019, p. 1125)*

It is argued here that the consultation formed part of a controlled popular sovereignty scheme that supposedly increased the democratic features of the constitutional order, but in fact constrained serious citizen engagement with the process. Other elements of the constitution-making help further substantiate this claim.

First and foremost, the new constitution was introduced to Parliament as an individual member's bill, which according to the constitution, does not require wider societal discussion to pass through parliamentary procedures. No consultation is necessary with civil society organizations, which could increase the deliberative nature of the process. Additionally, one of the first measures of the new government was "to use its two-thirds vote to eliminate the four-fifth rule of the constitution" (Bánkuti, Halmai, & Scheppele, 2012, p. 139), which was required to amend the constitution. How far this was in line with the notion of popular sovereignty is once again questionable. The Prime Minister explained:

> During the constitution-making process the opposition asked for guarantees that even though we had the two-thirds majority we would not amend the constitution without them. I could not provide such a guarantee, because this would have meant no constitution at the end … we were given a two-thirds majority in order to carry this task out even without the opposition.[19]

The legitimacy of the process was also weakened by the fact that the opposition left the preparatory committee in parliament as it did not consider their proposals (Bánkuti et al., 2012). The opposition further boycotted the process by not preparing any draft constitutions as MPs were given one week to carry out the task. Nevertheless, the government claimed that "we have good grounds to suppose that if any opposition party on the left had submitted their constitution draft to Parliament, it would have become evident that a consensus existed on 80% to 90% of the essential questions" (Ablonczy, 2011, p. 40). Furthermore, the idea of popular sovereignty was challenged by the fact that the adopted text was never put to a nation-wide referendum. Referenda have been part of Hungarian politics ever since the transition period. Even though Viktor Orbán liked to use this political tool in opposition (see the referendum on double citizenship and hospital privatization in 2004, and a referendum on revoking tuition and medical fees in 2008), in government he argued that

> I would not like to see the constitution of the majority, but the constitution of everybody. When there is a referendum, people vote either this

> way or that way, yes or no, and then a majority faces a minority. This is why I considered a consultation better.[20]

On another occasion, he claimed that "the new constitution will be the constitution of the whole nation as the will and opinion of the Hungarians prevails in it. It prevails through the governmental and parliamentary authority, and it prevails – in details – through the National Consultation."[21] As Szájer further explained, "we claim that the direct exercise of power (i.e. a referendum) is secondary to elected representatives" (Ablonczy, 2011, p. 69), which nicely aligns with the Prime Minister's ideas, but stands in a slight contrast to their claim that the constitutional process had to be democratized and opened up for the people (cf. Uitz, 2019).

It is also worth analyzing the Fundamental Law in terms of its impact on popular sovereignty. Has the new constitutional order increased the potential of citizens voicing their preferences? It is argued here, in line with the controlled popular sovereignty claim, that new provisions have curtailed the prevalence of popular sovereignty in both direct and indirect democratic procedures.

As far as the indirect institutions and processes are concerned, beyond the already mentioned case of the competences of the constitutional court, popular sovereignty through the parliament has been seriously constrained by the establishment of the Budget Council. This three-member council has an effective veto power over national budgets (in case they add to the national debt) that could limit popular sovereignty embodied in parliamentary majorities. Worst case scenario, without a budget Parliament may be dissolved by the President of the Republic. As the Venice Commission argued in its opinion on the Fundamental Law, "the budget is the main instrument for parliamentary majority to express and implement its political program", consequently, the Budget Council "might have a negative impact on the democratic legitimacy of budgetary decisions" (Venice Commission, 2011a, p. 26). To the question whether this unelected body infringes on parliamentary sovereignty, Szájer argued that, "if a sensible government majority wishes to ward off the nightmare scenario of Parliament being dissolved all it has to do is refrain from adopting a budget that fails to respect the rule on reducing the deficit" (Ablonczy, 2011, p. 142).

As a second issue, the use of the so-called cardinal laws (i.e. laws that require two-thirds majorities but are not so fundamental as to be regulated by the constitution) has to be mentioned. Although the previous constitution also built on this legal instrument, the Venice Commission found that

> a too wide use of cardinal laws is problematic with regard to both the Constitution and ordinary laws … Functionality of a democratic system is rooted in its permanent ability to change. The more policy issues are transferred beyond the powers of simple majority, the less significance will future elections have.
>
> *(Venice Commission, 2011a, p. 6)*

While the government argued that in fact the scope of cardinal laws was more limited in the Fundamental Law than in the previous constitution, it did not address the issue in any meaningful way.

As far as direct democratic processes are concerned, the new constitution raised the minimum threshold requirements for referenda. As was argued before, the idea was to push the constitutional balance between direct and indirect exercise of political power towards the latter. Accordingly, József Szájer argued that

> we were not simply improvising when we raised the numbers in order to make it impossible to hold a referendum on a certain issue below a certain threshold. Quite the opposite … we established a ratio that makes it possible for a realistic expression of the will of the people. At the same time, it does not open the doors to abuses in the sense that it is not possible to overrule representational democracy in every instance, the latter being the primary form of representation.
>
> *(Ablonczy, 2011, p. 162)*

What further decreased the level of popular sovereignty is the elimination of non-binding referenda (even though none were held after 1990). In order to limit the number of "insincere" referendum proposals, administrative burdens have been increased and the president of the National Election Office may discard referendum proposals based on preliminary analysis of their fulfillment of legal requirements. In addition to administrative barriers, officials may now refuse questions containing obscene or in any way shocking statements without a meaningful inspection.

As a second institutional change, the Fundamental Law discontinued the practice of *actio popularis,* an opportunity for the people to directly appeal to the Constitutional Court. Accordingly, people could demand a "review against a normative act after its enactment, without needing to prove that he or she is currently and directly affected by it" (Venice Commission, 2011b, p. 11). Although this institution is considered rather an exception in Europe, as it may overburden the Court, and the Venice Commission did not consider the restriction as an infringement, it did argue that "in case the actio popularis is abolished, other ways of constitutional review must be provided for, as such a change to a system of constitutional review may have some repercussions on the scope and efficiency of the control" (Venice Commission, 2011b, p. 12). This coupled with the curtailing of the competences of the court do raise some questions about the extent to which popular sovereignty may prevail and may be exercised freely in the new system.

Entrenching populist constitutionalism through amendments to the Fundamental Law

The previous section highlighted the manifestation of populist constitutionalism through a few selected issues. It has shown how "the people" has been

further specified through a shift of emphasis towards the collective and the balancing between rights and duties. Furthermore, the antagonism between "the people" and "the elite", who sustained and benefitted from the previous constitutional order, was traced through different channels: how the focus drifted from legal to political understandings, and from prioritizing plurality to unity. Last, but not least, the ambivalent relationship between populism and popular sovereignty has been analyzed. Given that populists like to blur the line between constitutional and political matters, it is expected that in the name of "the will of the people" they "upgrade" the constitutional framework quite often. The case of Hungary is no outlier in this sense. Therefore, it is essential to look at a few amendments that help further substantiate the existence of populist constitutionalism. While Table 1.2 shows a complete list of the amendments (as of January 2020), it has to be noted that, similar to the previous section, only a few cases have been selected to trace populism in constitutional design.

Some of the amendments adopted to the Fundamental Law further define "the people" in relation to others. While the original text already argued that family was the basis of the survival of the nation, the 4th Amendment further clarified what a family was: "Family ties shall be based on marriage or the relationship between parents and children". The Constitutional Court previously annulled sections of the Act on Protection of Families as it found the concept of family in the law too narrow (e.g. what happens with children raised by their grandparents, or families where previously divorced parents raise each other's children). Yet, Orbán himself argued that "We want families to be acknowledged and respected; reject the relativization, expansion, diminishing of the concept of marriage and the family … this is why we endorsed a special law on the protection of families in Hungary".[22] Although the Hungarian government argued that family, the way it was referred to in the Fundamental Law, was "of moral character, rather than normative content" (Hungarian Government, 2013, p. 1), it does create an impression of "us versus them" within the society which is further underlined by socio-economic policy measures (see in corresponding chapter of this book).

As a second point in the definition of "the people", the 7th Amendment to the Fundamental Law asserted, in reflection mainly of the migration/refugee crisis, that "the protection of the constitutional identity and Christian culture of Hungary shall be an obligation of every organ of the State" (Article R(4)). Similar to the argument put forward in relation to "the family", one may claim that the wording suggests a moral and not a normative content in this case.[23] On the notion that this might be exclusionary, the Prime Minister argued that

> if we say that Hungary is a country that is built on Christian roots … then we are excluding those people (i.e. non-believers, agnostics, and people of different faith) from the nation? … I don't think we are excluding them, we just don't happen to agree.[24]

Table 1.2 Constitutional amendments to the Fundamental Law of Hungary

1st Amendment (18 June 2012)	The rules on the remuneration of the (current and former) President of the Republic shall be laid down in Cardinal Law
2nd Amendment (9 November 2012)	On electoral registration (nullified)
3rd Amendment (21 December 2012)	Regulation of arable land and forests shall be laid down in Cardinal Law
4th Amendment (25 March 2013)	(1) further specifying "the basis of family" (2) giving the President the right to request a constitutional review in case procedural concerns arise in relation to the Fundamental Law or its amendments (3) communist crimes bearing responsibility without statute of limitations (4) on religious organizations (5) regulating political advertising, and stating that the right to freedom of expression may not violate the dignity of the Hungarian nation or of any national, ethnic, racial or religious community (6) giving the government power over management and supervision of public institutes of higher education (7) making financial support of higher education conditional (8) giving the right to state or local governments to declare "homelessness" illegal (9) regulating nationalities shall be laid down in Cardinal Law (10) the Speaker of the National Assembly shall exercise policing and disciplinary powers, and the creation of a Parliamentary Guard (11) on the rights of the President of the Republic on constitutional concerns (12) confining the review competences of the Constitutional Court to procedural concerns (13) creating the National Judicial Office (14) on transferring court cases (15) on public administration competences (16) on local and municipality elections (17) allowing the government to issue an extra tax if it is fined for not fulfilling an international obligation (as long as debt ratio is over 50% of GDP) (18) word changes (19) repealing decisions of the Constitutional Court prior the entry into force of the Fundamental Law (20) Miscellaneous measures (21) changes in wording (22) entry into force
5th Amendment (26 September 2013)	(1) on religious communities (2) on political ads (3) on electing the President of the National Judicial Office (4) on the calculation of national debt (5) on the National Bank (6) changes in wording (7) nullifications (8) entry into force

Table 1.2 Cont.

6th Amendment (7 June 2016)	Introducing the "State of terrorist threat"
7th Amendment (28 June 2018)	(1) Amending the National Avowal (2) EU membership cannot limit the inalienable right of Hungary to determine its territorial unity, population, form of government and state structure (3) The protection of the constitutional identity and Christian culture of Hungary shall be an obligation of every organ of the State (4) on the legal protection of the tranquility of homes (5) prohibiting the settlement of foreign population in Hungary (6) on criminalizing "homelessness" (7) on administrative courts (8) When interpreting the Fundamental Law or laws, it shall be presumed that they serve moral and economic purposes which are in accordance with common sense and public good (9) on the participation of the police force in upholding illegal migration (10) on administrative courts (11) changes in wording (12) entry into force
8th Amendment (10 December 2019)	Nullifying administrative courts

This is an interesting manifestation of political constitutionalism: while one may disagree over political issues, values anchored in a constitution that is supposed to organize everybody's life shall be considerate of an existing plurality between people. The Prime Minister also used Christianity to identify the corrupt elite: "our national Fundamental Law has become a target for the actions – as we call them – of the international and Hungarian left".[25] As Orbán further explained in a radio interview about the 7th Amendment,

> As I see it, the opposition stand united on the side of immigration and migrants, while the governing parties – together, I think, with the overwhelming majority of Hungarian voters – have taken up the fight against the Soros Plan and migrant quotas.[26]

The amended Fundamental Law does not only talk about who shall belong to "the people" though. Constitutional amendments also exclude a certain group of society – at least in political terms – from "the people", namely the homeless. Both the 4th and 7th Amendments essentially criminalize homelessness. According to the latter amendment,

> In order to protect public order, public safety, public health and cultural artefacts, an Act or a local government decree may, with respect

> to a specific part of public space, provide that using a public space as a habitual dwelling shall be illegal.
>
> *(Article XXII(3))*

In contrast, despite the government's official response to criticism, the constitutional article only creates a loose responsibility for the state: "Hungary *shall* strive to ensure decent housing conditions and access to public services for everyone" (Article XXII(1)). It is also questionable to what extent this article is in line with the notion of human dignity.

Not only was "the people" more precisely defined (if only morally and not normatively), but part of "the elite" was also unequivocally identified and integrated within the constitutional framework. The 4th Amendment introduced an entire section to the Foundations (Article U) on the communist past, which highlights the relevance of constitutional memory in identity-building (cf. Miklóssy & Nyyssönen, 2018), essential also for populist constitutionalism. As the Venice Commission draft opinion states, it calls for a truthful revelation of the operation of the communist dictatorship, obliges holders of power of the communist dictatorship to tolerate factual statements about their role and actions, and prolongs the statute of limitations for unprosecuted crimes perpetrated during the communist dictatorship. The problem with the amendment, according to the Venice Commission, is that it "attributes responsibility for the past by using general terms ('holders of power', 'leaders') and vague criteria without any chance for an individual assessment" (Venice Commission, 2013, p. 7). Additionally, the following section of the amendment has relevant implications for opposition parties: "Political organizations that gained legal recognition during the democratic transition as legal successors of the Hungarian Socialist Workers' Party continue to share the responsibility of their predecessors as beneficiaries of their unlawfully accumulated assets" (Article U(1)). Even though the governing coalition also has members previously involved in the communist regime, the new article singles out the two leftist parties (as political organizations), MSZP (Hungarian Socialist Party) and DK (Democratic Coalition), as part of the communist elite. This amendment is also a reflection of the shift from legal to political constitutionalism, given that the government itself argued that "most of Article U is of moral and political character" (Hungarian Government, 2013, p. 2).

As far as the issue of political constitutionalism is concerned, various other issues have to be addressed in relation to the amendments. First, in numerous cases, it is argued that formerly criticized and even annulled laws have been incorporated within the Fundamental Law through amendments. As the Venice Commission argued in relation to the 4th Amendment, "a number of provisions override earlier decisions of the Constitutional Court" and "a consistent pattern of reacting with constitutional amendments to the ruling of the Constitutional Court may be observed" (Venice Commission, 2013, p. 20). Although the government argued that amendments differ from

previously introduced and then nullified laws the number of reintroduced topics, and the fact that the 4th Amendment stripped the Constitutional Court of its competence to review the constitution and its amendments on a substantive basis, suggests that constitutionalism became increasingly politically driven. Additionally, the 4th Amendment repealed Constitutional Court rulings prior to the entry into force of the Fundamental Law. While the government argued that this actually increases the margin of maneuver of the Constitutional Court (whether it wants to repeat former legal reasoning or develop new arguments), the Venice Commission argued that it was in effect unnecessary. One could also argue that it allows the reopening of new interpretations that may be more in line with the political direction of the incumbent government (cf. Halmai, 2019). The potential for political interpretations was further increased with the 7th Amendment that stated: "When interpreting the Fundamental Law or laws, it shall be presumed that they serve moral and economic purposes which are in accordance with common sense and public good" (Article 28). Last, but not least, on the power of the constitutional court to review constitutional amendments, the government's position clearly challenges legal constitutionalism as reflected in judiciary review. In its comments to the Venice Commission's draft opinion on the 4th Amendment, it was argued that "there is no general rule or practice authorizing constitutional courts to overtake the role of the constituent power" (Hungarian Government, 2013, p. 11).

Another element that further strengthens the shift from the individual to the collective as outlined in the previous part, concerns the use of the right to freedom of expression which, according to the 4th Amendment, cannot violate the dignity of collectives, such as the Hungarian nation. As the Venice Commission argued:

> it may be considered necessary in democratic societies to sanction or even prevent forms of expression which spread, incite, promote or justify hatred based on intolerance. However, it is doubtful whether every exercise of the freedom of speech aimed at "violating the dignity of any ethnic, racial or religious community" is hate speech of the type mentioned. The terms used in the amendment … lack the clarity and precision.
>
> *(Venice Commission, 2013, p. 13)*

Additionally, there is a risk that the wording could be used "to protect majority instead of minority views" (Venice Commission, 2013, p. 13), which not only reflects a collectivist view, but also strengthens the notion of unity against plurality.

Last, but not least, on the issue of popular sovereignty. Once again, in relation to the 4th Amendment, the Venice Commission raised its concerns in relation to cardinal laws. In response to the government's argument that the effective number of cardinal laws did not increase in comparison to the previous constitutional order, the commission claimed that "what matters is

not the number of cardinal laws, but the issues on which they are enacted and the degree of detail of the provisions raised to 'cardinal level'" (Venice Commission, 2013, p. 31). Specifically, it was pointed out, that

> A number of provisions, which are now included in the Fundamental Law, have no constitutional character and should not be part of the constitution (e.g. homelessness, criminal provision on the communist past, financial support to students, financial control of universities).
>
> *(Venice Commission, 2013, p. 31)*

Given the constrained competences of the constitutional court on constitutional amendments, raising daily politics to the level of constitution shields measures from the control of the Constitutional Court, and walls it off from future governments lacking a two-thirds majority in parliament. As Orbán himself admitted in a radio interview: "the Hungarian Constitution has set down and guaranteed the Hungarian family tax system for many years to come, and nobody will be able to amend these provisions in the near future".[27] Halmai (2019) argues that political constitutionalism may be regarded as a legitimizing tool to silence judicial review. As the Venice Commission pointed out, constitutional amendment is a sovereign decision of the constituent power, "Nevertheless, this approach can only be justified in particular cases, based on thorough preparatory work, wide public debate and large political consensus" (Venice Commission, 2013, p. 21), which in contrast to the National Consultation on the constitution did not occur in the case of amendments.

Secondly, although the 5th Amendment slightly changed the wording on political advertisements, the Venice Commission's draft opinion on the 4th Amendment's corresponding part still has important ramifications today. Even though reference to public media was taken out of the text, the Venice Commission argued that "there is a risk that public media services will restrict political advertising in times of elections, thus making it difficult for the opposition to effectively promote their positions" (Venice Commission, 2013, p. 11). This in fact materialized during the parliamentary election campaign in 2018 when each party received five minutes to talk about its program in the public media. In comparison, the governing parties' positions have been promoted indirectly through reporting on governmental activities, which created an obvious imbalance between policy positions, and thus may be interpreted as a constraint on plurality, and consequently on popular sovereignty (for further details on the media see corresponding chapter).

As a third element popular sovereignty through elected representatives was constrained through another measure concerning the powers of the Speaker of the National Assembly. The 4th Amendment provides for the creation of a Parliamentary Guard and for the Speaker's policing and disciplinary powers, which have been used quite often during the last parliamentary term starting in 2018.[28] Fining opposition MPs as a disciplinary measure clearly

questions the extent to which popular sovereignty within the Parliament may be exercised.

Conclusion

The chapter has aimed to substantiate the practice of populist constitutionalism in Hungary. Building upon the literature, first an analytical framework was established. It was argued that populist constitutionalism was reflected in various phenomena: "the people" were portrayed as losers of the previous constitutional framework and stood in sharp contrast to "the elite" that benefitted from and thus sustained the existing order. In order to change the status quo, different conflict lines were initiated by populist constitutionalism using revolutionary rhetoric which allowed for unorthodox solutions: a change from legal to political constitutionalism, a shift of emphasis from the individual to the collective, from rights to duties, from plurality to unity. Last, but not least, it was argued that while populist constitutionalism supported measures increasing popular sovereignty, this was a rather constrained exercise reflective of the anti-plural understanding of "the people".

Looking at the constitution-making process and the ensuing amendments in Hungary, the following conclusions may be drawn. Over the years and through the various amendments the notion of "the people" came to be contrasted equally with "the non-people" and with "the elite". While the negative connotations of "the elite" with the past have been confirmed again and again, "the people" came to be ever more exclusive in character. However, this was carried out in a very clever and subtle way: instead of using normative categories, that would have been easily targeted through legal arguments, moral aspects were highlighted to allow for an ambiguous political application. Reference to family, Christianity, and former communist organizations (and indirectly their voters) are cases in point.

The attempt to push constitutionalism towards the political was also exemplified in other features. Constant attacks on judicial review and the elevation of policy measures to the level of the constitution were clear manifestations of this objective. These may be interpreted as instrumental uses of the constitution (cf. Halmai, 2019; Scheppele, 2019) or simply as different manifestations of thin constitutional principles (Tushnet & Bugarič, 2020) that naturally trigger political reactions as well. Two other aspects of political constitutionalism were reflected in the shift from the individual to the collective on the one hand, and from the rights to the duties on the other hand. The former was illustrated in passages about collective rights such as pertaining to human dignity, whereas the latter was depicted in citizen responsibilities towards the state, which also helped forge a narrative around who belongs to "the people". Additionally, the shift from plurality to unity is depicted in the government's approach to state institutions, following the populist logic that checks and balances are hurdles in the fulfillment of "the will of the people" and therefore should be sidelined along with policy contestations.

Last, but not least, although popular sovereignty is central to populist claims against the constitutional and political status quo, once in government it is expected that "the will of the people" will become more constrained in meaning. It was argued and demonstrated in the chapter that while popular sovereignty is often emphasized by populists, in this case by the Orbán government, *meaningful* citizen engagement was in fact curtailed. The illusion of participation became apparent through different means from the use of National Consultations, and the constrained usability of referenda, through limitations of popular sovereignty in parliamentary processes, to access to political advertisements in electoral campaigns.

Notes

1 www.merriam-webster.com/dictionary/constitutionalism. Last accessed 2 December 2020.
2 The government officially consisted of two parties, Fidesz and the Christian-democratic KDNP, but the latter is believed not to be able to compete in the elections on its own right, but only in collaboration with the bigger Fidesz party. Consequently, throughout the book, when reference is made to "the government" or even "Fidesz", it means the entire coalition.
3 18 November 2011, speech delivered by Viktor Orbán at the Council of the Hungarian Diaspora.
4 Ibid.
5 30 March 2011, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.
6 16 February 2014, State of the Nation speech delivered by Viktor Orbán.
7 28 March 2011, parliamentary speech delivered by Viktor Orbán.
8 18 January 2012, speech delivered by Viktor Orbán in the European Parliament's plenary session.
9 28 March 2011, television interview with Viktor Orbán, M1.
10 28 March 2014, television interview with Viktor Orbán, Echo TV.
11 www.hungarianreview.com/article/20180525_the_renewed_social_contract_hungary_s_elections_2018. Last accessed 2 December 2020.
12 30 March 2011, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.
13 29 March 2011, television interview with Viktor Orbán, TV2, *Az Este*.
14 5 March 2012, speech delivered by Viktor Orbán at the German Chamber of Trade and Industry in Frankfurt.
15 15 December 2014, interview with Viktor Orbán, Bloomberg.
16 https://hungarianspectrum.org/2019/10/26/laszlo-kover-thinks-that-the-system-of-checks-and-balances-is-crap/. Last accessed 2 December 2020.
17 28 March 2011, parliamentary speech delivered by Viktor Orbán.
18 30 May 2012, radio interview with Viktor Orbán, Inforádio, *Aréna*.
19 15 March 2013, press conference by Viktor Orbán in Brussels.
20 28 March 2011, interview with Viktor Orbán, M1.
21 28 March 2011, parliamentary speech delivered by Viktor Orbán.
22 10 May 2014, speech delivered by Viktor Orbán after taking the oath of office.
23 https://hclu.hu/en/articles/hclus-analysis-of-the-seventh-amendment-of-the-fundamental-law. Last accessed 2 December 2020.

24 28 March 2014, interview with Viktor Orbán, Echo TV, *Proof-Sheet*.
25 17 November 2012, speech delivered by Viktor Orbán at Madrid's Saint Paul University.
26 19 January 2018, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.
27 22 November 2013, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.
28 See for instance https://hungarytoday.hu/hadhazy-fine-2-million-govt-critical-banners-parliament/ and https://verfassungsblog.de/the-emerging-trend-of-parliamentary-performance-freedom-of-expression-in-the-hungarian-national-assembly/. Last accessed 2 December 2020.

2 Discriminatory legalism in Hungary after 2010

An analysis of the populist approach to political institutions and processes does not stop at the study of populist constitutionalism. While the scrutiny of the aggregate level is essential to uncover the polity impact of a populist ideology, a closer look into legislative action may contribute to a better, more thorough understanding. In fact, special legislation may be conceived as a natural derivative of the populist ideology. If populist actors consider themselves as the *only* true representatives of "the people", and the objective of government is understood as an implementation of the "will of the people", law may be used to cement inequitable practices which are advantageous for "the people" and rather unfavorable for "the non-people" and "the elite". Such unfair and biased methods are often labelled as "discriminatory legalism" (De la Torre, 2017; Müller, 2016) within the literature on populism. This chapter looks at a few selected examples of "discriminatory legalism" in Hungary after 2010, and shows how a populist ideology was expressed not only in narratives built around specific legislative acts, but also how populism was reflected and cemented in actual measures. The three selected cases (the changed electoral system, the legislation on NGOs, and the law regulating foreign universities in Hungary) represent the *use*, the *abuse* and the *contingent use* of legal action and are closely linked to institutional reforms, and thus are relevant for the study of the polity impacts of populism.

Discriminatory legalism and populism

"Discriminatory legalism" describes legal authority which is used "in discretionary ways to promote their [i.e. the populists'] cronies and allies while punishing or intimidating critics and opponents in politics and society" (Weyland, 2013, p. 23). The simple logic of "for my friends, everything; and for my enemies, the law" (Müller, 2016, p. 36) captures the essence of a populist approach to legislative action. While this populist use of law-making may be viewed as an instrumentalist political strategy, it is rather a reflection of a more principled populist ideology. Müller summarizes it in a concise yet straightforward manner:

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> Populists in power invariably fall back on the argument that they are the only morally legitimate representatives of the people and that, furthermore, only some of the people are actually real, authentic people who are deserving of support, and, ultimately, good government. This logic can manifest itself in three distinct ways: a kind of colonization of the state, mass clientelism as well as what political scientists sometimes call "discriminatory legalism", and, finally, the systematic repression of civil society.
>
> (*Müller, 2016, pp. 34–35*)

Legislation serves three main purposes for populism as an ideology. First, it is looked upon as a tool to define and crystallize the division between "the people", the "non-people" and "the elite". Providing advantages to specific societal groups, or punishing, suppressing, threatening others through legislative action, is indicative of a populist objective to delineate "the honest people" from "the undeserving non-people" and "the corrupt elite". Secondly, "discriminatory legalism" is often used not only to strengthen existing conflicts but also to create new antagonisms between the aforementioned societal groups. Simply put, law is employed to amplify socio-economic or cultural cleavages, and to generate new ones often in a rather provocative manner. Thirdly, the main rationale behind laws is considered to be a reflection of "the will of the people", therefore any criticism and constraint formulated against legislative acts are viewed as illegitimate. Should a piece of legislation note and acknowledge the interests of others than "the people" – as defined by the populists – it would be automatically considered a *corrupt* legal act.

When it comes to the uses of legalism, much like an autocratic regime, it could be argued that populists may rely on the *use, abuse* and *contingent use* of legal actions (cf. Corrales, 2015) in order to advance politically. Populists thus may use laws to further empower "the people" at the cost of "the non-people" and "the elite"; they may abuse the laws by implementing laws in a biased and inconsistent way to once again favor "the people" and punish "the non-people" and "the elites"; and they may contingently use the law where they allow for withdrawals through discretionary decisions of the government that would then have a negative impact on "the non-people" and "the elite" (thus allowing the alleged fulfillment of "the will of the people").

It has to be stressed that, while "discriminatory legalism" may be practiced by non-populist political actors as well, a populist manifestation of the phenomenon is distinct. First, populists are rather blunt and open about the issue. They do not attempt to hide it, given that alleged majoritarian support should provide sufficient legitimacy for such actions. Secondly, given the morally superior stance of "the people", "discriminatory legalism" that favors "the people" and supposedly reflects "the will of the people" tends to be linked to moral reasoning as well. Thirdly, this morality is disconnected from the requirements embedded within the values of (liberal) constitutionalism and

thus reflects a technical approach to law-making: regardless of value and content commitments, if laws passed followed the technical requirements, they shall be deemed legitimate (cf. Scheppele, 2018). Consequently, instead of a system based on "rule of law", populists tend to bend the legislative framework so as to create a "rule by law", which then has major consequences for the democratic quality of the entire polity (see corresponding chapter of this volume). One crucial point has to be highlighted here. While it is true that "discriminatory legalism" may also be described as "autocratic legalism", which could contribute to a degeneration into pure majoritarianism (Scheppele, 2018), it is argued here that the driver of such tendencies may very well be the populist ideology itself. Nevertheless, whether populists are by nature receptive of authoritarianism or rather authoritarians use populist discourse and tactics to advance their political cause is almost impossible to substantiate. Yet, the framework advanced here suggests that populism as an ideology may culminate in authoritarianism (for further discussion see corresponding chapter on democracy). Given populists' approach to legal action, one might hypothesize such democratic deterioration, nevertheless.

In the following, first a general overview is provided on special legislation or "discriminatory legalism" in Hungary, then a detailed analysis is provided on three cases: legislation regulating parliamentary elections, civil society and foreign universities. These examples each represent different applications of "discriminatory legalism": use, abuse and contingent use. Furthermore, not only are they relevant as manifestations of "discriminatory legalism", a supposed structural polity impact of populism, but they also address key features of a country's political institutional structure themselves, thus enabling a substantive scrutiny as well. The interpretation of each case relies on two main components: a populist narrative that supposedly underlines the necessity of said measures, and a description of how the adopted legislation is reflective of a populist ideology.

An overview of "discriminatory legalism" in Hungary after 2010

"Discriminatory legalism", as highlighted before, may be used in different ways by populists. For the sake of simplicity these pieces of legislation are labelled as Lex XY, referring to the issue or person in question. The examples listed are only a selection of cases, which nevertheless, underline the extent to which the Orbán government has relied on "discriminatory legalism" to run politics in Hungary. Additionally, it has to be noted that, while the populist practice of "discriminatory legalism" may be described as use, abuse and contingent use, most examples actually combine more than one of these underlying logics. Nevertheless, in the following an attempt was made to categorize "discriminatory legalism" in Hungary based on the most dominant feature of the selected legislative acts.

The first category describes legalism which uses the law to empower "the people". Mostly these include measures that allow personal appointments

of the government (i.e. the true representatives of "the people") that would have otherwise been impossible. Lex Szapáry allowed the nomination of one of Orbán's former economic advisors to the position of Hungarian Ambassador to the United States, although his age would have prevented such an appointment. Lex Borkai allowed the appointment of a former soldier as a mayor by decreasing the officially required number of years spent in civil life after serving before being able to take up public office. Lex Vida allowed an appointment to the head of the Tax Agency without position-relevant qualifications. Lex Stumpf changed the appointment requirements for the Constitutional Court to allow the nomination of the Prime Minister's former minister to the highest judicial body in the country. Another group includes laws which provide advantages to selected groups (i.e. part of "the people"): these often guarantee economic or administrative benefits for those chosen to be deserving. Lex Szász exempted a public servant from paying the 98% penalty tax issued on redundancy payments. Lex CBA allowed a government-friendly grocery store chain to pay only a fraction of special taxes levied on the sector. Lex Vajna allowed a close-to-government businessman to win the right to run casinos without public procurement. Lex Schmitt ensured that the benefits guaranteed for life for previous Presidents of the Republic could also be enjoyed by Presidents who did not serve their entire term. The law regulating parliamentary elections is also part of this category as it was used to cement political advantages for the governing coalition (i.e. the allegedly true representatives of "the people"). It has to be noted that examples of the use of law in discriminatory ways are manifestations of the notion that there should be no checks and balances on majority rule, as was highlighted in relation to populist constitutionalism in the previous chapter.

The second category describes cases where the law is abused, and thus creates a clear disadvantage for certain individuals or groups. These measures often are used to get rid of previous appointees, or to punish and suppress certain groups or individuals (i.e. "the elite", the representatives of "the non-people"). Lex Varga allowed the dismissal of a mayor based on incongruity created by the law. Lex Baka renamed the Supreme Court as the "Kúria" and thus ended the term of the head of the Supreme Court. Lex Éger limited the number of possible re-elections of the head of the Hungarian Medical Association. Lex ESMA made it impossible for ESMA, an advertising company, to compete in the billboard segment of the industry. Lex DK, which increased the number of MPs required to form a parliamentary faction, created a disadvantage for members of the Democratic Coalition (DK) party. Lex RTL Klub increased the tax rate over a certain advertisement income and evidently hurt a particular TV channel that tended to be more critical towards the government. Lex Communist Pensions took away pension subsidies from people holding a relevant position in the former communist regime. Legislation regulating civil society organizations (CSOs) and non-governmental organizations (NGOs) also fall into this category as the law

allows for comparatively disadvantageous legal circumstances for politically engaged NGOs and CSOs (see later).

The third category involves legislation which is contingently used in order to either allow for advantages to those belonging to or representing "the people", or to punish those that are considered part of "the elite" and "the non-people". They generally describe situations where the law allows for a discretionary decision at the end of a process which could then create some form of disadvantage for those involved. Lex CEU is a case in point which allowed the government to not sign an agreement with its international counterpart that would have allowed the continued existence of Central European University's (CEU) American-accredited programs in Budapest. Lex CEU is actually a hybrid use as it also entails elements of abuse, as it was admittedly initiated to create unfavorable legal circumstances for CEU.

Before turning to the detailed analysis of the three selected cases, it should be noted that, while specific cases of "discriminatory legalism" may well be normatively justified (e.g. Lex Communist Pensions), the overall practice does raise concerns about the democratic legitimacy of "discriminatory legalism", and thus could undermine the democratic character of the overall polity. This is further buttressed by the fact that "discriminatory legalism" is not only displayed through the substance of legal measures, but often through the process in which it was adopted as well. It generally means constrained access to potential stakeholders and political opponents who are considered to be non-representative of "the people", once again stimulating further decay of the democratic traditions.

Legislation regulating parliamentary elections – "the use of law"

When Viktor Orbán returned to power in 2010, the electoral system regulating parliamentary elections has already been in need of reforms for years. In fact, a couple of Constitutional Court decisions called upon the legislators to remedy issues of vote inequality.[1] However, when the Fidesz-led government proposed to reform the electoral system, it went beyond fixing existing imbalances. In short, while the mixed-system was maintained (single district and party lists[2]), the number of representatives was lowered (from 386 to 199), the two-round election was transformed into a single-round competition, single districts were redrawn and became the dominant feature of the system, candidacy became easier, and campaign financing more restricted. While the various features of the new arrangement were analyzed in detail by the Council of Europe's Venice Commission (2012), in the following, the chapter focuses on a few selected components which are indicative of a populist ideology, and make the legislation a candidate for "discriminatory legalism".

First and foremost, the new framework pushes the entire structure from a proportional towards a more majoritarian system: the proportion of single-district seats increased from 45.6% to 53.3%. While majoritarian systems are

no less democratic than those based on proportional representation, majoritarianism is clearly a preferred electoral method for populists: it allows – in case of a victory – "the will of the people" to prevail without any necessary compromise. The majoritarian feature and its benefit for the governing coalition was further buttressed by two additional reforms. On the one hand, single-district majorities only required relative and not absolute majorities in the future. On the other hand, the new legislation introduced a compensation scheme which allowed all unnecessary ballots to win a mandate to be transferred to the party lists. Even the close-to-government think-tank, Századvég admitted that "the changes concerning the leftover ballots favors the winning party … in case of an overwhelming victory, the seats won by the party securing the most votes further increases" (Századvég, 2014, p. 14). In fact, they show how the new system would have led to an even bigger governing majority ratio if applied to the 2006 or 2010 elections. This was a clear strategy on the side of the government. This seems to rhyme with the argument put forward by Urbinati who claimed that "a populist movement that succeeds in securing an electoral majority in a democratic society tends to move towards institutional forms that change and even shatter, constitutional democracy for the sake of a further, more intense majority" (Urbinati, 2017, p. 572). In line with this, Orbán openly argued:

> Small victory – small success; great victory – great success, and not for Fidesz, but for the country. The stronger the next government and the more support there is behind it, the greater the majority it can rely on, the more daring and wonderful things we will be able to achieve. … what is actually at stake here is the power and efficiency of the future government apparatus and administration. And this requires every single vote. … if the candidate wins, and wins by a significant majority, then all of those many additional votes that were not needed for them to win all go on to the national list and increase the strength of the winner on that list. So, it isn't enough for conservative candidates to simply beat the party who comes in second, but the more they beat them by, the more votes are transferred to the national party list and turn into seats there. So, every vote counts.[3]

Nevertheless, it is not only that "every vote counts", but rather that some votes count more (those of "the people", the supporters of the populist political actor). One may argue that, on the one hand, a ballot cast for a winning single-district candidate represents the support for a candidate and not necessarily the party, thus any transfer of votes to a party list may be questionable. On the other hand, a victorious single-district candidate is a manifestation of voters' desire, thus votes that were not needed to win should not be *compensated* (as opposed to those that were cast for losing candidates).

The second feature, which also reflects populist considerations in the electoral law, concerns the redrawing of electoral district boundaries. The idea

is simple: ensure that "the people" make up a majority in the majority of single districts. Obviously, "gerrymandering" is used not only by populists, yet populism provides an ideology behind it. Given that the number of single districts was decreased from 176 to 106, and voter inequality was a problem of the existing structure, some readjustment was inevitable. However, a number of issues suggest that a populist approach was adopted during the revisions. First and foremost, district boundaries were cemented in Cardinal Law, meaning they require a two-thirds majority in Parliament to change. This not only adds unnecessary rigidity to the system (cf. Venice Commission, 2012), which could lead once again to imbalances of voting weights across different districts (Halmai, 2014) with no available remedy without a constitutional majority, but is also reflective of the idea of populist constitutionalism: current majorities bind the hands of future majorities in the name of "the will of the people". As the Venice Commission rightly pointed out, the creation of an independent commission responsible for constituency boundaries could have resolved the tension, however, such a non-majoritarian institution would have been contrary to the populist institutional engineering (i.e. the government representing "the people" should decide on the issue). Secondly, no clear guidelines were established as to how boundaries should be redrawn. It is not evident, for instance, how the division of major city districts should be carried out: should the results reflect the average societal distribution within the region or not? It is an essential question, given that often left-leaning city districts were extended with country regions where Fidesz's support was more dominant. But there was no single pattern used across the country (László, 2015, p. 9). As a result of unclear guidance, traditionally left-wing districts now have on average more voters, while greater chunks of right-wing regions were integrated into battleground districts (Political Capital, 2012, pp. 8–9). In fact, a study by a close-to-opposition think-tank, Haza és Haladás, shows that while, based on the previously existing boundaries, the left-wing coalition won 107 districts compared to Fidesz's 68 in 2006, under the new scheme Fidesz would have captured 59 districts while the left-liberal coalition would have ended up with only 47 single-district mandates. As they put it, the law "does not revise the disproportional nature of the previous system of 176 single-seat constituencies by establishing only 106 such mandates; instead, it decisively tilts them towards Fidesz-KDNP" (Szigetvári, Tordai & Vető, 2011, p. 12).

The third feature concerns the extension of voting rights to Hungarians living in neighboring countries. Once again, not considering the normative drives and implications, the issue is reflective of a populist ideology and strategy. While it is a noble intention to widen the range of people being able to participate in elections – which is one of the inclusionary promises of populism – populists tend to be careful to extend voting rights for "the right people", i.e. those who are likely to support their cause. In the case of Hungary, even a Századvég study admits that the supposed support for Fidesz among those gaining new voting rights is likely to be around 80% (Századvég,

2014, p. 26), even though the weight of those ballots may be deemed minuscule (Political Capital, 2012). What is more problematic, nevertheless, is the method through which those votes may be cast. While Hungarians with an address in Hungary may only vote at designated places abroad (usually at consulates and embassies, which could prove to be rather costly in some cases), those who do not possess a Hungarian address but yet vote for party lists may do so via mail. While this not only creates unnecessary differences between citizens (if a partial voting right was not enough), it clearly is disadvantageous for those who have left the country, potentially also because of their opposition to the current government.[4]

As a last point, it should be noted that the process through which the new electoral law was adopted reflects a populist approach to law-making: given that the government is the only and true representative of "the people", there is no need to constrain and burden legislative action with deliberations with stakeholders. In fact, the Venice Commission expressed its

> regret that new legal provisions on fundamental aspects of the electoral process, such as the choice of the electoral system and of the method of distribution of seats or the delimitation of electoral constituencies, were not broadly discussed among all the relevant stakeholders.
>
> *(Venice Commission, 2012, p. 13)*

Legislation regulating civil society organizations and non-governmental organizations – "the abuse of law"

Populism has a rather ambivalent relationship to civil society. While populism itself often emerges from popular movements orchestrated through civil society, once in power, populists tend to "attack" civil society (CSOs) and non-governmental organizations (NGOs). While a negative approach to CSOs may not be characteristic of populist actors only, some scholars argue that the logic of populism is inherently "antithetical to the underlying principles of civil society" (Arato & Cohen, 2017, p. 283). As Müller (2016, p. 37) explained:

> harassing or even suppressing civil society is not a practice exclusive to populists. But for them, opposition from within civil society creates a particular moral and symbolic problem: it potentially undermines their claim to exclusive moral representation of the people. Hence it becomes crucial to argue (and supposedly "prove") that civil society isn't civil society at all, and that what can seem like popular opposition has nothing to do with the proper people.

Leaving aside the various academic debates linked to civil society, it is essential here to address two main issues: what is civil society and what are the main principles of it? Gaventa highlighted that "civil society" as a concept

has three different understandings: "civil society as a description of types of actors, as a public sphere or arena, and as a set of norms and values which promote a 'good' or more 'civil' society" (Gaventa, 2012, pp. 416–417). While populism may have an antagonistic approach to all these features, this section only focuses on the first two elements. Walzer (1998) defined civil society as a sphere of uncoerced human association between the individual and the state, in which people undertake collective action for normative and substantive purposes, relatively independent of government and the market. Civil society is considered an association through which "people organize their interests, values, and opinions and act upon them" (Warren, 2012, p. 378). Arato and Cohen (2017) argue that civil society has two main characteristics, plurality, and publicity,[5] which then provide the basis of conflict with populism. As for plurality, it refers to the multitude of association types, and the diverse interests and principles they may represent, which civil society incorporates. The formation of CSOs also presupposes *individuals* who are

> able to understand and articulate their interests and values, have enough information and education to relate their interests and values to sites of collective decision and organization, have the political capacities to participate in collective decisions, and possess the civic dispositions that enable them to do so in ways consistent with democratic ways of making decisions: persuasion and voting.
>
> *(Warren, 2012, p. 381)*

This interest representation through a multiplicity of voluntary associations and networks based on individuals stands in sharp contrast to populism's approach to society. Populism as an ideology considers "the people" to be a monolith which is solely represented by the populist actor. Consequently, while there may be some diversity within the *united* "people" (cf. Laclau's logic of equivalence), any association outside "the people" is considered *per definitionem* either part of "the non-people" or representatives of "the corrupt elite". This hostile approach "may well set the stage for more drastic solutions, should the populist in power feel threatened" (Arato & Cohen, 2017, p. 289). Furthermore, populism is essentially communitarian in nature; its central concept is "the people", which is overemphasized and privileged over the individual, an essential building block of civil society.

As far as publicity is concerned, civil society is considered to play a crucial role within the communicative infrastructure of democracies. CSOs often function as public spheres from where collective decisions may arise. As Warren put it: "the advocacy organizations of civil society serve representative functions between elections, linking public officials with constituents" (Warren, 2012, p. 381). In fact, CSOs and NGOs are often considered to be key actors that may (1) signal issues which have potentially been neglected by politics; (2) serve as a counterforce to unchecked power (Gaventa, 2012,

p. 417); (3) serve as sources of innovation for policy-making. These are the features why civil society is often regarded as a reinforcing component of functioning democracies (Cohen & Arato, 1992; Putnam, 1993): it provides a venue for those who are impacted by decisions, yet their voices might not have been heard. Although civil society may have a rather ambivalent relationship to power depending on how it is defined (cf. Gaventa, 2012), populism is quite straightforward about the subject. While the objective of civil society action is generally confined to influencing decisions as opposed to making decisions from power, populism tends to intentionally conflate the two approaches (Arato & Cohen, 2017). Given that the populist actor is the sole representative of "the people", even the aim to influence decisions by CSOs and NGOs is considered to be in opposition to "the will of the people" and is thus portrayed as illegitimate. Furthermore, this claim is often embedded in a narrative that highlights the machinations of "a corrupt elite". In a parliamentary form of government, this is often reflected in the belief that parliament, and more concretely, the majority in parliament (led by the populist leader), is the sole political decision-maker *and* influencer. However, this may have grave consequences for long-term democratic quality:

> the risk is that a party movement in power construes its 'mandate' not as a temporary electoral fact that can change, but as proof that it is the sole authentic voice of the people, with the right to govern alone, with no need to compromise.
>
> *(Arato & Cohen, 2017, p. 285)*

One last remark should be made here before turning to the Hungarian case study. It is not argued here that civil society plays an unequivocally positive role within societies and democracies. While a liberal perspective would argue in this direction (Molnár, 2016), a group of scholars voice some skepticism about the benefits civil society delivers for democracies (Armony, 2004; Berman, 1997). In fact, as Warren rightly pointed out, "if most civil society associations are integrated into clientelist politics … civil society will tend to undermine democratic representation and public deliberation, and will certainly fail to provide citizens with means of oversight and accountability" (Warren, 2012, p. 386). Quite the contrary, it may be used to generate intolerance and exclusion, often with support from populist actors, thus undermining the distinction between state and civil society, reflective of a populist ideology.

This rather long introduction was necessary, as it explained the framework within which one may analyze and evaluate the populist approach to civil society. The main argument advanced here is that Orbán and his government pursued "discriminatory legalism" to regulate civil societies; and it did not only create disadvantageous circumstances for allegedly "corrupt" representatives of the sector, but also forged a favorable environment for one civil society actor that was deemed worthy to represent "the people".

Orbán has a longer history with the notion of civil society. He did his MA thesis on grassroots social movements, and after losing the 2002 elections initiated a network of civil society groups, the so-called "civic circles" (Polgári Körök) which were used to keep the supporters of the party together (Molnár, 2019). After their return to power, the Fidesz-led government set out to alter the institutional framework of the civil society sector. After a few initial steps in 2012 (new Nonprofit Law) and 2013 (new Civil Code), they introduced a revision of the existing law on civil societies in June 2017.[6] According to the new bill, associations falling under the scope of the law were required to announce in court all financial support coming from abroad that exceeded 7.2 million Forints (approximately €20,000). Furthermore, they have to signal on their websites and in all their publications that they are foreign-financed associations. The law provided exceptions for sport, religious and nationality associations.

Even though the law was found to be in conflict with European regulations in the European Court of Justice[7] in 2020, it still provides a perfect example of the "abuse of law" by populists. The objective of the new legislation was summarized as follows by the Prime Minister: "we want nothing else but to be able to know of NGOs what kind of money and what kind of interests are behind them".[8] This is already suggestive that, in Orbán's view, if an NGO or CSO receives funding from abroad, by definition, it must serve the interests of those foreign entities, which stands in a natural conflict not only with "the people", but also their representative, Orbán's government. It is this notion that CSOs and NGOs are illegitimate actors that makes it an essentially populist approach. Later, he further explained:

> Dear NGOs, there's nothing wrong with your playing a political role. There's one thing we ask from you: let's ensure transparency. So, if you receive money from abroad, declare it; because we want to know who you are, who finances you, and who is behind you. It's not the decision-makers who want to know this, but Hungarian citizens.[9]

Nevertheless, many critics of the law pointed out that the new regulation did not increase transparency, as annual financial reports of civil societies were already available. Rather, the aim was to sow the seed of skepticism towards civil society actors, and to label them (or at least some of them) as enemies of "the people". In fact, the entire narrative was built around this objective. The Prime Minister explained multiple times how one should look upon civil society actors, simply as agents of "the corrupt elite":

> there are international networks that call themselves "civil society", which set up local offices in various countries, which recruit activists and also usually pay them, and which represent international interests – usually the interests of global, international capital. They call themselves "non-governmental organizations", because they want to hide behind the

> backs of non-profit organizations, as being a volunteer non-governmental organization is a good thing: something noble, which deserves praise. But what they are doing – trying to represent the interests of international capital in certain countries – is less worthy of praise.[10]

He even doubled down on this claim later and argued that "perhaps we ought to call them pseudo-civil society organizations, as they are operated by paid activists, and that is not a typical feature of civil society: such organizations working with paid activists are more like political parties".[11] With time, the narrative became more concrete on who "the corrupt elite" really was, and that it stood in sharp contrast to "the will of the people":

> I wouldn't call them "civil society" organizations, as here in Hungary that means something else. He [George Soros] pays a network, thousands of people. They're activists – political workers in fact – and they're working towards the goals set by George Soros … George Soros has supporters in Hungary, and there are some who want to see his program implemented, rather than one which the Hungarian people want.[12]

The antagonism between "the people" and "the corrupt civil societies" was embedded within a discussion on migration and was given a clear moral character (once again typical of a populist ideology):

> NGOs are transporting migrants into Europe against the will of the majority of the Hungarian people and the European people. They want to give the impression that they are the good guys – and indeed they see themselves as the good guys – while we, who want to stop migrants, are the bad guys. We must make it clear that this is not so. NGOs are mercenaries: they're paid from outside, they receive their pay from abroad, they're paid activists. This fact must be revealed to the public, so that the Hungarian people and the European people can see who's on the good side of the issue – who it is that is following the will of the people and is a democrat – and who's on the bad side of the issue. Those who want to loosen the fabric of European culture and want a mixed population are serving a bad cause, and are acting against the will of the majority of Europeans and Hungarians. As such, they are anti-democrats. NGOs are anti-democratic, endanger Hungary's national security, and seek to harm the Hungarian people.[13]

Later, Orbán even provided a description of how this allegedly anti-democratic process unfolds:

> when these NGOs have been formed, they attack governments which are anti-immigration, which protect the traditional family, and which do not want to make their own worlds open, but want to defend them. They

> launch these attacks, and they provoke people's movements and emotions in opposition to these political forces and governments … Then they infiltrate these governments – we heard how this happens on these sound recordings – and, occupying important positions, gradually, step-by-step, they transform these countries.[14]

As a consequence, a second highly criticized piece of legislation was introduced in June 2018, labelled "Stop Soros" which sanctioned CSOs that "facilitate illegal migration" (whatever that means) or helped with asylum application procedures of migrants arriving from safe countries.[15] Additionally, it levied a special tax on CSOs that engaged in aiding illegal migration (whatever that means). As the government-run website, abouthungary.hu explained: "certain foreign-funded organizations support mass, illegal migration despite the fact that they have no democratic mandate to do so. Responding to the clearly articulated will of the people, the government remains committed to protecting Hungary as a Hungarian country".[16] As the Prime Minister himself argued: "we can't accept them trying to influence decision-makers, because Hungarians have elected leaders and decision-makers who can decide on issues of national security and take responsibility for their decisions".[17] Once again, this is a clear populist notion. CSOs and NGOs are not simply denied power, their potential influence over decisions is also put into question, rendering them illegitimate actors that stand in opposition to "the will of the people".

In summary, civil society organizations (especially those that engage with political issues) are considered corrupt associations that supposedly serve the interests of malevolent elites against "the will of the people" (cf. Rosanvallon, 2008), and they pose a democratic challenge as they might trigger anti-government (i.e. "anti-people") positions within the society. The practice of "discriminatory legalism", however, is not only manifested through the disadvantageous legal requirements established against allegedly corrupt representatives of civil society, but also in the favorable circumstances created for CSOs that are considered the true voice of "the people". The first step in the process was the dismantling of the former National Civil Fund which was responsible for the distribution of resources and two-thirds of its leadership was delegated by the civil society sector itself. It was turned into a National Cooperation Fund with a smaller budget and bigger governmental control. The new Fund is led by the founder of the "civil society association", CÖF (Civil Összefogás Fórum – Civil Union Forum) which is partly funded by the government-friendly foundation, CÖKA (Civil Összefogás Közhasznú Alapítvány – Civil Union Public Benefit Foundation), and was responsible for organizing pro-government rallies (so-called Peace Marches). CÖF was a clear winner of the new framework as – despite the financial cutbacks – it received public financial assistance through various channels (e.g. 100 million Forints from the Szerencsejáték Zrt,[18] the company responsible for the national lottery, and 508 million Forints from MVM, the Hungarian Electric

Company[19]). Clearly, public money flowing from the state to certain CSOs does not raise concerns about whose interests they may represent, as long as they represent “the right people”. As Molnár aptly summarized it: the government “labored to draw sharp symbolic and moral distinctions between ‘good’ and ‘bad’ organizations, with government-friendly organizations belonging to the former, while organizations critical and independent of the government exemplifying the latter category” (Molnár, 2019, p. 57).

Legislation regulating foreign higher education institutions in Hungary – “the abuse and contingent use of law”

Populism as an ideology does not confine “the corrupt elite” to those occupying the highest political, cultural or economic positions in a country. Lately, representatives of the scientific community have also become candidates who supposedly act against “the will of the people”. Much of what has been said in the previous section could be repeated here in relation to universities. They represent a voice which might be in conflict with that of “the people”. As Enyedi rightly pointed out – although talking about hybrid regimes and not specifically populist regimes – “A decisive influence over universities is particularly important for those regimes that have an ideological agenda. Without such an influence they face a constant intellectual challenge even if they have a monopoly over the central arenas of power” (Enyedi, 2019, p. 243). Clearly, populism tends to have an ideological drive, and any intellectual challenge that may defy the government’s policy directions, which allegedly represent “the will of the people”, is then considered illegitimate. This line of argument provided a major episode in Hungary which involved not only a group of academics, but rather an entire university, and eventually triggered international attention.

In March 2017, the Orbán government introduced a new bill regulating foreign universities operating in Hungary. Once again, the Venice Commission stressed that “the Law was not preceded by appropriate information, impact assessment and consultation” (Venice Commission, 2017, p. 15), which fits within the populist approach: no need for consultation, the government represents “the people”, no other actors can legitimately do so. The legislation changed the criteria foreign higher education institutions had to meet in order to be able to continue their work within the country. It required them to carry out *educational activities* in their home country; to have a name that does not resemble the name of a university already operating in Hungary; and it prescribed an international agreement between the Hungarian government and the university’s home country, while also removing the possibility of license agreements with non-EEA OECD countries and work permit exemptions. Although the government tried to argue that the law affected all foreign universities, one institution was particularly impacted: the American accredited Central European University (CEU), which had been founded by

the by then arch-enemy of the government, George Soros, more than 25 years before. As Enyedi pointed out:

> most of its [the new legislation's] clauses were relevant only for the CEU. The CEU was the only foreign university without a campus in its home country, the only one that had a name issue (because the Hungarian name is a direct translation of the American name), and the only non-EEA OECD university that had a contract with a Hungarian university. The CEU was also one of the two universities that were affected by the change of the work permit policy, and the only one having a considerable number of non-EU nationals on its faculty (including its rector).
>
> *(Enyedi, 2019, p. 249)*

Even the Venice Commission claimed that "it is undisputed that the new provisions directly hit CEU" (Venice Commission, 2017, p. 7). The official reasoning behind the new law was based on a (first) unpublished government audit which uncovered "irregularities" in the operation of foreign universities. Although irregularities merely referred to administrative errors in the case of CEU which were resolved and later approved by a government agency (Enyedi, 2019, pp. 247–248), the Prime Minister outright charged CEU with fraud, implying that the university did not comply with the law which had not even been passed at the time. Orbán argued:

> If a Hungarian university operates in Hungary, it issues a degree: a Hungarian degree. And that's that. Compared with this, there's a university operating in Hungary which issues two degrees: a Hungarian one and an American one. This is not fair on Hungarian universities. There is competition among universities as well, and it's inexplicable why we should place our own universities at a disadvantage. Seen from the other angle, it's unfair to provide an advantage for foreign universities. We need a clear and fair situation.[20]

The Prime Minister's charge was false: while CEU may issue two degrees, this is in no way automatic. Students requesting a Hungarian degree have to fulfill additional requirements in line with Hungarian regulation (Enyedi, 2019). Also, given the international nature of the university, and the complexity of the Hungarian language, which is essential for a Hungarian degree, only a fraction of students (mainly of Hungarian origin) applied for a "double-degree". Still, the charge was made and CEU gained the stigma of being a cheater (i.e. corrupt). Government officials, party members and the pro-government media started to accuse CEU of being a "fake university", trying to belittle the institution's international reputation, and a concentrated smear campaign was led against the university for months.

The new regulation was rushed through parliament in April 2017. Two main features of the legislation were especially indicative of the discriminatory

uses of law-making, which represent an abuse and a contingent use of the law. On the one hand, as highlighted before, the new regulation requires foreign universities operating in Hungary to conduct *educational activities* in their home countries. Not only was the requirement open to various interpretations because of its imprecision (e.g. did it refer to physical facilities? Would joint programs suffice? etc.), it was not clear what such a requirement had to do with ensuring academic quality. Quite the contrary, it created an administrative and even financial burden for a handful of universities, among them, CEU. Seemingly, this new regulation was supposed to guarantee (?) that such "fraud" as discussed above about the issuing of degrees at CEU, could not happen again. The Prime Minister implied – in a rather populist manner, and embedding the issue in a wider, cultural context (Enyedi, 2018) – who the corrupt actor was and that it was acting against the interest of "the people":

> this is not about closing universities, but about applying the laws equally to every Hungarian university. There can be no special privileges, and no one may stand above the law – not even George Soros's people. I do not believe that the civic intelligentsia would be happy to be allied with people whom the impending legislation will clearly show to be operating with foreign funding, serving foreign interests, and following instructions from abroad.[21]

Additionally, he once again charged CEU with unethical behavior:

> Today the least I can say is that the affairs of George Soros's university in Hungary are not transparent, and its legal arrangements are not transparent either; and so we would like a very clear, transparent and simple situation. We do not understand why they want to use loopholes when a large gate – indeed a golden gate – is open.[22]

On the other hand, the new law demanded an international agreement between the government of Hungary and the government of the respective university's home country of origin, which provided legal leeway for the government to effectively block the enactment of the law, and thus hindered the lawful operating of universities deemed "anti-people". The Venice Commission found it problematic that not only was it underspecified what an agreement actually meant (e.g. formal or informal, who needed to adopt it, etc.), the fulfillment of the international agreement was "not dependent on objective factors, and seems to depend solely on the discretion of the governments concerned" (Venice Commission, 2017, p. 23). While the enactment of such a requirement could be legitimate from a quality assurance perspective for newly established institutions, it seems difficult to justify it for universities with an operating history just as CEU had. Also, given the federal structure and the distribution of power over education in the United States of America, the negotiation of such agreement was a rather challenging task, especially after the expected

compliance with the new regulations was moved to earlier and earlier dates, finally set on 1 January 2018 (Enyedi, 2018, p. 1068). As time passed, and the country entered the parliamentary campaign period where anti-Soros tirades were strengthened by the day, it became clear that, despite a negotiated agreement between the Hungarian government and the State of New York (where CEU was registered), Orbán was not going to endorse the document. First, they postponed the deadline for signing, then, once CEU announced the relocation of its American-accredited programs (80% of the university portfolio) to Vienna, they practically left the agreement to sink into oblivion. In the meantime, although the education activity of CEU was acknowledged by the State of New York, which according to state officials was sufficient proof,[23] government and party officials, and pro-government media tried to prove that CEU wasn't in compliance with the new regulations based on requirements which were not listed in the new legislation (e.g. the size of the buildings on CEU's US campus[24]). In the end, CEU was effectively forced out of Budapest because of the government's non-signing of the provisional agreement between the government of Hungary and the State of New York.

The new legislation regulating foreign universities in Hungary was a clear example of "discriminatory legalism". Firstly, the populist government created an unfavorable situation for those supposedly representing "the non-people" and "the elite" (in this case, CEU, although other universities were also targeted, but were more or less considered collateral damage) by abusing the law. Secondly, the government withdrew from an already negotiated agreement using the contingent feature of the new law.[25] This could also be understood as a populist feature: instead of independent, professional accreditation agencies determining the operation of universities, politicians (i.e. the true representatives of "the people") could make such decisions. The discriminatory nature of the legislation was upheld by the European Court of Justice in October 2020,[26] which ruled that Lex CEU violated Hungary's commitments under WTO rules, and infringed provisions of the Charter of Fundamental Rights of the European Union relating to academic freedom.

Conclusion

The chapter set out to analyze the impact of populism on legislative decision-making, which has previously been labeled as "discriminatory legalism" (Müller, 2016). First, the chapter provided a systematic analytical framework that borrowed from the literature on autocracies, and argued that populists' reliance on "discriminatory legalism" may take three different forms: they may *use* the law for their own advantage to allegedly guarantee better conditions for "the people"; they may *abuse* the law to create unfavorable circumstances for those identified as "the non-people" and "the corrupt elite"; and they may *contingently use* the law to make sure that, at the end of the process, "the will of the people" prevails through governmental (dis)approval. It is not suggested that "discriminatory legalism" only occurs under populists, yet it

was highlighted that populism as an ideology is extremely receptive of such legislative practice, often in a way which combines the different uses identified. Secondly, the case studies not only reflected upon relevant features of a polity, and thus served as a good basis to analyze the polity impact of populism, but they also demonstrated that populism as an ideology, once again, does not only manifest itself in a particular narrative, but also in concrete output measures. Thirdly, the chapter seems to support the idea that, even without "populist constitutionalism", populism may have a serious impact through ordinary legislative decision-making, and depending on the strength and autonomy of existing institutions, defying "discriminatory legalism" may only find its remedy at the international level, which underlines the relevance of international oversight institutions once again. However, populism as an ideology is unlikely to give in to such obstacles. Rather it is likely to reinforce and reinvent its narratives through legal defeats, blaming "elites" for their conspiratorial actions against "the will of the people". Last, but not least, as a special feature of populist uses of "discriminatory legalism", the cases underline the idea that populists are rather blatant about this practice, as they believe they have nothing to fear given they only pursue "the will of the people" through these legislative acts. Additionally, they often rely on this practice in a provocative manner, much like we have seen with populist constitutionalism, which is used to delineate who "the elites" are, and helps keep "the people" together.

Notes

1 22/2005 Constitutional Court decision (17.06) http://public.mkab.hu/mkab/dontesek.nsf/0/C12579890041A608C12579880047C480?OpenDocument. Last accessed 2 December 2020.
2 Although regional party lists were abolished while national party lists were upheld.
3 31 March 2014, interview with Viktor Orbán, HírTV, *Versus*.
4 https://qubit.hu/2019/12/05/a-kivandorlo-magyarok-ketharmada-azt-mondja-hogy-sokkal-jobb-neki-kulfoldon-mint-itthon-volt. Last accessed 2 December 2020.
5 They also mention privacy as a third component, yet they do not address it in detail.
6 This wasn't the first "attack" on civil society actors though. In 2013 the government, and personally Viktor Orbán, requested an investigation into civil societies that received funding from the Norwegian Civic Fund. During "the process" Ökotárs, an NGO – responsible for distributing money under the Norwegian Civic Fund – was a victim of smear campaigns, but was eventually cleared of any wrongdoing. https://hvg.hu/itthon/20161006_Orban_szemelyesen_rendelte_el_a_civilek_ellenorzeset. Last accessed 2 December 2020.
7 https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-06/cp200073en.pdf. Last accessed 2 December 2020.
8 26 April 2017, speech delivered by Viktor Orbán in the European Parliament.
9 22 June 2018, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.
10 24 February 2017, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.

11 19 January 2018, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.
12 2 June 2017, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.
13 21 July 2017, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.
14 30 March 2018, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.
15 http://abouthungary.hu/news-in-brief/hungarys-parliament-passes-stop-soros-legislative-package/. Last accessed 2 December 2020.
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17 22 June 2018, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.
18 https://blog.atlatszo.hu/2020/09/100-millio-forintot-adomanyozott-a-cof-nek-az-allami-lottoceg-szerencsejatek-zrt/. Last accessed 2 December 2020.
19 https://atlatszo.hu/2018/05/17/megkaptuk-az-mvm-tol-a-cof-tamogatas-iratait-a-kozgondolkodas-javitasara-utaltak-508-milliot/. Last accessed 2 December 2020.
20 31 March 2017, radio interview with Viktor Orbán, Kossuth Rádió, *180 minutes*.
21 15 April 2017, interview with Viktor Orbán, Magyar Idők.
22 28 April 2017, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.
23 https://index.hu/belfold/2018/10/31/kiszivargott_a_ceu-szerzodes_amit_orban_nem_akar_alairni/. Last accessed 2 December 2020.
24 https://hvg.hu/itthon/20181108_CEUugy_a_Magyar_Idok_es_a_kormany_vadjait_tagadja_az_amerikai_tarsegyetem. Last accessed 2 December 2020.
25 The government in fact signed an agreement with Maryland regarding McDaniel College, despite Maryland's authorities' unwillingness to take any responsibility for the activities of the Budapest campus of McDaniel College, which ran counter to the requirements of the law (Enyedi 2019, p. 252).
26 https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-10/cp200125en.pdf. Last accessed 2 December 2020.

3 Populism and (liberal) democracy in Hungary after 2010

While the previous two chapters analyzed to what extent the general institutional setting and specific legislative arrangements were inspired by a populist ideology in Hungary after 2010, this chapter, concluding the study of the polity impact of populism, addresses the overarching issue of democracy. The relationship between populism and democracy is uneasy (cf. Bang & Marsh, 2018). While Laclau (2005) argues that populism carries a liberating potential whereby the different alienated groups of society join forces through the "logic of equivalence" to reach a radical form of democracy, Müller (2014) considers populism antithetical to democracy based on its anti-plural understanding of "the people". Kaltwasser (2012) stands in the middle, pointing out that while populism may deliver on its inclusionary promise, thus improving representation and responsiveness of governance, its approach to power and the state may become perilous for the survival of democracy. Systematic, comparative studies are still scarce on the democracy impact of populism (the few exceptions include Heinisch & Wegscheider, 2020; Huber & Schimpf, 2016), which has a lot to do with the fact that democracy itself is a highly contested concept (cf. Schmitter & Karl, 1991) covering a range of underlying theories (cf. Held, 2008). After a detailed literature review on the nexus between democracy and populism, this chapter aims to evaluate the democratic impact of populism in Hungary. Using the democracy measurement of the Varieties of Democracy project (V-Dem), the most crucial elements in democratic decline will be highlighted, reflecting the previously introduced literature. Additionally, the narrative around alleged de-democratization will be assessed, making reference also to the Article 7 Procedure initiated in the European Union (EU) against Hungary based on "a clear risk of a serious breach" of EU values (European Parliament, 2018a, p. 5).

Populism as (liberal) democracy's immune system gone wild?

The relationship between populism and democracy has occupied center stage in the study of populism for decades. Scholarship is not entirely settled on the question whether populism has a positive or negative impact on democracy. Part of the problem is that both concepts are highly contested, which

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often makes an analysis feel like shooting ducks from a moving truck. As Kaltwasser (2012) rightly points out, while liberal democracy may consider populism as a pathology (cf. Akkerman, 2003), radical democracy sees it as a positive force strengthening representation in governance. Yet again, Gaus, Landwehr and Schmalz-Bruns (2020) highlight how populism may be at odds with the basic principles of deliberative democracy. While it is impossible to analyze the relationship of populism with all forms of democracy within this chapter, the literature review provided here raises questions that are relevant and challenging for practically all theories of democracy with potentially divergent emphases. Nevertheless, given that most of the scientific discourse formulates the question about the democracy impact of populism in reference to *liberal* democracy, this will serve as the basis.

In her seminal work, Canovan describes populism as "a shadow cast by democracy itself" (Canovan, 1999, p. 3) which arises from an imbalance between democracy's redemptive and pragmatic faces. Whenever the latter with its suspicious approach to power and lack of enthusiasm trumps the former, populism emerges. With its revolt against the existing power structure and its appeal to "the people", populism is then looked upon as a corrective to the systemic imbalance which is often described as neoliberalism's policy-politics (Bang & Marsh, 2018), a depoliticized democracy (de la Torre, 2017), liberal democratic elitism (Howse, 2019), etc. Mounk (2018b) made a similar argument – specifically linked to liberal democracy – claiming that liberal democracies may face two different inequilibria which ultimately lead to their demise. When the liberal component, with its emphasis on the rule of law and minority rights, trumps the democratic one (i.e. popular sovereignty), liberal democracies turn into *undemocratic liberalism* (I would prefer the term liberal non-democracy). When the democratic element starts to dominate the liberal one, we end up with an *illiberal democracy*. This latter version may be considered as a reaction to undemocratic liberalism, and as an institutional manifestation of populist style democracy with little to no limit to "the will of the people".

Arditi (2004) formulated a rather ambivalent approach to Canovan's idea. On the one hand, he seemingly questions Canovan's framework, arguing that it presupposes the existence of a perfect, Aristotelian democratic balance which would question the natural link between populism and democracy in the first place. On the other hand, he points out that, out of the gap between the different faces of democracy, other forms of radical politics may arise as well. Nevertheless, one has to note here that the link between populism and radicalism has been established through various studies by now (Bernhard & Kriesi, 2019; Rooduijn & Akkerman, 2017). Even though Heinisch and Wegscheider (2020) show that radicalism may have an independent impact on citizens' evaluation of particular modes of democratic decision-making, given that populism is a thin-centered ideology which is embedded within host ideologies, the separation of effects may be carried out methodologically,

yet proves to be rather challenging in theoretical terms, especially given the conceptual bases of populism itself (e.g. how "the people" is defined).

Part of the challenge of analyzing the link between populism and (liberal) democracy – as already exemplified by the above quoted scholars – raises from the argument which considers liberal democracy as a two-strand system with an internal paradox (Mouffe, 2000) where the liberal and democratic elements are constantly fighting (Rummens, 2017). Populism, then, seeks "to drive a wedge between democracy and liberalism" (Galston, 2018, p. 5). Nevertheless, as Abts and Rummens (2007) rightly point out, in the two-strand model democracy and populism become hard to tell apart as all reference to the democratic promise is also part of the notion of populism. In fact, Urbinati (2019b) stresses that populism, as opposed to fascism, maintains a façade of democracy by making reference to an electorate. Even if one does not adopt the co-originality thesis (Habermas, 1996; Lefort, 1988; Rawls, 1996) which argues that the liberal and democratic pillars actually emerged parallel to each other and they form a normatively coherent regime which then stands in contrast to both a purely liberal and a purely democratic system, the potential impact of populism on democracy has to be viewed critically, both in terms of the "liberal" and "democratic" components.

As for the "democratic" element, populism claims that it pursues politics based on the idea of popular sovereignty. In other words, it governs according to "the will of the people". While it may sound democratic on the surface, the problem emerges with the notion of "the people". It is argued here that populism and (liberal) democracy differ essentially in their understanding of the people. "For populism, the people should be understood as a homogeneous community with a shared collective identity. For liberal democracy, in contrast, the people should be understood as an irreducible plurality, consisting of free and equal citizens" (Rummens, 2017, p. 554). Müller (2014) also highlights that populism's understanding of "the people" is essentially anti-plural in nature, which raises two challenges. First, it indulges in a "political fantasy" (Müller, 2014, p. 491) of a unified collective that does not exist. From a normative political theory approach, Wolkenstein (2016) highlighted that populism's understanding of "the people" stands in opposition to liberal democracy's requirement of political justification based on generality and reciprocity; in simple terms, it defies equal access to and open questioning of its claim about "the people". Mueller also points out that populism relies on a reductionist ideal of popular sovereignty and "elevates rule by majority decisions to the normatively controlling (=definitive) element of legitimate political authority which becomes unconditional because no legitimation demands beyond it are appropriate" (Mueller, 2019, p. 1042). Essentially, populism replaces the open-ended feature of the democratic *demos* with the indisputable, closed, and unilaterally defined "people", that "is always right, and thus, complete and absolute" (Espejo, 2017, p. 623). This is problematic, as Abts and Rummens explained, "because of the ever-changing diversity of

the needs and beliefs of the citizens, the identity and the will of the people can never receive a final interpretation and the democratic process can never come to a closure" (Abts & Rummens, 2007, p. 413). Or as Kelly summarized it: "democratically determining the limits of a democratic people … seems impossible" (Kelly, 2017, p. 610). This does not mean that the notion of "the people" cannot change from time to time as the reference point in populist discourses (cf. Csehi, 2019), but rather that populism's interpretation of the term will never lose these exclusionary characteristics. This also questions whether what most of the literature describes as left-wing, inclusionary populism qualifies as populism at all. Or instead, should one simply consider it as politics (Arditi, 2010; Laclau, 2005)?

Secondly, by being anti-pluralistic, populism cannot qualify as (liberal) democratic because it questions the legitimacy of "the non-people" (who do not belong to "the people"), and "the elites" (that represent "the non-people"). As Urbinati explained, a populist regime is recognizable "by the way it humiliates the political opposition and propagates the conviction that the opposition is morally illegitimate because it is not made of the 'right' people" (Urbinati, 2019b, p. 120). In fact, populism seems to have a tendency to "question each other's status as legitimate contender in the democratic arena" (Ferrara, 2018, p. 471). What is really problematic here is the moral nature of the populist division of society between "the good people" and the corrupt others. As Müller pointed out, populism is "a claim to a moral monopoly of representation" (Müller, 2019, p. 1210), however, morality comes with a costly democratic price tag as it "can increase the difficulty of finding compromises or, at worst, can prevent them altogether" (Huber & Schimpf, 2016, p. 876). In essence, anti-pluralism challenges the democratic ethos based on "the mutual willingness to treat all fellow citizens as 'self-originating sources of claims'" (Gaus et al., 2020, p. 9), and is likely to lead to the public sphere degenerating into a mere public space (Ferrara, 2018).

In sum, although one should not overestimate the pluralism component of democracy, given the perceptions of "a decorative, non-functional form of pluralism" (Tormey, 2018, p. 265) present in today's democracies, it is clear that populism's claims about its corrective potential for democracy are "theoretically incoherent" (Rummens, 2017, p. 558). This may also call into question Kaltwasser's (2014a) rather optimistic view that populism may be considered as a corrective in terms of inclusion and a threat in terms of contestation.

As for the "liberal" component, the previous two chapters have already highlighted that populists view non-majoritarian institutions (i.e. checks and balances) – considered by liberal democrats as essential safeguards against the tyranny of a majority – as unnecessary limitations on "the will of the people". Consequently, much of the literature referenced there could be repeated here. At this point, it will suffice to highlight one relevant feature which has important ramifications for (liberal) democracy in the long run. Abts and Rummens (2007) argue that in a truly constitutional democracy the locus of power should remain an empty place. However, an exaggerated reliance on the

liberal or the democratic elements would contradict this notion as they would both close this empty space: the former with the rule of law and minority rights, and the latter with the idea of "the people". Apart from the challenging and controversial notion of "the people" expressed above, and the potentially legitimate criticism of populism about "the guardian problem" of liberal democracy (cf. Howse, 2019), the fight over the locus of power may degenerate into political antagonism between two moralizing groups where neither the "liberals" (Müller, 2019) nor the populists (Kaltwasser, 2014b) provide sufficient and democratically soothing answers to legitimate shortcomings of the existing polity.

While the notions of "the people", "the non-people", "the elites" and the antagonism between them have already been highlighted from the perspective of democracy, the ideational approach to populism also requires a closer scrutiny of popular sovereignty. In line with what has already been indicated during the discussion of "the people" (i.e. not everybody has equal access to making political claims), Abts and Rummens (2007) see a difference between democracy and populism inasmuch as populist criticism of the representative system is not considered an appeal to the redemptive democratic promise. Rather what we see is a populist leader embodying the imagined collective that makes citizen empowerment and involvement redundant, which stands in sharp contrast to (liberal) democratic ideals of deliberation and *meaningful* participation. Consequently, Müller argues that populism is a "directly undemocratic understanding of representative democracy" (Müller, 2014, p. 484) as it advocates a type of representation that is "ultimately not compatible with representation based on the actual input and continuous influence by citizens divided amongst themselves" (Müller, 2014, p. 487). Quite the contrary, as Urbinati (2019b) rightly points out, populism governs through faith instead of deliberation, and it prefers a passive role for "the people" in politics (Heinisch & Wegscheider, 2020). Nevertheless, as Zaslove et al. (2020) highlight, while people with stronger populist attitudes are less likely to protest, they are indeed more supportive of deliberative forms of political participation.

Despite (or rather because of?) the abundant theoretical engagement with the link between populism and democracy, further empirical studies are required to substantiate the claims and understand the underlying mechanisms. On the one hand, studies focus on the conditionality of the impact of populism. Huber and Schimpf (2016) elegantly demonstrate that populism influences democratic quality negatively in government and positively from opposition (cf. de la Torre, 2017). Although they also suggest that populism from opposition exerts a greater impact, they do not differentiate between populists having a majority or a *constitutional* majority in government, which could make a huge difference. Nevertheless, their study also indicates that existing institutions (i.e. the level of consolidation) may influence the impact of populism as well, which also links the topic to the broader democratic decline literature (cf. Levitsky & Ziblatt, 2018; Mounk,

2018a; Runciman, 2018). On the other hand, scholars try to distill the impact of populism from other variables. Heinisch and Wegscheider (2020) argue that populism stands in opposition to representative forms of democratic decision-making as manifested in trustees (i.e. representatives) and pluralism, thus confirming the above summarized theoretical claims. Nevertheless, they also suggest that populism has little to do with a preference either for deliberation or majoritarianism. Rather, radical left and right ideologies drive these desires. While antagonism between populism and deliberation was highlighted above (see also reference to the conflictual understanding of left-wing, inclusionary populism), populism's missing link to majoritarianism may come as a surprise. However, as argued before, populism requires a thickening ideology, therefore, right-wing populism can be expected not only to be anti-representation, and anti-plural, but *also* majoritarian.

Based on this concise review, it is argued here that populism – due to its internal incoherence – is susceptible to anti-(liberal)democratic tendencies. In contrast to Tormey's (2018) notion of populism being a *Pharmakon* to democracy (i.e. both a potential cure and poison), populism is likened to an immune system of democracy. The immune system – in contrast to a *Pharmakon* – is an internal part of the body, which normally fights diseases. The infection against which populism raises often valid concerns is "undemocratic liberalism" as described above. In a normal immune response, the illness is cured, i.e. the democratic deficiencies are corrected. However, under certain circumstances, once the infection disappears, the immune system does not stop its response, but rather starts to attack the host. Much like an autoimmune disease, populism could exert an abnormal immune response, and charge against democracy. Autoimmune diseases are generally caused by three different factors: genes, the immune system itself and the environment. Translating the metaphor to the case of populism, it deals with genetic susceptibility, much like Canovan's idea of democracy being followed by the shadow of populism. Nevertheless, there is no single autoimmune gene that is responsible for the autoimmune disease. Rather, multiple factors and their interaction cause the malfunction. This leads to the second feature, the immune system itself. When there is a defect in its regulatory mechanisms a pathological damage may arise. Generally, it happens either because the system fails to prevent the autoreactive cells from developing or to control them. Translated into the link between populism and democracy it refers to the receptive capacity of democracy, which is often described as the level of consolidation of democratic institutions (cf. Huber & Schimpf, 2016). In practice, it often means that populism attacks (liberal) democracies by weakening checks and balances that would avert self-destructive developments. As Urbinati put it, "populism in power is a transmutation of democratic principles, though, not (yet) an exit from democracy" (Urbinati, 2019b, p. 118). Last, but not least, the environment may trigger an autoimmune disease: infections, dietary components, certain pollutants and drugs, and even stress are considered among the leading

factors. Here the broad literature on the causes of populism may be used as reference (cf. Hawkins, Read, & Pauwels, 2017).

Autoimmune diseases generally take a long time to develop, and also tend to last for decades once the diagnosis has been made. Consequently, populism's impact on democracy shall be analyzed with caution, as it is likely to manifest itself not only through a reformed institutional framework, but potentially in the demise of civility as well (Ferrara, 2018). As Mueller correctly summarized it, populists "promise an authoritarian exercise of democracy – in opposition to (elite-)dictatorship and democratic deficits – to undermine ideals and selectively remove institutions of democracy as we know it" (Mueller, 2019, p. 1031).

The impact of populism on Hungarian democracy after 2010

The state of democracy in Hungary has been discussed in international newspapers and magazines on a recurring basis for the past decade. Rather than providing an exhaustive list, the following examples will stand here as indicative examples. *The Economist* talked about the "hollowing out of democracy";[1] the *New York Times* argued that Orbán's illiberal state wasn't a redefinition of democracy but rather an update of authoritarianism;[2] the *Washington Post* claimed that democracy was dying in Hungary;[3] the German *Spiegel* wrote about "democratic deficiencies",[4] while *Die Zeit* described a destruction of democracy.[5] Similarly, within the scientific literature, different accounts on the Orbán regime talk about "democratic backsliding" (Ágh, 2013) and hollowing (Greskovits, 2015), de-democratization (Bogaards, 2018), or a retreat from democracy (Kornai, 2015). The results have been described as a hybrid regime (Bozóki & Hegedűs, 2018), an illiberal democracy (Böcskei, 2016; Krekó & Enyedi, 2018; Plattner, 2019), a populist democracy (Pappas, 2014), an example of national authoritarianism (Kelemen, 2017) or authoritarian capitalism (Scheiring, 2020). The reasons for the "backsliding", however contested the term may be (Cianetti, Dawson, & Hanley, 2018), have been analyzed from various perspectives. Ágh (2013) stresses structural elements and argues that democratic decay was due to the triple crises (transition recession, post-accession and global financial crisis) the country had to live through, which caused disappointment among the electorate that had high hopes after the fall of communism. Given that democracy did not deliver a Western-like welfare state overnight, the people turned towards de-democratization. In another article (Ágh, 2018), he argued that the polycrises context, where the European Commission had to concentrate on the challenges facing the core, meant it did not pay sufficient attention to the ECE region and its de-democratization and de-Europeanization tendencies. Nevertheless, as Bozóki and Hegedűs (2018) show, the EU not only serves as an external constraint on the hybrid Hungarian regime, but also as a system supporting and legitimating force mainly through its financial capacities.

Enyedi (2016) provides an alternative approach and argues that party politics played a major role in the de-democratization process in Hungary. Buzogány and Varga (2018), instead, point to the ideational underpinnings of political illiberalism.

This chapter argues that democratic deterioration witnessed in Hungary was mainly due to the anti-(liberal)democratic logic implied in the populist ideology. How did the quality of democracy change in Hungary after 2010? There are numerous different democracy measurements (Geissel, Kneuer, & Lauth, 2016) with varying advantages and disadvantages based on their data collection methods (Skaaning, 2018). According to Freedom House's Nations in Transit reports,[6] which use a complex democracy measurement, Hungary scored 2.39 in 2010 on a 1–7 scale (old scale), 1 representing the highest level of democratic progress. In comparison, the 2018 report gives Hungary a score of 3.71, tracing a gradual decline. In a similar manner, on the Economist Intelligence Unit (EIU) Democracy score,[7] Hungary scores 6.63 on a 0–10 scale (10 being the highest) and thus qualifies as a flawed democracy in 2019. In comparison, back in 2011, the country had an overall score of 7.04.

In order to avoid any potential bias due to different conceptualizations of democracy, the evaluation used in this chapter is based on a complex measure provided by the Varieties of Democracy (V-Dem) dataset (Coppedge et al., 2016; Lindberg et al., 2014). It allows researchers to paint a thorough picture of democratic quality based on various indicators that are relevant for different understandings and theories of democracy from electoral through participatory to liberal. At first, a general overview is provided on the state of democracy in Hungary after 2010 which is then followed by a detailed analysis of the different components.

V-Dem dataset allows for the analysis of five major democracy indices, each reflecting another essential component of a functioning democracy. As for the deliberative index, it focuses on the extent to which the ideal of deliberative democracy is reflected in decision-making. More precisely, it looks at how much public reasoning and respectful dialogue, with the option of being persuaded, take place and how far decisions are motivated by the common good. As for the egalitarian index, it is a composite of three different measures: equal rights and liberties, equal resource distribution, and equal access to power across different societal groups. The participatory index evaluates the quality of direct democracy, civil society engagement in decision-making and active participation of citizens. The liberal democracy index, as can be drawn from the previous section, reflects on how much democratic institutions and processes limit governmental power. Consequently, it measures civil liberties, rule of law, judicial independence and the system of checks and balances in general. Last, but not least, the electoral democracy index, which features in all other indices given the electoral nature of democracy being the baseline for all democracy measurements, refers to clean elections, the free existence of political and civil society organizations, media independence and the freedom of expression.

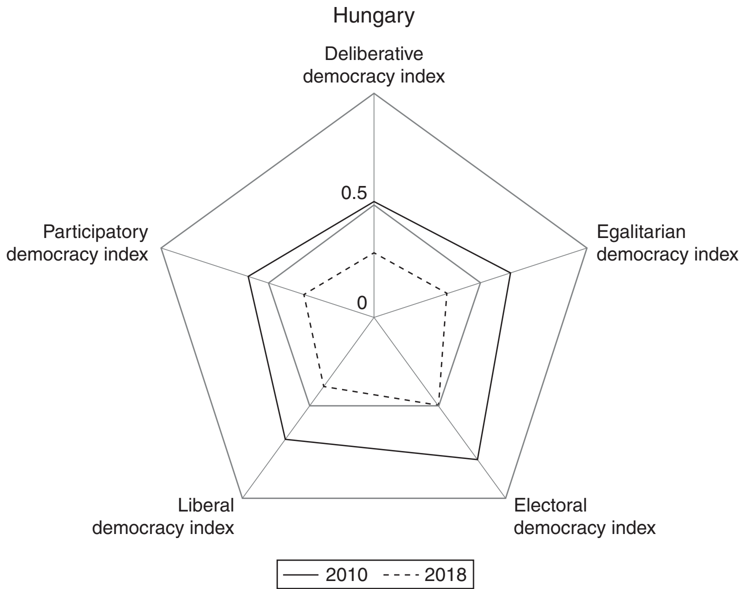

Figure 3.1 V-Dem indices on the state of democracy in Hungary
Source: V-Dem data version 9.0, figure assembled by author using online analysis tool

Figure 3.1 shows a general decay (cf. Gerschewski, 2020) of democracy in Hungary after 2010. Based on the data, one may even argue for a systemic deterioration that manifests itself across different features of democracy, which were highlighted by various international organizations as well. While elections remain free, they have become increasingly unfair (OSCE, 2018), there is a systemic threat to the rule of law (European Parliament, 2018a), inequalities have risen (European Commission, 2019), the work of civil society organizations has been partly constrained (see previous chapter also), and respectful dialogue is almost non-existent when it comes to policy decisions (see references to Venice Commission reports in the previous two chapters).

Beyond the overall evaluation (cf. Stanley, 2019) it is worth looking at the individual measures comprised in the general indices. As for deliberative democracy (Figure 3.2), while the pursuit of common good in policy decisions and the range of consultation seemingly remained stable, the value of three components has decreased between 2010 and 2018: engaged society, reasoned justification and respect for counterarguments. What does it all mean? Based on the evaluation provided by the V-Dem dataset, public deliberations are not repressed but are mostly infrequent and often constrained by elites. Additionally, insufficient justification is provided by the government when making important decisions, which may be appealing to many, nevertheless.

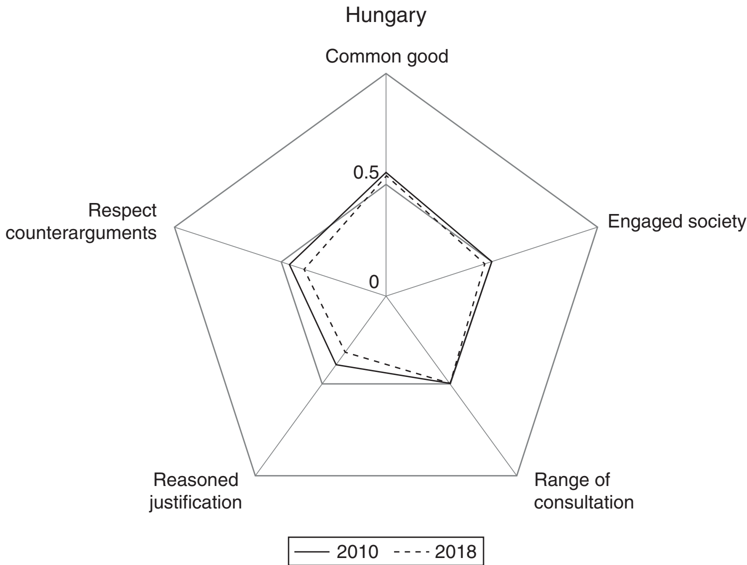

Figure 3.2 Selected measures of the deliberative democracy index in Hungary

Lastly, although counterarguments are allowed, they are almost always ignored, and those making the counterarguments are often degraded through negative comments.

As for the egalitarian democracy measures, there is an overall decline in all aspects (Figure 3.3). When looking at the quality of the welfare state, it is shown that programs are becoming less and less universalistic while social and infrastructure spending becomes more particularistic (see corresponding chapter on family policy in this volume). As far as educational equality is concerned, while basic education is relatively equal, around 15% of children receive low-quality education that may undermine their ability to exercise their basic rights as adult citizens. The same can be said about citizens' health equality. When it comes to political power, it is increasingly monopolized by social groups representing the majority of the population, where the monopoly is less and less subject to frequent changes. This is also reflected in socio-economic terms: wealthy people control most of political power, and people of average and lower income only have a say in issues that matter less for wealthy people. As far as different social groups are concerned, there is a tendency towards moderately fewer civil liberties for them in comparison to the general population. The same can be said about social classes: poor people enjoy fewer civil liberties than the wealthy.

As far as the electoral democracy index is concerned, Figure 3.4 shows sharp declines in the value of various components. While there are no

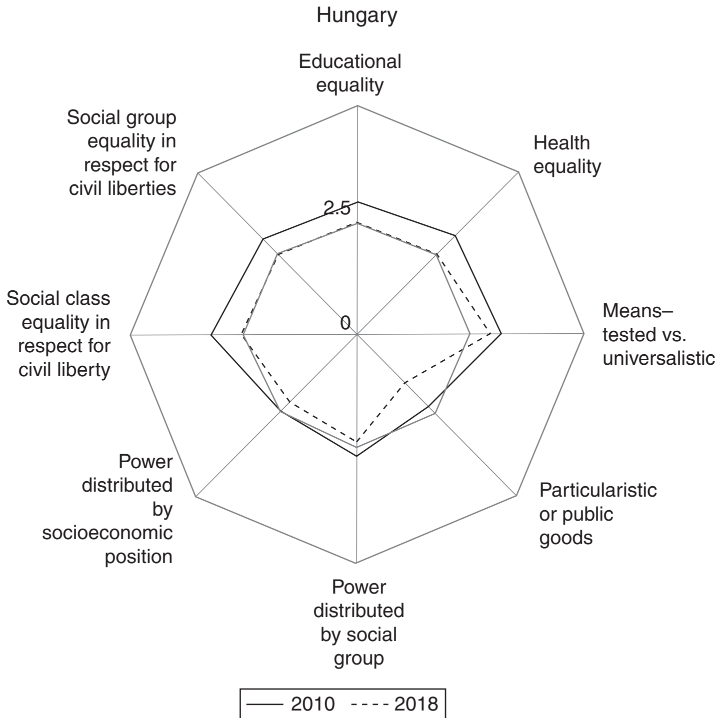

Figure 3.3 Selected measures of the egalitarian democracy index in Hungary

substantial barriers to party formation and the most significant opposition parties are autonomous and independent from the ruling party, when it comes to elections, their fairness has been increasingly put into question. In fact, data suggest that some irregularities could distort outcomes of general elections. Also, there is a tendency towards harassment and intimidation, which may be traced in the rather controversial act of expelling opposition MPs from the public television building,[8] and in the often excessive fines opposition MPs have to pay for their allegedly uncivil behavior.[9] As far as civil society organizations are concerned, they are moderately repressed through minor legal harassments (see analysis in the previous chapter). Academic and cultural freedom are practiced routinely, yet there are more and more cases of government repression: the case of the Central European University (see previous chapter), or the establishment of the Hungarian Academy of Arts (see corresponding chapter in this volume) are cases in point. When it comes to the media, the government is increasingly trying to censor on sensitive issues, to which end it centralized much of media outlets (see corresponding chapter in this volume). Additionally, print and broadcast media cover opposition

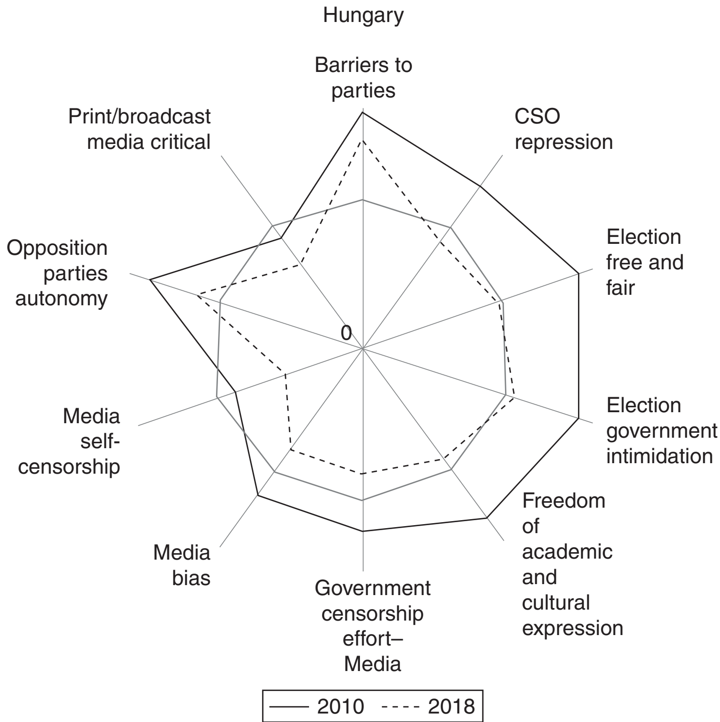

Figure 3.4 Selected measures of the electoral democracy index in Hungary

parties and candidates generally in a negative light, and media self-censorship is becoming very common.

Looking at some of the selected liberal democracy components (Figure 3.5), most of the measures remain relatively stable, yet two components stand out for their sharp decline: high court independence and executive oversight. The former refers to a tendency where high court decisions are becoming more reflective of government wishes. This can be applied to both the constitutional court and the highest court (Kúria) as well. While the former has been extended in number through the appointment of government-linked judges, the latter has been led by the wife of a prominent government party member for years. The latter means that if the executive were engaged in unconstitutional, illegal or unethical activity, it would be rather uncertain whether any checking institution (comptroller general, general prosecutor, ombudsman) would investigate and issue an unfavorable report.

Last, but not least, as far as participatory democracy is concerned (Figure 3.6), while the participation of civil society organizations and regional

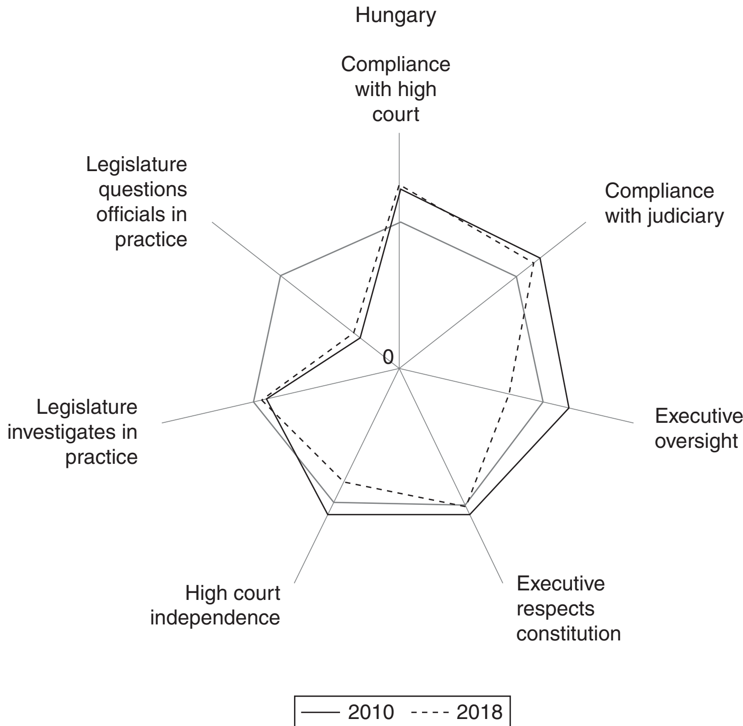

Figure 3.5 Selected measures of the liberal democracy index in Hungary

governments has declined, there has been some progress made on direct democracy. This is probably mainly due to the newly introduced, yet rather phony "institution" of National Consultations where the government asks the opinion of the Hungarian electorate on issues relevant to the government through generally assertive questions and answers (see further in chapter on populist constitutionalism).

All in all, as argued before, there has been a general decline in the quality of democracy in Hungary. This led the V-Dem Democracy Report of 2020 (V-Dem Institute, 2020) to classify Hungary as the first non-democracy in the EU, describing it as an electoral authoritarian regime. In a similar vein, according to the *Freedom in the World 2020*, Freedom House report,[10] when it comes to political rights and civil liberties, Hungary only qualifies as partly free now, scoring 70 on a scale of 100. While it is not suggested here that populism is the sole reason for democratic deterioration in Hungary, based on the literature review provided at the beginning of the chapter, a correlation is likely to exist which is driven mainly by the logic inherent within the ideology of populism.

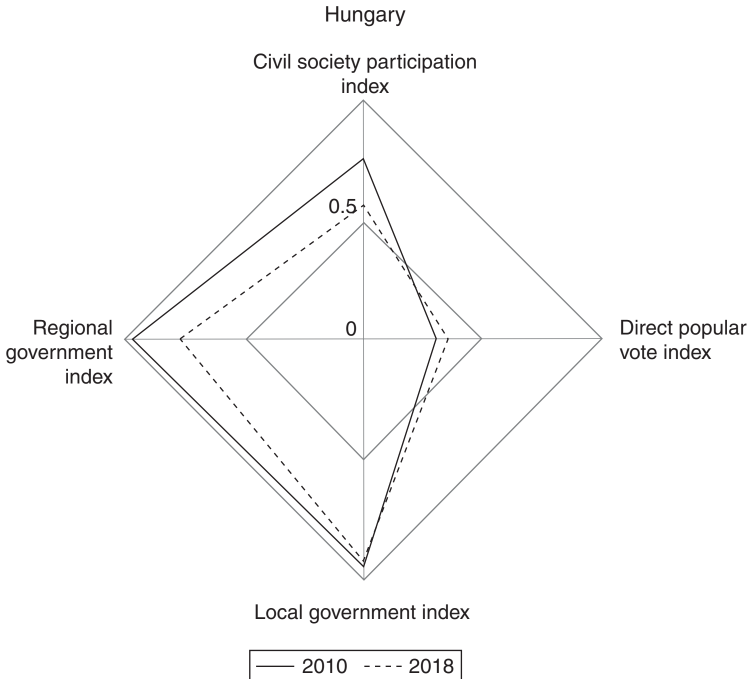

Figure 3.6 Selected measures of the participatory democracy index in Hungary

Government narrative on democratic deterioration

After having explained the populist approach to democracy, and shown how the quality of democracy actually declined in Hungary after 2010, the chapter concludes with a study on the government's democracy narrative. Similar to the previous chapters, the analysis mainly focuses on the Prime Minister's speeches and interviews which best represent the general approach of the government. Where applicable, additional sources, usually excerpts from other government officials or party members have been added.

Interestingly, Orbán did not talk about the issue of democracy much during the 2010–2014 term. Only sporadically has he addressed the topic from a more intellectual point of view despite the constitutional and special legislative reforms which triggered a variety of criticism from multiple domestic and international actors based on concerns for democracy. As expected from a populist perspective, the Prime Minister believes in the two-strand model of democracy. While he always emphasizes the democratic element, he gradually came to downplay and even defy the liberal component of democracy. As he explained:

> There was a time when the liberal era and the democratic era coincided; there was a time when freedom was at the center of liberalism; there was a time when democracy could not be conceived of without liberal thought. But these two ideas have become detached.[11]

Moreover, Orbán described a certain liberal democratic decay for which the liberal element was solely responsible. As he put it: "liberal politics has turned against freedom: it has turned against freedom of thought, speech and the media, and thus it has inevitably found itself opposed to the people and democracy. What liberal democracy has turned into was non-democratic liberalism".[12] In a later speech, he pushed this argument even further and argued that liberal democracy actually turned into "a sham democracy: a system that disguises itself as a democracy, but which in reality is not a democracy".[13] Given that the liberal component caused democracy to deteriorate, Orbán advocated the repudiation of the notion of liberal democracy. In his infamous 2014 speech during the Summer University in Romania, he argued that "a democracy does not necessarily have to be liberal. Just because a state is not liberal, it can still be a democracy".[14] As he put it concisely: "democracy yes, liberalism no".[15] What he proposed instead was essentially an illiberal democratic model to fix the problem caused by non-democratic liberalism (cf. Mounk, 2018b), although the contours of the system were rather unclear at first. As Orbán put it: "We are supporters of the illiberal approach: democracy is democracy, and it doesn't need a modifier. If I really must add something, I would say that in Hungary there is a government with a Christian democratic inspiration."[16] Christian democracy was supposed to stand in sharp contrast to and act as an alternative to liberal democracy. As Orbán explained:

> the age of liberal democracy is at an end. Liberal democracy is no longer able to protect people's dignity, provide freedom, guarantee physical security or maintain Christian culture. … Our response to this changed world, the Hungarian people's response, has been to replace the shipwreck of liberal democracy by building 21st-century Christian democracy.[17]

As coherent as this claim may seem, the link between Christian democracy and the liberal component was rather unclear. At first, Orbán argued that "Christian democracy is not liberal. Liberal democracy is liberal, while Christian democracy is, by definition, not liberal: it is, if you like, illiberal."[18] However, later, he claimed that "Democracy based on Christianity – which we call 'illiberal democracy' – is not necessarily anti-liberal; this is an important distinction. Today liberal democrats have become the enemies of freedom. Since I stand on the side of freedom, I must be illiberal."[19] Essentially, his argument was that, even though the democracy he had been building was

illiberal in nature, it was actually liberal, since it stood against liberal democracy which has violated its own principles. As confusing as this may seem, Orbán pushed the argument a little further, and tried to incorporate liberal democracy within the concept of Christian democracy: "liberal democracy can only exist in a world in which Christian culture existed before it … So the propositions that all democracy is necessarily liberal and that Christian democracy must be illiberal are simply not true."[20] This statement is relevant for two reasons. First it contradicts his previous claim of Christian democracy being illiberal. Secondly, it seems to defy the dualist logic upon which he criticized liberal democracy in the first place, and by swapping the liberal component with a Christian one, it assumes a constitutive link between democracy and Christianity, much like liberal democrats do with the liberal and democratic components, and which Orbán heavily criticizes all the time.

Two final remarks shall be made on Orbán's general approach to liberal democracy. First, he always contrasts liberal democracy with social and Christian democracy and portrays this struggle as an antagonistic relationship. As he explained in an interview:

> First the Left accepted that all democracies must be liberal. When non-liberal parties win an election, the end of democracy is immediately announced. This forces Christian democracy and social democracy to lay down their arms. This is leading to the demise of social democracy – and we are currently witnessing its death throes. If Christian democracy doesn't oppose the adoption of liberal concepts and assumptions, it too will be destroyed.[21]

Secondly, following the aforementioned argument about liberal, social and Christian democracy, he accuses liberal democrats of being undemocratic:

> people are now allowed to say that democracy can only be liberal, but you are not allowed say that democracy can only be Christian democratic or that democracy can only be social democratic. I take the view that if any one of these competing ideas monopolizes democracy, it simply stifles intellectual debate. You cannot conduct a reasonable debate on the premise that if I am not liberal, I cannot be a democrat either.[22]

While Orbán is probably right about stating that the notion of democracy cannot be monopolized, as was shown above, it is not clear whether he is not committing the same mistake with his advocacy of Christian democracy.

In general, at the conceptual level, Orbán is a proponent of a democratic model expected to be pursued by populists. Whether it is labeled as illiberal or Christian democracy is irrelevant, what matters is the actual content behind it. Does democracy as understood by Orbán have strong populist features? What does illiberal democracy say about "the people", "the elites" and "the will of the people"?

As argued in the previous section populists have a particular understanding of "the people". They consider "the people" as a uniform monolith, which contradicts the liberal pluralist notion of the people that seems more in accordance with social diversity. Orbán's understanding of "the people" is reflective of the populist ideology in two ways. First, reference to "the people" is used as an ultimate argument for political decisions and as a criticism of the existing liberal democratic system. Quoting a famous Hungarian political figure, Louis Kossuth, he explained democratic decision-making in the simplest of terms: "All for the people, and all by the people. Nothing about the people without the people. That is democracy."[23] At another instance, he claimed that "We can argue all day about the possible kinds of democracy – liberal, illiberal or Christian – but one thing is certain: what cannot be left out of the equation of democracy is the demos, the people."[24] Secondly, "the people" is used as an exclusionary category, which, as demonstrated previously, derives from the populist ideology itself. Given that populists and only populists represent "the people", not only are all other political actors democratically illegitimate (usually portrayed as "the elite"), but it also means that they must be representatives of "the non-people". Consequently, "the people" need to be distinguished from "the non-people". So who are "the people" in Orbán's illiberal, Christian democracy? Orbán provides a detailed description, which is also reflective of a communitarian understanding of society that stands in sharp contrast to the liberal, individualist worldview:

> Liberal democracy teaches that an individual should have the freedom to do anything that does not violate the freedom of another individual. Christian freedom teaches that you should not treat others in a way that you would not want others to treat you … According to the precepts of liberal freedom, an individual's contribution – a productive or an unproductive life – is a private matter, which must not be subject to the moral judgment of the community; and likewise it must not be allowed to fall within the ambit of politics. The concept of Christian freedom holds that recognition is due to those individual achievements which also serve the common good: self-reliance and work; the ability to create and sustain a livelihood; learning; a healthy lifestyle; the payment of taxes; starting a family and raising children; the ability to orient oneself in the affairs and history of the nation; and participating in the nation's self-reflection. These are the qualities and achievements that Christian freedom recognizes, supports and regards as morally superior.[25]

He later doubled down on this argument, stressing that

> we are openly admitting that we don't want to construct a liberal democracy; we want to construct a democracy, but not one that relies exclusively on individual interests, but instead one that regards the public good as being the most important.[26]

Furthermore, as Orbán explained:

> Liberal democracy is in favor of multiculturalism, while Christian democracy gives priority to Christian culture; this is an illiberal concept. Liberal democracy is pro-immigration, while Christian democracy is anti-immigration; this is again a genuinely illiberal concept. And liberal democracy sides with adaptable family models, while Christian democracy rests on the foundations of the Christian family model; once more, this is an illiberal concept.[27]

This emphasis on certain values and principles that supposedly correspond with Christian values have been imprinted in the Fundamental Law as well, as Chapter 1 demonstrated. In what way this corresponds with the democratic (not liberal!) notion of ongoing construction of the demos is rather questionable though.

We know who "the people" in illiberal, Christian democracy are, but who constitute "the elite"? First, on the basis of democracy, Orbán argued that "we are old-fashioned democrats, we are not elitists who believe that there is a smart group of people somewhere who can tell the people what needs to be done".[28] In general, although Orbán's populist narrative of "the elite" changes from time to time (Csehi, 2019), it always refers to a liberal component. Whether at the international or domestic political level is irrelevant. "The elite" that conspires against democracy always refers to "people who are part of the global network, media gurus, unelected international organizations and their local offices … [who] have declared that the people constitute a danger to democracy".[29] However, as he argued in Parliament: "in a democracy, a few people's voice cannot overrule that of the many, in other words the common will".[30] Orbán likes to make explicit reference to a European elite who "pose a major problem for democracy, as they represent something that the European people do not want".[31] At another instance, he argued that

> democracy in Europe today is in a state of imbalance – there's no democratic balance. The people have ideas which are different from those which their leaders want to impose upon them. The time will come when this distinction will disappear, and it will disappear according to the rules of democracy.[32]

To achieve this end, Orbán proposed explicit yet fuzzy measures: "there is an alternative to liberal democracy: it is called Christian democracy. And we must show that the liberal elite can be replaced with a Christian democratic elite."[33]

As far as "the will of the people" is concerned, Orbán likes to use it as a reference point for his political decision-making. As he often claims: "I suggest that we rely on the ancient source of European democracy: the will of the

people".[34] Once again, he embedded this issue within a struggle between the liberal and democratic principles:

> Liberals believe that … [s]ocieties are not enlightened enough, they are not yet modern enough in their values, and therefore it is our duty as leaders to enforce a few ideas – even in opposition to the people if need be. There are democrats – and we Hungarians belong to this camp – who say that naturally debates like this may emerge, but that on fundamental issues, which determine the very fate of a people, it is irrelevant what we think; what is relevant is what the people think. Therefore we must ask them, we must listen to them, and we must accept their decision. This is where the liberal mentality and the democratic mentality clash.[35]

Consequently, Orbán argued that "[t]his is the natural order of democracy. At times, perhaps, there can be a certain gap between the will of the people and the aims of their leaders, but in the long run a wide gap will be unsustainable".[36] Orbán also used this argument to specifically target the EU and its procedures, claiming that the EU often fails to follow the will of the European citizens, and consequently contravenes democratic ideals. As he argued, "Europe, the motherland of democracy, no longer makes a habit of asking its people for their opinions."[37] As a remedy, he argued that

> sooner or later the opinion of the people as a political reality in Europe must be acknowledged. You cannot go against the people. This is a democracy problem in Europe today. I usually say that it is time for the liberal era in Europe to be replaced once again by a democratic era.[38]

In order to guarantee the participation of the people, Orbán and his government introduced the institution of National Consultations (see details also in previous chapters). The argument behind it was once again made on a democratic claim: "the essence of democracy is that the people must be involved in decisions on important issues".[39] Nevertheless, what people may hold as important was decided by the government, and the questions used and answers provided in the consultations were highly manipulative, pushing the electorate towards the position of the government. No matter how much the government is trying to portray the consultations as a democracy-strengthening institution, it does not provide the people with a meaningful voice, thus ultimately raising questions on its democratic value. This is rather ironic as Orbán, in criticizing the system of checks and balances, claims that

> I do not think that democracy should be guarded with institutions against the people. Institutionalists are lazy. They want to spare the labor which cannot be spared: democratic culture needs to be catered. One has to work for democratic public opinion, so I believe political labor cannot be substituted with institutions.[40]

All in all, Orbán and his government have a particular, somewhat incoherent view on democracy which questions the constitutive link between the liberal and democratic components, while at the same time proposes a similar relationship between Christianity and democracy under the notion of Christian democracy. On the other hand, the constitutive idea is questioned as Orbán always overemphasizes the democratic component while resisting any checks on "the will of the people" which itself is once again closed by the notion of Christian democracy on multiple issues. Orbán's simplistic view of democracy reflects a strong populist element, which he himself summarized well: "if a politician promises something and then delivers, it is not populism, it is democracy".[41]

Conclusion

This chapter set out to provide a comprehensive yet concise overview of the link between populism and democracy, describing it as essentially an immune system going wild, and to systematically analyze the democratic impact of Orbán's populist government in Hungary after 2010. Four lessons may be drawn from the study. First, the Hungarian case seems to confirm that, while populists often raise legitimate criticism against the deficiencies of (liberal) democracy (Howse, 2019), their answers are likely to cause more concern than satisfaction (Kaltwasser, 2014b). In fact, as Orbán's notion of "Christian democracy" suggests, populists often find themselves trapped not only by their theoretical incoherence (mainly caused by their definition of "the people"), but also by their readiness to commit the same theoretical shortcuts they accuse liberal democrats of committing (e.g. co-originality thesis). Consequently, reference should be made to Müller's argument which stressed that "populists are owed respect as participants in democratic debates; but they are not entitled to an understanding of 'respect' where 'respect' means that their utterances will not be countered and contested" (Müller, 2019, p. 1215). Secondly, the case of Hungary seems to contradict the findings of Huber and Schimpf (2016), at least partly. While the negative impact of populism in government on democracy is clearly traceable (as major indices in the V-Dem dataset records a decline), the intensity of the impact can hardly be described as limited, which is mainly due to Orbán's constitutional majority in Parliament. This obviously challenges the potential remedies and response strategies (cf. Taggart & Kaltwasser, 2015) that could be initiated against a populism-induced de-democratization. Thirdly, the example of Hungary nicely demonstrates that the antagonism of populism is not linked to the "liberal" theory of democracy *per se*, but rather it is at odds with the most widely used concepts of democracy. Last but not least, the Hungarian case study shows that it is worth looking into the discursive component when analyzing the impact of populism on democracy. After all, the ideational approach to populism does suggest that there are ideological drivers of populist action which may manifest themselves through political narratives in the first place.

Orbán's speeches are a case in point, and highlight that the otherwise relevant quantitative research in this area may benefit from additional qualitative analysis.

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Part II

Politics impact

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4 Populism, media and journalism in Hungary after 2010

The media are often referred to as the fourth branch of government that exerts a considerable influence over politics. With the global rise of populism, naturally, more and more attention has been directed towards the question: what is the role of media in this development? As a result, the multifaceted link between media, journalism and populism is now reflected in a diverse literature that emerged around the two potential "causal" directions. On the one hand, scholars are concerned with the influence of the media on the success of populist movements, parties and politicians. On the other hand, they analyze the impact of populism on media structure, journalism and the freedom of the press in general. Given the overall theme of the book, this chapter focuses on this latter connection. The chapter starts with a general overview of the literature on the nexus between journalism and populism, which is followed by an examination of the Hungarian media landscape, and the populist narrative of the Prime Minister, Viktor Orbán, concerning media and journalism. In accordance with the literature, it is demonstrated how populism as an ideology had important ramifications for the media system, its environment and journalism. While the media's role in advocating a populist political agenda is not addressed here – as argued above – it also has to be noted that the chapter does not deal with *social media* either. The reasons are: (1) given the peculiarities of social media, a study on the topic would qualify as a separate chapter; (2) studies on the link between social media and populism tendentially focus on the former's impact on the latter (i.e. how social media enables the spread of populist messages, see Engesser et al., 2016), which is an expected outcome yet stands in opposition to the aim of this volume; (3) while there is a gradually growing social media outreach of the Orbán government, the governing party still makes little use of social media platforms to convey its messages, and relies more on analogue devices (billboards, surveys, traditional media sources).

The media, journalism and populism

The relationship between populism and media has been approached from various different angles. There is a difference in the direction of argument

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(media influences populism or vice versa), the level of analysis (macro-level or micro-level impacts, aggregate versus individual-level studies), the actors involved (tabloid versus mainstream media, left-wing versus right-wing populists), and even in the conceptualization of populism itself (from Laclauian discourse through communication, social identity and organizational approaches to the ideational understanding). This rather diffuse picture sometimes makes linkages between different studies rather challenging.

A group of studies starts from the notion of "mediatization of politics", according to which the media follows a commercial logic that allows greater opportunities for political actors that provide controversial – even scandalous – and newsworthy content (Mazzoleni, 2014; Mazzoleni & Schulz, 1999), which is then expected to favor populist political actors. As Freedman put it:

> A dangerous cocktail of tabloid values, falling levels of trust in the media and unaccountable tech power … is widely seen to be intimately linked to the rise in recent years of … populism and polarized media and political environments.
>
> *(Freedman, 2018, p. 605)*

However, Manucci rightly points out that "the main problem concerning this strand of literature is that the expected convergence between media-logic and populism is based on the alleged presence of stylistic elements associated with populist discourses which have not yet been tested empirically" (Manucci, 2017, p. 469) (see the discussion on the conceptualization debate surrounding populism). In fact, studies do not seem to fully confirm this notion of "mediated populism" (Freedman, 2018). Bos et al. (2010) actually argue that authoritative appearance (i.e. a more conservative behavior) seems also to influence the success of politicians exhibiting a populist style. Additionally, as de Jonge (2019) stresses, the media's approach to populist actors may depend on a number of different issues: the media structure, the state–media relations, the success and salience of populist actors present, the journalists' perception of the role of the media, etc. Consequently, it is not entirely clear under which conditions business considerations may prevail over political ones. In fact, as Freedman put it, "by fetishizing the role of the media, we run the risk of underestimating the significance of the broader political factors that play a key role in cementing the appeal of right-wing populist parties" (Freedman, 2018, p. 610).

But how are the media related to populism? The first big strand of the literature analyzes the media's role in the emergence and strengthening of populism. De Jonge (2019) argues that journalists – much like any other actor – may choose from three different strategies when responding to the populist challenge: demarcation, confrontation or accommodation. This seems to be in line with the claim put forward by Wettstein et al. (2018) who also contend that the media may play three different roles in covering populism: as

gatekeepers, as interpreters and as initiators. The first role refers to the rather neutral coverage (or not so neutral non-coverage) of actions and discourses of populist politicians. Based on the argument put forward by Müller (2019), one may point out that the strategy of demarcation is both empirically and normatively questionable even for media and journalism.

The second role involves an evaluation of populist actors and ideas. While there is quite a confusion about the term "populist" and "populism" in the media (Bale, van Kessel, & Taggart, 2011), Bos, van der Brug and de Vreese actually argue that populists' electoral success (Bos et al., 2010) and public perception (Bos et al., 2011) may depend on their coverage in the media. This section of the literature often refers to a mediatized populist zeitgeist, meaning that media outlets themselves – by covering and evaluating populism – also unavoidably become more populist in tone as well. While Wettstein et al. (2018) point out that populists are not over-represented in the news, and Hameleers, Bos, and de Vreese (2019) also deny the existence of a populist zeitgeist emerging in media outlets, Hameleers and Vliegenthart (2020) do demonstrate through a study on the Netherlands that there has been an overall, general increase of populist communication in news coverage, manifested through people-centrism, anti-elitism and left/right exclusionism. Almost all studies seem to agree that the type of media (whether tabloid or broadsheet) has no significant impact on the level of populism exerted in the media (cf. Akkerman, 2011; Rooduijn, 2014). Although among others, Freedman (2018) also claims that media policy silences and failures contributed to populist actors gaining relevance, one has to cautiously evaluate the role the media play in the development and strengthening of populism. As Sheets, Bos and Boomgaarden rightly point out,

> there is a missing theoretical link between individual motivations and societal conditions that engender right-wing populist movements. We see media as being (a central part of) this link … expressions may depend not only on personal factors but also the external environment – in our case, the media's priming of such factors in political discourse.
>
> *(Sheets et al., 2016, p. 310)*

In fact, they show that media cues combined with party cues are likely to boost the vote for right-wing populism.

The third role means an advancement of populist ideas independent of populist actors, which is often described as populism by the media or "media populism" (Hameleers et al., 2019). A great example of this would be the mass-mediated practice of *denuncias* (public accusations generally about corruption – similar to the notion of investigative journalism) which fueled the emergence of populist movements in Latin America (Samet, 2016).

A second, and more recent strand of the literature looks at how populism influences the public approach to media. Fawzi (2019) argues that a populist worldview is linked to a negative media perception which is mainly

channeled through anti-elitism. More specifically, "the media are perceived to be part of the political establishment, collaborating with the ruling elite and betraying the people" (Fawzi, 2019, p. 151). Additionally, populist citizens may find journalists are part of the "educated caste", and thus question their representative capabilities for "the people". In fact, building on the ideational approach, Fawzi also claims that the media have an antagonistic relationship with people-centrism: "because pluralist media coverage contradicts populists' assumption of a homogeneous people, it should lead to populist citizens forming a negative evaluation of mainstream media coverage" (Fawzi, 2019, p. 151). As Goldstein (2018) put it, there is a tension between the majoritarian logic of populism and the pluralist logic of liberalism. Furthermore, the exclusion of the outgroup, as a characteristic of (right-wing) populism, stands in sharp contrast to the normative expectations of the media, and leads to a more likely negative perception. In a similar manner, Schulz, Wirth and Müller show that, "as a person's populist attitudes strengthen, the public opinion climate is perceived to be more congruent with their own opinion and the mass media's tone is perceived to be more incongruent with their own opinion" (Schulz et al., 2020, p. 203). In addition, it is also claimed that – beyond other possible factors – the bigger the perceived gap between public opinion and media, the more hostile populist citizens are expected to be toward the media, which in turn raises important questions for democracy.

The third category of academic work concerned with the link between media and populism focuses on the impact populism exerts on the structure of media in general, and the freedom of the press specifically. Through the example of Latin America, Waisbord (2012) argues that a populist media system fits neither the liberal model assigning a major role to the market, nor the citizen-based model with the civic society at its center. Instead, a populist media system is likely to put greater emphasis on the state itself, which is the allegedly sole and true representative of "the people". Additionally, very much in line with the ideational approach (although Waisbord defines populism as a social movement along the lines drawn by Laclau, 2005), Waisbord argues that a populist media system considers journalism to be divided between "popular-national" (i.e. those representing "the will of the people") and "foreign-oligarchic" (i.e. those that represent the concerns of "the corrupt elite") interests where the state then plays a (re)balancing role. Becerra and Wagner call this the "re-intermediation" of the public space, which derives from the idea that populism rejects any "mechanism of intermediation such as journalism, which are believed to distort the true will of the people" (Becerra & Wagner, 2018, p. 91). Haller and Holt (2019) also highlight that populists generally attack the media on three different grounds: they refuse to cover issues the establishment finds inconvenient, they hide important information in their coverage and they lie intentionally to the public. We witness various manifestations of the notion of *Lügenpresse* (lying press) and "Fake News" across the globe. Consequently, Kitzberger (2012) points out (although only in relation to left-wing populists) that populists tend to bypass mainstream

journalism, reject journalistic conventions (e.g. press conferences); they engage in permanent campaigning, vertical source control (i.e. control who can talk to press about what); and they foster pro-government use of the state media. In line with this, Waisbord claims that populism is trying to achieve three major changes within the media system: the strengthening of the media power of the executive, the bolstering of community media and a tighter control of the press through regulation and judicial decisions. "Media rupture" under populism is almost inevitable, partly because

> Populism denies the notion that journalism is or can be autonomous. It believes, instead, that it is inevitably embedded in broad political-economic relations. Journalism is seen as an instrument in the informational struggle between "popular" and "anti-popular" interests … Journalists are viewed as employees of news organizations, the pawns of business and political goals rather than news workers with varying levels of autonomy from ownership interests.
>
> *(Waisbord, 2012, p. 510)*

Consequently, professional journalism – and its claim to be independent, fair and objective – is constantly challenged and even ridiculed by populists, which creates an antagonistic relationship with liberal democracy that believes in the core idea of press freedom. Instead, Waisbord argues, populists consider journalism supporting and defending the government the only *good* journalism. According to them, just as mainstream media represent special interests, populist media should also represent specific interests. Consequently, populist media are often conflated with the term "propaganda" or "official journalism". At the individual level, Van Dalen (2019) claims that populists use different strategies to delegitimize mainstream journalists (e.g. by connecting them to other institutions also deemed illegitimate), thus questioning the age-old interdependent relationship and the acknowledgment of mutual legitimacy between them (compare this with the moral division between "the good people" and "the bad elites"). Consequently, populists' attack on the media often manifests itself in a decreasing quality of press freedom understood as the autonomy of the media from political interference or censorship (cf. Kenny, 2020).

As argued before, part of the challenge in studying the linkages between populism and the media stems from the various approaches to populism used in the literature. Although, Manucci is advocating an integrated approach that "has the advantage of explaining how populist discourses are generated and through which channels they reach different audiences without taking a normative position on the supremacy of the media sphere over politics or vice versa" (Manucci, 2017, p. 468), this book's ideational approach will be applied throughout the empirical analysis here as well. So, what does populism as a thin-centered ideology mean for media politics and journalism? Mainstream (or rather any critical and opposition) media are expected to be portrayed as

"the corrupt elite" in populist discourses, given that they voice criticism, which by definition has to be in conflict with "the will of the people". However, populists are not expected to stop at stating that the media are not the true representative of "the people". Rather, they are likely to link the media with other actors and institutions who are deemed equally illegitimate (i.e. part of "the elite"). And who are "the people" within this framework? Practically everyone who feels that the critical media are not speaking for them. Considering that populists claim that they and only they represent "the people", they tend to equate the state with "the people" provided that populists rule. The nature of the antagonism between "the people" and "the elite" may differ depending on the ideological stance of the populist actor. The conflict may be based on economic (e.g. media ownership) or cultural (e.g. media representing the out-group) considerations, although populism might have a more general impact. The conflict may also originate from democratic concerns as populist journalism often starts out with a democratizing aim to pluralize and diversify the media system and to decrease inequalities. As Haller and Holt (2019) put it, populists criticize the narrow corridor of opinion that is seen to exist in mainstream media. Furthermore, as Manucci argues,

> the link between media and populist actors might force policy-makers to be more responsive to public opinion, especially when the media act as watchdog of the political system. In this case, populist discourses might constitute a corrective for democracy and the media might play a decisive role in lending them relevance.
>
> *(Manucci, 2017, p. 475)*

However, once in power, populists rely on the same practices that they usually criticized from opposition. As Goldstein (2018) pointed out, while populist discourses usually condemn the concentrated ownership of the media, they also foster top-down communication and they tend to restructure the entire media system accordingly.

Given that the main focus of the book is on the impact of populism, the rest of the chapter is linked to this strand of the literature and analyzes how populism influenced the media landscape and journalism after Orbán's return to power in 2010.

Populism and the media system in Hungary after 2010

According to the evaluation of the Reporters Without Borders, the World Press Freedom Index in Hungary has gradually decreased: Hungary's ranking dropped from 23rd in 2010 to 89th in 2019.[1] Freedom House's Press Freedom index traces a similar trend: in 2011 (which assembles data for 2010), Hungary still qualified as a country with a free press, whereas in 2017 (data for 2016), the country was evaluated only partly free. In its 2019 conclusions, a Joint International Press Freedom Mission to Hungary stated that "since 2010,

the Hungarian government has systematically dismantled media independence, freedom and pluralism, distorted the media market and divided the journalistic community in the country" (International Press Institute et al., 2019, p. 1). The following tools and measures were listed as contributors to the negative reading of the media situation: deliberate manipulation of the media market, delegitimization of journalists and the construction of a pro-government media empire. These three components seem to be in line with where the research focus on populism's impact on media should be, therefore, they are used as reference points for the analysis. In the following, the chapter provides a general overview of the dynamics of the media landscape in Hungary after 2010. Without aiming or being able to provide an exhaustive summary of all events and trends (which nevertheless could be replicated on the basis of the references used in the text), the most relevant episodes will be assessed to trace the impacts of populism on media politics. The events are further narrated by the Prime Minister's discourse, which also helps reconstruct the populist ideology.

Reforming regulatory oversight of the media

With a constitutional majority won in the 2010 parliamentary elections, the Fidesz-led government did not hesitate to initiate a restructuring of the media system. Already in July 2010 they introduced complex legislation that transformed the regulatory framework. As the Prime Minster argued, "the institution responsible for the supervision of public service media hasn't had a leadership for months, therefore they did not exert any control whatsoever".[2] Such criticism from Orbán suggests that the existing framework was ineffective, even "corrupt" as it did not fulfill its initial mandate. As an explanation for the overhaul of the system, Orbán later added that

> the nation agreed that everything in the country had to change. The constitution, the laws, public ethics, the taboos, the commands, the objectives, the relations and the values, the media, and environmental protection, the schools and public procurement. Everything has to change that was anti-human, anti-national, anti-ethical, and anti-life.[3]

This fits within the "popular sovereignty" narrative that has already been described in the previous chapters, which supposedly not only provides legitimacy for major reform in the name of "the will of the people", but also highlights the rather antagonistic relationship Orbán maintained with the different parts of the existing polity.

As a response, the government carried out a fusion of previously separate entities, and they created the National Media and Infocommunications Authority (abbreviated as NMHH in Hungarian) whose responsibility it was to oversee both the media and telecommunications markets in the country. Within the NMHH, a five-member Media Council was established with the

role of issuing radio and television frequency tenders, of imposing fines on outlets violating existing regulations and of managing the public service media. The appointment system gave *de facto* control to the government over the council, as it enabled the ruling party to use its parliamentary majority to appoint party-loyalists to all five seats (the *use* of discriminatory legalism?). The new law and the institutions were met with various international and domestic criticism. Even though Orbán and the government insisted multiple times, in defense of the new legislation, that "there is not a single paragraph in the Hungarian media law which cannot be found in another country's regulatory framework in the EU",[4] an international comparative study[5] highlighted various discrepancies between the government's claim and real-world cases. Similar to the "Frankenstate" argument (Scheppele, 2013) already highlighted in the first chapter on populist constitutionalism, the analysis argued that, while parts of the legislation may be found scattered around the European spectrum, in its entirety as a compound system not only can it not be found anywhere else, but it also entails potential threats to press freedom. Criticism was exerted in relation to the independence, powers and centralized structure of the media authority, the system of public service media and the media law's overall scope. The Organization for Security and Co-operation in Europe (OSCE) published its first opinion on the media law in September 2010, which was followed by another in February 2011. Similar to the constitutional process, the OSCE criticized the manner in which the new legislation was passed in Parliament without meaningful discussions with stakeholders on its content. The 2010 analysis argued that the new legislation was likely to "introduce a highly centralized governance and regulatory system … multiplying opportunities for political control. The whole system may have a serious chilling effect on media freedom and independence" (OSCE, 2010, p. 5). The 2011 opinion also upheld the previous criticism that "the legislation was open to misuse in that it could be used to silence critical media and public debate in the country" (OSCE, 2011, p. 3). Beyond the ones already mentioned, four elements of the legislative package were found especially problematic: (1) provisions were believed to counteract media pluralism, (2) the provision on "balanced coverage" was thought to leave too much room for subjective interpretations, (3) the right to collect, report and disseminate information was considered to be restricted and (4) the requirement to register media with the media authority was deemed unnecessary. The Commissioner for Human Rights of the Council of Europe issued an opinion in February 2011 stating that the proposed regulatory body "lack[s] the appearance of independence and impartiality" (Council of Europe, 2011, p. 13). The European Parliament passed a resolution in March 2011 with regards to the new media law calling for a halt to state interference with freedom of expression, and the over-regulation of the media that jeopardizes pluralism in the public sphere (European Parliament, 2011). The Council of Europe's Directorate General for Human Rights and Rule of Law published an expert opinion on the media law in May 2012. In

relation to the Media Council, it was recommended that the process to elect its members "should be changed in order to effectively guarantee that they will not be vulnerable to political influence" (Council of Europe, 2012, p. 37). While in January 2011 in his speech in front of the European Parliament, Orbán showed readiness to consult on various aspects of the Media Law and seemed open for potential modifications, a month later, he argued that "Hungary was attacked on the account of its Media Law. The democratic commitment of Hungarians was questioned, the respect towards Hungary and the Hungarians was violated, and the self-esteem of the Hungarians was disregarded".[6] The conflict, according to Orbán, was one between the European left and right,[7] which was inevitable because "if you touch an area … and the media law is such … where we harm foreign interests, then naturally the earth starts to shake".[8] Orbán's words seem to suggest that the debate over the Hungarian Media Law was a reflection of a wider political struggle between "us" versus "them". The idea that the Media Law represented "the people" and reflected "the will of the people" is traceable in Orbán's conflation of the criticism towards the government's new legislation with an attack on the Hungarians.

Nevertheless, due to mounting pressure, international dialogues and a decision by the Constitutional Court in December 2011 which found multiple elements of the Media Law unconstitutional, the government introduced amendments to the existing framework in the spring of 2013. These were minor changes and while it did reflect upon the Council of Europe recommendation that the appointment process of the President of the Media Authority should guarantee a criterion of professionalism, the other concern about safeguarding the independence of the authority was practically disregarded. Instead of the Prime Minister nominating the President of the authority, now the President of the Republic shall nominate the President of the authority based on the proposition of the Prime Minister. In 2013, the so-called "Tavares Report", a European Parliamentary report scrutinizing fundamental rights in Hungary, criticized media legislation, claiming that it created a highly hierarchical structure of media supervision, it still lacked provisions ensuring the independence of the media authority and the norms enshrined in the legislation were too vague (European Parliament, 2013). In 2014, the Commissioner for Human Rights of the Council of Europe visited Hungary and prepared a report assessing the changes and amendments of the media law that took place after the initial adoption of the new media package in 2010. While welcoming some alterations, the report stressed that

> there is still no separation between the function of the President of the Media Authority and that of the Chairperson of the Media Council, and the changes to the appointment process of the President of the Media Authority are seen by many of the Commissioner's interlocutors as merely cosmetic.
>
> *(Council of Europe, 2014, p. 13)*

Additionally, concerns remained that some provisions still had a negative effect on journalistic freedom in Hungary, above all, the provision on sanctions. The report argued that "while these sanctions are rarely imposed, the high level of fines foreseen in the legislation had reportedly forced a number of media outlets to engage in self-censorship" (Council of Europe, 2014, p. 14). The Venice Commission's 2015 Opinion on Hungary's media legislation reached the same conclusions: it insisted on the need to change the rules governing the election of the members of the Media Council, and the method of appointment of the President of the Media Authority in order to secure political neutrality and reduce any concentration of power in the media oversight (Venice Commission, 2015). In 2018, the European Parliament passed another report which initiated the Article 7 Procedure against Hungary. The so-called "Sargentini Report" repeated and summarized the previously mentioned international criticism concerning the media law (European Parliament, 2018b).

The restructuring of the media oversight system fits nicely within a populist worldview. The previous framework is considered flawed for serving the interests of a "corrupt elite", which therefore needed fixing. As populists argue that they and only they represent "the people", non-majoritarian institutions are expected to be curtailed and captured by representatives of "the people". In Hungary, this meant that all seats in a newly established media authority were occupied by candidates nominated solely by the government. This anti-plural approach stands in sharp contrast to the Council of Europe's position that "states have a particular responsibility to take necessary measures to effectively ensure that a sufficient variety of opinions, information and programs is available to the public" (Council of Europe, 2012, p. 34). However, looking at the case of Hungary, opposite tendencies in the media market may be observed.

Restructuring the media landscape

Populists do not only criticize regulatory bodies responsible for media oversight for their supposed bias toward mainstream ideas. They also condemn existing structures of media ownership that cement a status quo which supposedly does not serve the interest of "the people". As Orbán put it, "there is a gap between the opinion of the people and the policy pursued by the elite … This difference may be covered up for a while with, say, orchestrated journalism".[9] Later, he used harsher words:

> Today's enemies of freedom … do not imprison us, they do not transport us to camps, and they do not send in tanks to occupy countries loyal to freedom. Today, the international media's artillery bombardments, denunciations, threats and blackmail are enough.[10]

Nevertheless, as argued in the theoretical part, once populists gain power, they tend to rely on the same mechanisms they denounced from opposition,

and they aspire to build a media empire that is supportive of their policies and is more representative of "the people" – "orchestrated journalism populism style", if you like. Orbán himself asserted that

> the media is important, because we can only reach people with what we say, what we represent and what we want to achieve, if there is a channel through which we can do it … a channel which transfers information about public life to the people in a very intensive, robust, summarizing and interpretative way.[11]

The sequencing of populist media politics is essential: first, the regulatory framework has to be "adjusted" and the regulatory body has to be occupied so as to avoid any potential obstacle that may arise during the establishment of a pro-populist media domain. Once the oversight is returned to the hands of "the people" (through the populist actor), the reshaping of the media landscape may commence according to seemingly intact rules. Orbán's words are indicative in this regard: "I don't think that politics should concern itself too much with the distribution of power in the media. There is the Media Authority and other authorities to do that".[12] This is rather cynical, given that the media authority is autonomous only in name (as has been explained). The Hungarian government followed a clear pattern, with the reform of the legal framework taking place between 2010 and 2013, and the restructuring of the media landscape accelerating from 2014. Table 4.1 provides a non-exhaustive list of some of the most relevant events happening in the media market of this period.

Beyond the episodes listed in Table 4.1, additional cases may be mentioned which reflected a concentration of ownership in the radio and the county/regional newspapers market, or a restructuring effort through interference in the advertisement market (e.g. through tax regulation on ads). This is where the prior "occupation" of the Media Authority and Media Council played a crucial role, as part of the responsibility of the authority is to avoid the emergence of big media monopolies. Polyák and Urbán nicely highlighted the political relevance of the authority which was manifest in a practice one might accuse of being double standards (or an abusive use of discriminatory legalism?):

> The Media Council objected the Hungarian fusion of Ringier and Axel Springer in 2011 on rather weak professional grounds … in 2014 it allowed Mediaworks [owned by a close-to-government businessman] to buy the political portfolio of both Ringier and Axel Springer, and in 2016 it allowed Mediaworks to buy additional regional and local papers.
>
> *(Polyák & Urbán, 2017, p. 109; my addition in brackets)*

Naturally, when the Central-European Press and Media Foundation was created with its over 400 media outlets, it raised some eyebrows, but the

Table 4.1 Key events in the media market after 2014

Date	*Event*
June 2014	The owner of the online media outlet origo.hu fires the chief editor. His dismissal came after a few articles were published on corruption allegations about a high-ranking government official. Origo was later bought by the cousin and then by the son of the President of the Hungarian National Bank, a close ally of the Prime Minister.
May 2015	*Lokál*, a tabloid weekly was established by a close-to-government businessman. The paper was later turned into a daily newspaper which was disseminated freely on public transportation in Budapest and the national railway.
September 2015	*Magyar Idők*, a pro-government newspaper is established. Also, the online, pro-government media outlet, 888.hu is established.
October 2015	The TV station*, TV2 is* purchased by a close-to-government businessman. After his death, the TV channel is bought by another close-to-government businessman, a childhood friend of the Prime Minister.
August 2016	*Ripost* is established as yet another pro-government tabloid.
July 2016	A close-to-government businessman starts to purchase regional newspapers.
October 2016	The biggest opposition daily newspaper, *Népszabadság* is shut down. The owner based the decision on economic considerations. The brand is later sold to a close-to-government businessman.
December 2016	*Figyelő*, a weekly, is bought by a pro-government business-woman.
June 2017	Mandiner.hu, an online media outlet, is purchased by a former advisor to the Prime Minister. It was later turned into a weekly newspaper.
September 2017	*Bors*, a tabloid is purchased by a close-to-government businessman.
June 2018	*Heti Válasz*, a conservative weekly, is shut down after former ally of the Prime Minister cancels funding.
August 2018	HírTV, an opposition TV channel, is "re-occupied" after purchase by close-to-government businessman.
November 2018	The Central-European Press and Media Foundation (in Hungarian KESMA), a pro-government media conglomerate with over 400 media outlets, is created.

government's decision to declare the foundation of national strategic interest exempted it from any scrutiny of the Media Authority or the Hungarian Competition Authority (once again, a case of discriminatory legalism). As the 2018 Soft Censorship Report of the *Mérték Média Monitor* put it: "the creation of KESMA would also not have been possible without the government's

creative interventions in the relevant regulatory framework to ensure that nothing would stand in the way of the increased market concentration" (Mérték Füzetek, 2019, p. 5). Naturally, a concentration of ownership in the hands of individuals belonging to "the people" is not problematic. Orbán actually explicitly made this argument, although in a rather offensive manner:

> so far what I've seen is that when leftists have been the buyers, or when people associated with the left have become owners in the media, people have had no concerns or problems with it. But when conservatives or people associated with the Christian democrats began to buy media companies, then all of a sudden it was seen as the end of press freedom.[13]

Nevertheless, the changes in the ownership structure of the media landscape followed a strong ideological conviction. As Orbán argued, "I am personally convinced that another element of national sovereignty is that most of a country's media systems should be in national hands".[14] As Bátorfy (2019) shows, between 2010 and 2017 eight foreign proprietors left the Hungarian market, transferring over €200 million worth of media assets into Hungarian hands. However, the transfer had to make a particular contribution: it had to increase the voice of the "Christian-national-civic community", as there was a strong conviction that "liberal" channels still dominated the media landscape. In fact, strengthening pro-government voices in the media was not only driven by the belief that they and only they (the government and the pro-government media outlets) are the true representative of "the will of the people", but also as a counter-balancing move against mainstream media, i.e. "the corrupt elite". As Orbán explained, "a strain of liberalism can be observed in the heads of those who control the media, journalists, opinion-makers and commentators".[15] Talking about Europe he claimed that "the political and media mainstream is driven more by liberal ideology".[16] As far as Hungary was concerned, the Prime Minister argued that "there is a left-liberal anti-government media majority in Hungary today. I regard this as a fact".[17] However, given that pro-government media outlets are considered to be the true representatives of "the people", the creation and safeguarding of such outlets coincides with "the will of the people", and may be regarded as a national interest. Consequently, in order to improve the position of pro-government media, proactive, rebalancing measures were required from the government. As Orbán put it: "conservative, Christian journalists are perhaps finally pulling themselves together … partly because – I hope – these media outlets will perhaps have more of a tailwind than the headwind they've faced up to now".[18] The resulting ownership concentration is nicely summarized in the 2018 Soft Censorship Report: KESMA and pro-government Hungarian investors have an 80% share of all turnover in the news/political segment of print media (Mérték Füzetek, 2019, pp. 53–54). Nevertheless, according to the pro-government think-tank, Médianéző Központ, KESMA did not particularly alter the power relations within the media market, only its structural

composition has changed, and a left-liberal media domination still existed (Médianéző, 2018). They claim that government-critical news programs on television are more popular than government-friendly ones, although the opposite is true for radio channels. Additionally, although within the print media the percentage split between KESMA (which includes practically all regional newspapers) and opposition papers is 71:29, online media outlets show a similar ratio this time in favor of government-critical portals, which is also confirmed by the Soft Censorship Report (Mérték Füzetek, 2019, p. 56). This suggests a more nuanced picture than what Orbán would have us believe about the liberal dominance, where "the largest television channel, the largest weekly, the largest internet platform and even what is perhaps the largest national political daily are all openly critical of the Government, left-wing and liberal".[19] Although repeating the mantra about the supremacy of liberal outlets may be used as a shield against accusations concerning freedom of the press, the fact is that the survival of anti-government media outlets is guaranteed mainly through their consumers and in spite of government policies.

Press freedom is a complex issue and may not be confined to whether critical views may be voiced in the media or not. Rather it pertains to various measures which may have a distorting effect on the media landscape. According to a 2017 study[20] carried out by the Mérték Médiaelemző Műhely, the Orbán government has spent a lot more on advertisements than its predecessors, and most of these advertisements concentrated in pro-government outlets, giving them a comparative financial advantage over their competitors. Just to give an idea, in 2016, 73% of the advertisement revenue of *Magyar Idők*, the pro-government daily, originated from the state. The data also demonstrate that the scandalous break (the infamous G-Day) between Orbán and his long-time friend, Lajos Simicska, who owned multiple media outlets, had a serious impact on the financial situation of Simicska's media empire. This has most likely contributed to the "re-occupation" of HírTV (a news channel), and later *Magyar Nemzet* (a political daily), and the shutting down of the weekly, conservative magazine, *Heti Válasz*. One key player that benefitted most from financial injection was the public service media which have also witnessed a major "adjustment" under the Orbán government. In 2015, the major public service TV channel, M1 was turned into a news medium. The pro-government think-tank, Nézőpont Intézet, in a 2016 study claimed that the new M1 was the most balanced news channel in the Hungarian media market, and it came closest to the international standard on the equal ratio of coverage among the government, the governmental parties and the opposition. However, the methodology used in their study was questioned, as a later analysis,[21] which examined the 2016 migration referendum campaign, not only found that public service media coverage was extremely biased toward the position of the government, but also that while pro-government coverage lasted an average 118 seconds, opposition views were recounted on average in 6 seconds. In general, it might be true that opposition political actors receive the same amount

of coverage as can be expected from international standards, however, the quality of that coverage may be doubtful as most of it involves either belittlement or ridicule.

Beyond the ever more centralized ownership structure in the media market,[22] which not only concerns individual media outlets, but also the newspaper distribution market, other policy measures seem to disrupt the media landscape further. As the 2018 Soft Censorship Report explained, after the "re-occupation" of *Magyar Nemzet*, the previous staff wanted to publish a special issue, but the newspaper's printing company, Mediaworks, refused the commission. The journalists of the former *Magyar Nemzet* established *Magyar Hang* and turned it into a weekly magazine, which continues to be printed in neighboring Slovakia. Beyond the denial of printing services, the report also talks about other forms of soft censorship such as "the takeover by a pro-government publisher of a company which owns a newspaper that is not government-friendly, with the objective of shutting down the publication" (Mérték Füzetek, 2019, p. 19), as was the case with the daily *Népszabadság* in 2016, and the weekly *Heti Válasz* in 2018. In case of *Heti Válasz* they also avoided paying a severance package, which otherwise could have been invested into launching a new newspaper, as was the case with *Magyar Hang*.

Last, but not least, the media market was also disrupted by the cancellations of state subscriptions of news outlets, which impacted government-critical media the most. As was explained:

> The most identifiable instance of indirect censorship performed through institutional subscribers was observed in the case of Heti Válasz and Magyar Nemzet. Once Lajos Simicska spectacularly severed his friendly ties to Viktor Orbán in February 2015 (in what is known as G-Day in Hungary in reference to a sexually-charged slur Simicska uttered publicly about the prime minister) state organizations, ministries and municipal government cancelled their subscriptions to the oligarch's media outlets that had turned critical of the government.
>
> *(Mérték Füzetek, 2019, p. 22)*

While it is clear that a populist approach does have an impact on media politics, which is visible also through the restructuring of the media landscape (ownership concentration, state interference, etc.), the Hungarian media market faces another great challenge which might not be directly linked to populist politics. As the Soft Censorship Report points out:

> Hungarian political print media are in extremely bad shape compared to the neighboring countries. While on average 145,000 copies of national political daily newspapers are being sold per one million residents in Austria, and in Slovakia the figure is still 40,000, in Hungary this number is a mere 2,000 … Hungarian media consumers are exceedingly less likely

> to read daily and weekly newspapers while they are far more likely to read free publications and online sites that match their thematic interests.
>
> (*Mérték Füzetek, 2019, p. 31*)

Nevertheless, deepening the ditches between political and journalistic camps through continuous interference in the media market is unlikely to improve the situation any time soon.

Rethinking the relations with the press and the public

Given populists' belief that mainstream media are not true representatives of "the people", they often resort to "journalistic distancing": they avoid uncontrolled contacts with the media as much as possible. PEGIDA in Germany was a perfect example which refused to talk to journalists and instead communicated directly with their supporters exclusively through social media (Haller & Holt, 2019). While Orbán had a rather diverse media appearance portfolio at the beginning of his second term in 2010, later his media contacts have become increasingly confined to a few friendly outlets (e.g. his regular interview on the national radio channel, Kossuth Rádió). Opposition journalists have had no chance to directly ask him questions for years. Then, in 2019[23] Orbán held an international press conference where journalists could finally quiz the Prime Minister on a number of issues. It was on this occasion that Orbán explained his distance from government-critical outlets:

> for me the point of an interview is not to engage in a bullfight with a journalist … I don't seek and I don't agree to interviews and situations in which it's clear that a hostile interviewer will ask me prejudiced questions. Thank you, but no, thank you.[24]

Later, he even positioned himself as the victim: "it would be nice if for once I had a tailwind in the Hungarian press, because right now I'm facing a continuous headwind".[25] However ridiculous this statement may sound in light of the restructuring of the media landscape, Orbán's approach to opposition outlets is a clear indication of a populist division of the society between "us" and "them". It not only clarifies who "the corrupt elite" are, but it also sends the message: those whom you represent do not belong to "the people". Chances of catching the Prime Minister or any member of the Fidesz party faction has been further decreased by new parliamentary house regulations which confined journalists both in Parliament and in the Representatives Office Building to a small, secluded area to interview politicians.[26] Additionally, it could be argued that Orbán, instead of relying too much on traditional media often chooses to confer his messages through direct contacts with his supporters, either through social media or other means such as his "information" campaigns,

or National Consultation "surveys". As he explained, "I want to, and maybe not unsuccessfully, I am in direct contact with the people, this is why I send so many letters, national consultations, whatever."[27]

The Orbán government re-aligned its relations not only with domestic representatives of the press, however. According to Orbán, the Western media "is one-sided and biased when interpreting the Hungarian right and the activities of this government".[28] Consequently, the government put a lot of effort into enhancing the image of the government and its policies around the world. To that end they created a state secretariat responsible for international communication and relations. Zoltán Kovács, the head of the secretariat often publishes opinion pieces in international newspapers defending the position of the government on various issues. To support the work of the secretariat, they created the website abouthungary.hu, which is also used not only to rebut international criticism but also to convey the government's messages internationally. While it is true that criticism laid against the government and its policies is sometimes unfounded, the secretariat's responses often further strengthen the populist worldview championed by the government about "a corrupt elite" against whose policies "the will of the people" has to be defended. More precisely, the formula used often trickles down to an argument that criticism formulated against the government is a result of a liberal conspiracy orchestrated against Hungary to punish its leadership for its policies (mainly its anti-migration policies). Orbán himself expressed this view multiple times: "we are up against media outlets maintained by foreign concerns and domestic oligarchs, professional hired activists, troublemaking protest organizers, and a chain of NGOs".[29] More specifically, Orbán pointed out that

> the truth is that there's a liberal network, or a liberal mafia, which is flush with money and comprises many people – politicians, journalists and analysts – who are working to create a system of concepts which are depicted as reality, even to politicians, so that when the latter make their plans for the future that is the only framework within which they can think. A good example of this is immigration.[30]

All in all, Orbán's approach to media outlets and journalism reflects a rather populist thinking. He considers and even labels opposition media illegitimate because they question, scrutinize and criticize government policies. Given that the government is believed to represent "the people", all criticism is viewed as an assault on "the will of the people", and is therefore rendered corrupt and illegitimate. To what extent living in such an artificially created and maintained echo chamber undermines the efficiency, and eventually, the legitimacy of the government is yet to be seen. The changed oversight and restructured media landscape seem to provide sufficient shield against reality checks, at least for now.

Conclusion

This chapter set out to investigate the impact of populism on media politics in Hungary. Building upon the existing literature and using an ideational approach to populism, key transformations of the Hungarian media landscape and the government's narrative were described. Foreign ownership in the media market displayed through left-liberal media outlets was equated with "the corrupt elite", which was further supported by a pre-existing and ineffective regulatory framework. In contrast, the pro-government, "Christian-national-conservative" media spoke for "the people" and truly represented "the will of the people". Given the conviction that the government and only the government were the true representatives of "the people", the government was obliged to build up and strengthen its "orchestrated" or "official" journalism. This derived from the populist understanding that "the people=the party=the state=the media". In order to secure the true sovereignty of "the people" in the media market, the government pursued a renationalization policy and repatriated much of the media landscape for its own benefit. The antagonism between "the people" and "the elite" took two major forms: financial and ideological. The former was fought with an indirect but targeted allocation of capital resources in favor of government-friendly media, the latter with narratives aimed at undermining the mainstream media, and with attempts to strengthen the "Christian-conservative-national" ideological base in journalism. The two fronts grew together to a point where it's almost impossible to determine whether a particular actor of "orchestrated journalism" acts out of material interests or deep-rooted, principled ideational conviction. As a consequence, although this short overview has not provided any analysis of it, it is expected that pro-government media outlets will have also adopted a rather populist language and narrative.

Whether press freedom in Hungary had been jeopardized by the media politics of the current government has been scrutinized from many different angles. The pro-government think-tank Nézőpont Intézet argued in a 2016 study that three-fifths of Hungarians thought there was nothing wrong with press freedom. Nevertheless, some questioned the methodological appropriateness of the way the question was asked, as the results seemed to be in sharp contrast to the findings of another think-tank,[31] Publicus. This clearly questions the picture the government and the pro-government media are trying to paint about the latter's independence from the former. However, the current situation may very well have been the result of serious flaws in the previously existing practices. As Orbán explained:

> The liberal concept of freedom of opinion has gone so far that liberals see diversity of opinion as important up until the point that they realize, to their shock, that there are opinions which are different from theirs. Liberals' vision of press freedom reminds us of the old Soviet joke: "However I try to assemble parts from the bicycle factory, I end up

> with a machine gun." However I try to assemble the parts of this liberal press freedom, the result is censorship and political correctness.[32]

Unfortunately, despite all claims of the government, they seem to have jumped on a train heading in the same direction.

Notes

1. https://rsf.org/en/hungary. Last accessed 2 December 2020.
2. 7 September 2010, speech delivered by Viktor Orbán at the Professzorok Batthyány Köre.
3. 23 October 2010, speech delivered by Viktor Orbán in commemoration of the 1956 revolution and freedom fight.
4. 23 December 2010, interview with Viktor Orbán, HírTV, *Rájátszás*.
5. http://medialaws.ceu.hu/. Last accessed 2 December 2020.
6. 14 February 2011, speech delivered by Viktor Orbán in Parliament.
7. 5 March 2011, interview with Viktor Orbán, *Veszprémi Napló*.
8. 29 March 2011, interview with Viktor Orbán, TV2, *Tények*.
9. 7 September 2015, speech delivered by Viktor Orbán in front of the Heads of Hungary's diplomatic missions abroad.
10. 15 March 2016, speech delivered by Viktor Orbán at the commemoration of the 1848 revolution and freedom fight.
11. 31 May 2013, radio interview with Viktor Orbán, InfoRádió, *Aréna*.
12. 10 January 2019, press conference of Viktor Orbán.
13. 7 December 2017, interview with Viktor Orbán, EchoTV, *Napi Aktuális*.
14. Ibid.
15. 18 September 2015, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.
16. 25 May 2017, speech delivered by Viktor Orbán at the 2nd Budapest World Congress of Families.
17. 10 January 2019, press conference of Viktor Orbán.
18. Ibid.
19. 10 January 2019, press conference of Viktor Orbán.
20. https://mertek.atlatszo.hu/allamihirdetesek/. Last accessed 2 December 2020.
21. https://democracy-reporting.org/erosen-elfogult-volt-a-kozszolgalati-hirado-a-kvotanepszavazasi-kampanyban/. Last accessed 2 December 2020.
22. https://atlatszo.hu/2019/12/17/lengyel-magyar-ket-jo-barat-populista-kormanypropaganda-az-adofizetok-penzebol/. Last accessed 2 December 2020.
23. Although this date falls outside the original framework of the book, it was relevant to cite it here given the context.
24. 10 January 2019, press conference of Viktor Orbán.
25. 24 May 2019, interview with Viktor Orbán, *Bild*.
26. https://index.hu/english/2019/10/25/hungary_parliament_press_restrictions_journalists_cordoned_off/. Last accessed 2 December 2020.
27. 31 May 2013, radio interview with Viktor Orbán, InfoRádió, *Aréna*.
28. 31 March 2014, interview with Viktor Orbán, HírTV, *Versus*.
29. 15 March 2018, speech delivered by Viktor Orbán during the commemoration of the 1848 revolution and war of independence.

30 17 May 2019, radio interview with Viktor Orbán, Kossuth Rádió, *Good Morning, Hungary*.
31 http://publicus.hu/blog/ketharmad_szerint_a_sajtoszabadsag_erosen_korlatozott/. Last accessed 2 December 2020.
32 28 July 2018, speech delivered by Viktor Orbán at the Bálványos Summer University.

5 Populism and party politics in Hungary after 2010

The link between populism and political parties is inherently paradoxical (Roberts, 2017): while populists criticize the representative capacities of existing parties (i.e. they do not represent "the people"), their solution is often to form a new or reform existing parties. The emergence (and potential dominance) of populist parties is expected to disrupt the party system in different ways both on the demand and supply sides of politics. The impacts range from shifts in political cleavages through changing salience of and position on key issues to inter-party strategies, party organizational questions and voter–party congruence. This chapter looks into the specific case of Hungary after 2010 and summarizes the most relevant trends reflective of the state-of-the-art literature on the topic. The first section of the chapter summarizes key contributions in the field studying the links between populism and party politics, and this is then followed by a detailed analysis of the Hungarian case study. Greater emphasis is laid upon three issues in particular: changing party cleavages, the level of contagion of populist party positions on key issues and voter–party congruence. While the chapter provides evidence indicating the emergence of a new populist/anti-populist cleavage, an overall right-wing turn in party politics could not be substantiated. The analysis based on survey data is supplemented by the narrative of the Prime Minister which further substantiates the impact of populism as an ideology on party politics.

The multifaceted link between populism and party politics

The literature linking populism to party politics adopts divergent approaches to populism, rendering comparisons rather challenging. Whereas Rooduijn and Akkerman (2017) use a discursive approach, Norris (2019) mixes it with an understanding of populism as a style, much like Moffitt (2018), yet again, Roberts (2017) builds upon a Laclauian tradition, while Bernhard and Kriesi (2019) use the mainstream ideational approach. Additionally, the overwhelming majority of the research conducted in this area has a specific geographical focus: it only concentrates on the Western European region. As Balcere rightly argues, "populism and its relation with mainstream political actors has been widely analyzed in Western European countries, but

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overlooked in the Eastern and Central European context" (Balcere, 2014, p. 478). Studies that concern themselves with the East-Central European (ECE) region remain scarce (cf. Ágh, 2015), despite the fact that the ECE region might diverge from its Western European counterparts (cf. Brubaker, 2017; Rooduijn & Akkerman, 2017), thus potentially providing an analytical added-value for the literature. In the following, a concise overview is provided on the major topics and research findings. The variety of themes is rather broad, ranging from studying cleavages (Norris, 2019) through party position changes (Akkerman & Rooduijn, 2014) to party organizational impacts (Vittori, 2020).

Before the summary, an important note has to be added here concerning the confusion of terms when it comes to *populist* parties, which also poses methodological concerns (on measurement issues see Meijers & Zaslove, 2020; Norris, 2020). Often populist parties are labeled as radical, challenger, outsider or anti-establishment parties (on this point see Rooduijn, 2019). While it is often emphasized that not all radical parties are populist and vice versa, both Rooduijn and Akkerman (2017) and Bernhard and Kriesi (2019) show a close correlation between radicalness and the level of populism exerted in political parties. Nevertheless, the former rightly point out that

> in Eastern Europe populism seems to be, much more so than in Western Europe, a message that is also employed by mainstream parties … as a result, the relationship between left-right radicalism and populism in Eastern Europe might be much less strong, or even absent.
>
> *(Rooduijn & Akkerman, 2017, p. 201)*

Furthermore, Zulianello (2020) not only differentiates between radical and non-radical populist parties, he also claims that populist parties no longer qualify as challenger or outsider parties "attacking" from the periphery, but rather, they are integrated to varying degrees into the party systems. The anti-establishment feature describes populist parties in Western Europe mostly accurately yet, in most cases within the Western European context, "radical, right-wing, populist parties" (RRPPs) is used as a label to describe practically all populist parties. This chapter aims to substantiate nativism, authoritarianism and populism (as features of RRPPs based on Mudde, 2014) in relation to the governing party, Fidesz, in Hungary, building on the sources and methods used by other researchers, which could highlight analytical differences between the Western and ECE regions, and could contribute to a more comprehensive understanding of the impact of populism on party politics.

The literature on party politics and populism may be divided into two major groups: one focusing on the question how party politics may lead to the emergence of populist parties,[1] and one more concerned with how populist parties transform party systems. The first set of studies almost always revolves around the idea of representation, or rather some deficiencies thereof (i.e.

"the will of the people" is not sufficiently represented) (Huber & Ruth, 2017). As Roberts argues, a crisis of representation "threatens established parties' control over the electoral marketplace; indeed it poses a basic challenge to the reproduction of the party system itself, exposing the system to highly disruptive or transformative forces" (Roberts, 2017, p. 290). Marginalization (Gidron & Hall, 2020), cartelization (Katz & Mair, 2018), performance failures (Caiani & Graziano, 2019), programmatic convergence (Berman & Snegovaya, 2019; Grindheim, 2019; Grzymala-Busse, 2019), changing cleavages (Bornschier, 2011; de Lange, 2012; Rydgren, 2010), a greater reliance on multi-level governance (Kriesi, 2014) or any combination of these, are mentioned as manifestations of representational deficiencies, which ultimately lead the electorate to support anti-establishment political forces, among them, mainly populists. As Werner and Giebler argued: "populist parties might represent hitherto un- or underrepresented societal groups descriptively in terms of their own personnel, electoral candidates and MPs. Or, they might close a substantive gap in their programmatic offering, agenda-setting, and parliamentary decision-making" (Werner & Giebler, 2019, p. 380). In fact, Backlund and Jungar show specifically that "populist radical right parties improve representation at the party system level by filling a largely empty policy space in terms of their opposition to immigration and the European Union" (Backlund & Jungar, 2019, p. 394). In a more general manner, Bakker et al. (2020) also show that voter–party incongruence over specific issues (the European Union, redistribution and immigration) is likely to lead to political disaffection, which in turn increases the probability that one votes for anti-establishment parties. While a direct link is not established with populist parties *per se*, given that anti-establishment, anti-status quo sentiments still feature within a populist ideology (cf. Canovan, 1999; Engler et al., 2019), such a linkage does not seem far-fetched. In general, this strand of the literature whirls around the promise populist parties make about correcting representational deficiencies of the existing party system (cf. van Kessel, 2013).

Roberts (2017) rightly points out that, while populism criticizes the representational capacities of political parties, it rarely comes up with a viable alternative. Rather than uprooting party systems, populism is likely to have a transformative impact on them instead. This has a lot to do with the path-dependent nature of political institutions where complete overhauls and major disruptions are unlikely to happen, which then confines the room-of-maneuver of anti-establishment sentiments. Nevertheless, this should not stop populist actors from having a major impact. How far populist parties open up issue dimensions, expand policy alternatives, politicize certain issues to influence their salience among the electorate, may affect inter-party relations and party-political responses.

The broadest party system impact that populism is likely to induce concerns political cleavages. Norris (2019), focusing on Western countries, claims that recently the left–right division had faded, and instead a multidimensional political competition had emerged along two different axes: one stretching from

authoritarianism to libertarianism, the other from populism to pluralism. Within a similar geographical context, Moffitt (2018) argued that a populism/anti-populism cleavage had slowly materialized which cut across conventional alignments, and was linked to political actors' different conceptions of democracy. Zulianello (2020) referred to this as the ideological orientation towards crucial features of the status quo, meaning the political regime with its constitutional limitations to popular sovereignty and pluralism. According to Moffitt, populists emphasize the popular (i.e. "the will of the people") and radical (true representation of "the people") elements of democracy while at the same time criticizing the liberal component (e.g. checks and balances, rule of law, minority rights). In contrast, anti-populists accentuate the liberal element, fearing an overemphasis of the "democratic" one. Populists' aims to create the party of "the people", essentially the "only-party-of-the-people" for good, stand in sharp contrast to (liberal) democracy's idea of parties and party system where political pluralism is considered natural and majorities time-constrained. Urbinati interpreted this inherent antagonism as an indication that "populism collides fatally with party democracy" (Urbinati, 2019a, p. 1076).

The second major theme concerning the impact of populism concentrates on party positions. Given that populist parties may exert an influence over political cleavages, it is essential also to look into their potential policy contagion. Do other parties respond to the populist challenge by shifting their own positions and attaching higher levels of salience to issues politicized by populists? Rooduijn et al. (2014) analyzed party manifestos in five Western European countries and found that mainstream party programs have not become more populist over time. Consequently, a populist zeitgeist foreseen by Mudde (2004) did not materialize in programmatic terms. In fact, Mudde himself came to a similar conclusion in one of his later assessments (Mudde, 2013). He analyzed the impact of populism on the people, parties, policies and the polity, and found that although there was a slight shift to the right in people's policy priorities and positions and in mainstream parties' policy measures (i.e. in a more authoritarian direction), it wasn't clear whether RRPPs played a constitutive role in this process. Rather, Mudde concluded that mainstream right parties were more responsible for policy and party politics changes than RRPPs, whereby the mainstream left was either incapable to change this trend or complicit in the process. While Mudde (2013) stressed that the populist impact was mainly confined to the issue of migration, other scholars attempted to map policy effects in other areas as well. Krause and Giebler (2019) focused on the programmatic responses of mainstream parties not in cultural, but rather in socio-economic matters. They argued that the populist right "presents measures against immigration as a legitimate defense of the social gains and welfare of the indigenous population" (Krause & Giebler, 2019, p. 6), and found that with increasing electoral support for RRPPs, more left-leaning welfare positions are adopted by non-RRPPs, which is most pronounced in left-of-center parties. Röth et al. (2018) also

argue that governments with RRPPs are less supportive of market deregulation and welfare-state retrenchment in Western Europe, while Schumacher and van Kersbergen (2014) show that mainstream parties do adapt to populist parties on welfare chauvinism, yet the level of adaptation varies according to different factors.

A third strand of the literature looks into strategies executed by mainstream parties in response to their populist rivals. Bale et al. (2010) show that center parties do not necessarily shift their policy positions through an "adopt" strategy, but may try to "hold" (i.e. counter arguments) or "diffuse" (i.e. change the focus of policy discussions) to minimize the impact of populists. They show that party unity, salience of policy matters, timing and strategies of other parties lead to variations in substance, scope and pace of the responses. Heinze (2018), building upon existing studies, came up with an eight-point typology on response strategies. She analyzed different elements potentially influencing the strategy used by parties in Northern European countries: election results, strategies of other parties, public salience of the immigration issue, and ideology and rhetoric of RRPPs. She concluded that "the choice of strategy could not be traced back to a single variable but rather to a combination of different factors" (Heinze, 2018, p. 304). On the other hand, as Akkerman and Rooduijn (2014) show, exclusionary or inclusionary strategies have little effect on the policy position of radical right parties.

This concise overview is already indicative of the multifaceted nature of the link between populism and party politics. The rest of the chapter aims to evaluate to what extent the Hungarian case confirms the findings of previous scholarly research as presented above.

The impact of populism on party politics in Hungary after 2010

Given the different emphases within the literature, in order to be able to provide a general overview of the impact of populism on party politics in Hungary, in the following three main themes will be analyzed in detail. Has a populist/anti-populist cleavage emerged since Viktor Orbán's Fidesz-led government returned to power? Has the government filled a representational gap within the Hungarian political landscape? Have the policies and positions of the government influenced other parties' and citizens' policy directions, culminating in a general right-turn, potentially indicative of a populist zeitgeist? While it is true that party system effects of populism could also entail other major questions, the focus on the three selected themes are considered indicative and sufficiently representative of general trends. Most of the analysis in the following relies on descriptive statistics used to study data from the Global Party Survey (GPS), the Chapel Hill Expert Survey (CHES) and the European Social Survey (ESS) confined to the post-2010 period. Looking at and juxtaposing data from the different surveys allows for a comprehensive scrutiny of both supply and demand side trends. While it is acknowledged here that expert survey data are not free from potential interpretation biases

(as it was highlighted in relation to democracy measurements as well), the CHES was found most fitting for the purposes of the study carried out in this chapter. Additionally, the populist narrative of the Prime Minister is used to substantiate or further explain party-political dynamics.

A populist/anti-populist cleavage?

As was pointed out in the previous section, one major impact of populism on party politics is reflected in the changes of the dimensions of political competition. Both Moffitt (2018) and Norris (2019) talk about a populism/anti-populism divide which is (at least partially) linked to different conceptualizations of democracy. As was highlighted in the chapter on democracy previously, populists tend to overemphasize the democratic component at the cost of the liberal, rendering their approach essentially anti-plural. GPS data indicate that, among the existing Hungarian parties, Fidesz has the most critical view of liberal democracy (scoring 9.4 on a 0–10 scale where "0" means strong respect for the principles, norms and values of liberal democracy, and "10" no respect). In comparison (with the exception of the previously far-right, Jobbik), all other parties have a score under "2", suggesting, in fact, the existence of a democracy-related cleavage in Hungary. Unfortunately, GPS data do not allow for an analysis of changes over time, yet the above data are quite indicative, and seem to be in line with findings of the previous chapters.

Given the divergent interpretations of democracy between populist and non-populist political actors, it is also expected that citizens' evaluations of the quality of democracy may differ. This divergence may manifest itself in two different ways. On the one hand, when in opposition, supporters of populist parties are likely to be significantly more dissatisfied with the state of democracy than their mainstream counterparts. On the other hand, "positively integrated" populist parties – such as Fidesz – manage to change the regime to their liking, and thus build "a symbiotic relationship with the existing status quo, its values and practices" (Zulianello, 2020, p. 342). In such cases, it is expected that supporters of populist parties will be significantly more satisfied with the quality of democracy in comparison to voters of non-populist parties. In general, without a populist reinterpretation of democracy in government, a sharp division among the electorate is not expected.

Figure 5.1 provides evidence indicative of the following: (1) there is a growing divergence of voters' satisfaction with democracy between supporters of the populist, Fidesz-led government and its opposition; (2) this divergence deepened after the adoption of the new constitutional framework in 2012 and the intensification of the populist narrative of the government. Furthermore, much in line with the party's critical approach to (liberal) democracy, according to a Pew Research Center survey, Orbán's supporters seem to be less supportive of democratic values as well.[2]

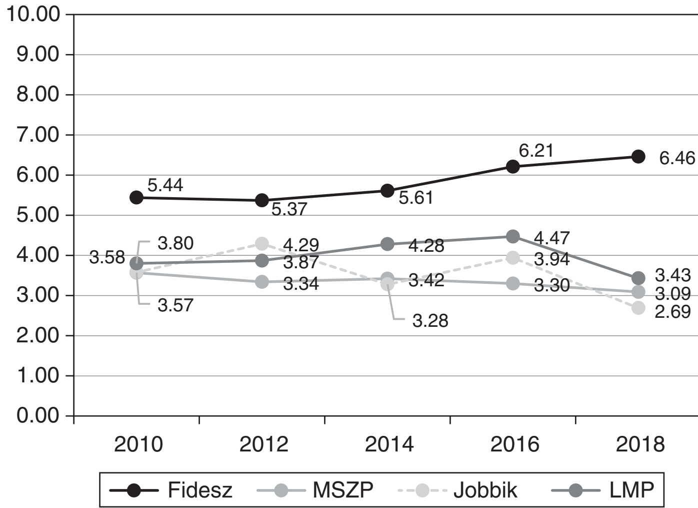

Figure 5.1 Satisfaction with democracy among party voters (0: least satisfied, 10: most satisfied).

Method: mean value of party voters (data based on cases where party identification of voters was given)

Source: European Social Survey, rounds 5–9

As far as the traditional cleavages (left–right or GAL/TAN[3]) are concerned, all major surveys suggest that the governing party, Fidesz, is drifting further and further to the right (Figures 5.2 and 5.3). From 2010 onwards, the party has turned from a moderate right-wing party closer to the center to one which is deeper and deeper embedded in traditional, authoritarian and nationalist values. Although data are missing for 2017, this authoritarian trend seemed to be forming already, as reflected by the changing position on civil liberties versus law and order (Figure 5.4). Interestingly, there is no pull-effect on other parties, as Mudde (2013) also highlighted in relation to Western European party systems. In other words, there is no right-turn in the Hungarian political system.

There is one interesting dynamic, nevertheless. While left-wing parties remain quite consistent on their positioning in both the left–right and GAL/TAN scales, the former far-right party, Jobbik, which allegedly readjusted its strategy and took a turn to become a mainstream right-wing, centrist party, has started to slowly slide towards the center, and become less right-wing than Fidesz. The same could be projected in relation to the tension between civil liberties and law and order measures. Although, as said before, unfortunately data to substantiate this claim are missing for 2017, the trend lines seem to be rather indicative.

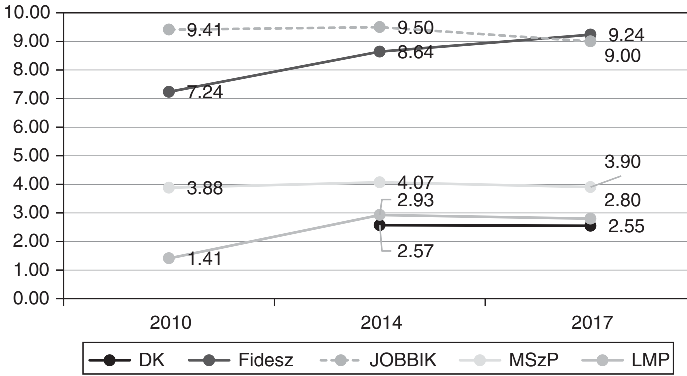

Figure 5.2 Positioning of parties on the GAL/TAN cleavage (0: GAL, 10: TAN).

Parties: DK: Democratic Coalition; Fidesz; Jobbik; MSzP: Hungarian Socialist Party; LMP: Politics Can Be Different

Source: Chapel Hill Expert Survey, rounds 2010, 2014, 2017

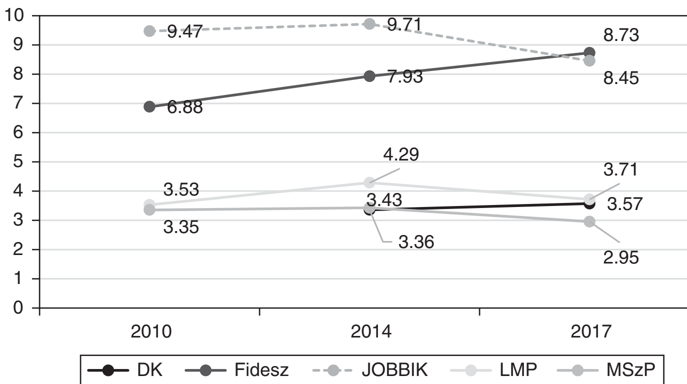

Figure 5.3 Positioning of parties on the left–right cleavage (0: left, 10: right).

Source: Chapel Hill Expert Survey, rounds 2010, 2014, 2017

In summary, one may argue that the traditional left–right or GAL/TAN cleavages may not sufficiently describe the internal division of the Hungarian party system any more (given Jobbik's opposition, yet strong right-wing status). Instead, a new conflict line has emerged around the notion of democracy which markedly splits the domestic political field. Much of this is due to the strong right-wing, populist glide of the major governing party, Fidesz, which is representing an ever more authoritarian approach to politics. Additionally, as will be shown, a traceable divide on the issue of European integration is also emerging, much in line with the expectations of Hooghe and Marks (2017).

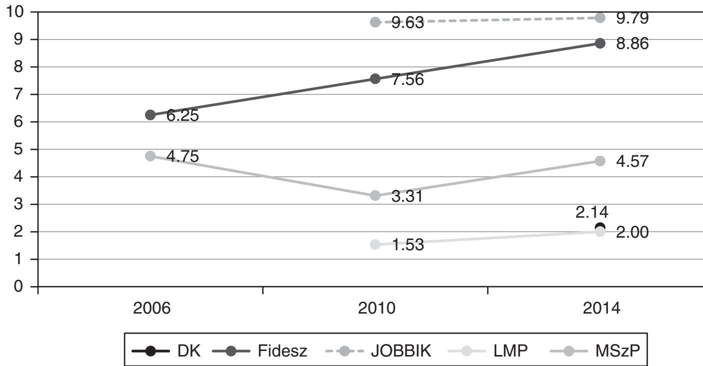

Figure 5.4 Positioning of parties on civil liberties versus law and order (0: strongly promotes civil liberties, 10: strongly support tough measures to fight crime).

Source: Chapel Hill Expert Survey, rounds 2006, 2010, 2014

Filling a representational gap?

While populism is expected to upset traditional political conflict lines, it is often argued that one of the few added values of populism rests in its capacity to increase the representational quality in a country. Naturally, in order to provide a thorough assessment on party system changes, one may also analyze the extent to which the populist governing party, Fidesz, has filled or is filling a representational gap within the Hungarian political arena. How responsive is the party to voter expectations and how much do they reflect the positions of their electorate on selected issues?

While in the previous section it was shown that the major governing party is slowly but steadily sliding towards a more authoritarian and nationalist position, the electorate does not seem to be following the same trend. Rather what we see, based on ESS data, is that voters are becoming less and less authoritarian. The level of authoritarianism is assessed through answers to the statements "It is important to do what is told and follow rules", "It is important that the government is strong and ensures safety" and "It is important to follow traditions and customs". Voters across the political spectrum (see the exception in one case for Jobbik) provided increasingly (although only slightly) skeptical views about authoritarian characteristics (see Tables 5.1–5.3).

Interestingly, while the electorate seems to be becoming less and less authoritarian in nature, this trend is not coupled with a strengthening of progressive views. Quite the contrary, once again, voters across the political board (with the exception of one case for Jobbik) are becoming less progressive (see Tables 5.4–5.6), measured by the answers given to the statements: "It is important that people are treated equally", "It is important to understand different people" and "It is important to make own decisions and be free".

Table 5.1 Voters' assessment on statements reflective of authoritarianism #1

It is important to do what is told and follow rules				*1: very much like me – 6: not like me at all*	
	2010	*2012*	*2014*	*2016*	*2018*
Fidesz	3,32	3,15	3,17	3,25	3,51
MSZP	3,56	3,17	3,25	3,51	3,64
Jobbik	3,72	3,06	3,28	3,52	3,59
LMP	3,64	3,46	3,34	3,56	4,04
DK	NA	NA	NA	NA	3,57

Source: European Social Survey, rounds 5–9.

Method: mean value of party voters (data based on cases where party identification of voters was given).

Table 5.2 Voters' assessment on statements reflective of authoritarianism #2

It is important that the government is strong and ensures safety				*1: very much like me – 6: not like me at all*	
	2010	*2012*	*2014*	*2016*	*2018*
Fidesz	1,77	1,85	1,78	1,96	2,26
MSZP	1,83	1,96	2,24	2,16	2,55
Jobbik	1,91	1,94	1,84	2,03	2,63
LMP	2,11	2,38	2,05	2,28	2,47
DK	NA	NA	NA	NA	2,35

Source: European Social Survey, rounds 5–9.

Method: mean value of party voters (data based on cases where party identification of voters was given).

Table 5.3 Voters' assessment on statements reflective of authoritarianism #3

It is important to follow traditions and customs				*1: very much like me – 6: not like me at all*	
	2010	*2012*	*2014*	*2016*	*2018*
Fidesz	2,26	2,25	2,18	2,07	2,64
MSZP	2,32	2,49	2,53	2,33	2,99
Jobbik	2,38	2,32	2,46	2,38	2,82
LMP	2,75	2,50	2,26	2,61	3,00
DK	NA	NA	NA	NA	2,97

Source: European Social Survey, rounds 5–9.

Method: mean value of party voters (data based on cases where party identification of voters was given).

Table 5.4 Voters' assessment on statements reflective of their level of progressivism #1

It is important that people are treated equally				*1: very much like me – 6: not like me at all*	
	2010	*2012*	*2014*	*2016*	*2018*
Fidesz	1,88	1,83	1,99	2,18	2,54
MSZP	1,90	1,92	2,08	2,23	2,44
Jobbik	2,34	1,92	2,11	2,34	2,47
LMP	1,75	1,94	2,07	2,39	2,49
DK	NA	NA	NA	NA	2,62

Source: European Social Survey, rounds 5–9.

Method: mean value of party voters (data based on cases where party identification of voters was given).

Table 5.5 Voters' assessment on statements reflective of their level of progressivism #2

It is important to understand different people				*1: very much like me – 6: not like me at all*	
	2010	*2012*	*2014*	*2016*	*2018*
Fidesz	2,41	2,44	2,47	2,38	2,77
MSZP	2,40	2,35	2,56	2,45	2,77
Jobbik	2,90	2,35	2,60	2,55	2,79
LMP	2,40	2,25	2,45	2,50	2,78
DK	NA	NA	NA	NA	2,51

Source: European Social Survey, rounds 5–9.

Method: mean value of party voters (data based on cases where party identification of voters was given).

Table 5.6 Voters' assessment on statements reflective of their level of progressivism #3

It is important to make own decisions and be free				*1: very much like me - 6: not like me at all*	
	2010	*2012*	*2014*	*2016*	*2018*
Fidesz	1,98	2,12	1,92	2,05	2,48
MSZP	1,96	2,07	2,08	2,19	2,54
Jobbik	1,98	1,90	1,99	2,00	2,34
LMP	2,04	1,90	1,79	2,22	2,53
DK	NA	NA	NA	NA	2,58

Source: European Social Survey, rounds 5–9.

Method: mean value of party voters (data based on cases where party identification of voters was given).

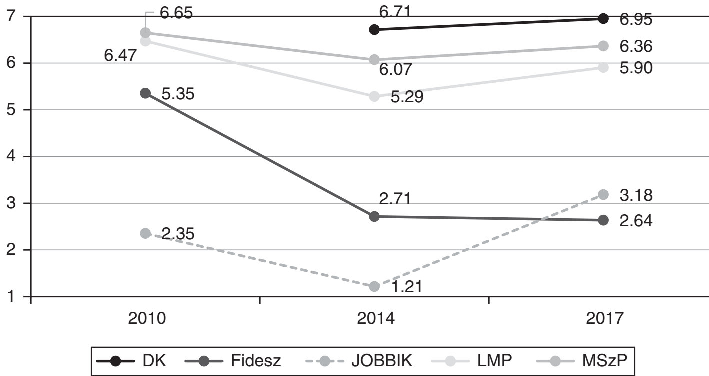

Figure 5.5 Party positions on the EU (1: strongly opposed, 7: strongly in favor). Source: Chapel Hill Expert Survey, rounds 2010, 2014, 2017

Given that voters of all parties seem to move together on these issues, and the fact that their answers to the selected questions on authoritarian versus progressive values seem to be in a slight contradiction, it is unlikely that Fidesz's move towards the authoritarian edge of the GAL/TAN party cleavage is making up for any substantial representative gap in this regard. However, a growing confusion of political principles among the electorate may increase the attractiveness of populist narratives which often build on simplistic solutions void of any principled value system, which further allows for an opportunistic exploitation of the chameleonic nature of populism.

Based on the study by Backlund and Jungar (2019), a further question in relation to representation arises, namely, to what extent Fidesz provided a policy platform which filled a representational gap concerning European integration and the issue of migration. As far as the former is concerned, Figure 5.5 shows that even though the position of Fidesz on the EU has changed considerably in the past decade, in no way did the party occupy a previously un-, or under-represented viewpoint. Jobbik, the formerly far-right party, took EU-critical stances for years, and the main governing party simply has steadily converged towards Jobbik's approach on this matter. As Figure 5.6 demonstrates, the same may be said about the issue of migration. The Prime Minister's party has gradually adopted the "extreme" positions of the far-right Jobbik, which had two consequences for the party system. First, given the dominant government position of Fidesz, Jobbik was literally pushed off its political home turf. In order to survive, it was rather inevitable for Jobbik to carry out a strategic shift towards the center. Secondly, Fidesz, rather than an extreme party by birth, is an example of a radicalized mainstream party (cf. Zulianello, 2020).

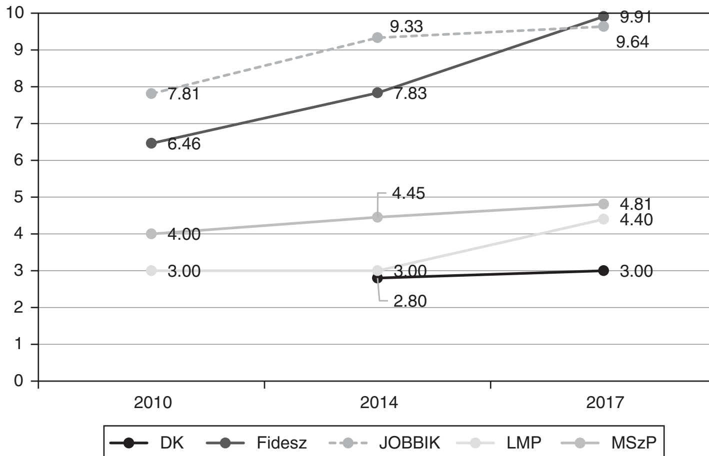

Figure 5.6 Party positions on migration (0: strongly opposes tough policies, 10: strongly favors tough policies).

Source: Chapel Hill Expert Survey, rounds 2010, 2014, 2017

Table 5.7 Voters' position on European integration

European Union (integration gone too far?)				*0: unification gone too far – 10: go further*	
	2010	*2012*	*2014*	*2016*	*2018*
Fidesz	NA	4,87	4,62	3,50	3,99
MSZP	NA	5,17	5,12	4,95	5,10
Jobbik	NA	3,30	3,84	3,48	4,76
LMP	NA	5,84	5,00	5,32	4,93
DK	NA	NA	NA	NA	5,41

Source: European Social Survey, rounds 5–9.

Method: mean value of party voters (data based on cases where party identification of voters was given).

Contrary to the diverging trends witnessed in the authoritarianism of the governing party and its electorate, there is party–voter congruence on the issues of European integration as well as migration. As Tables 5.7, 5.8 and 5.9 clearly demonstrate that the voters for the governing party have become the most skeptical towards European integration, and the most nativist in comparison to other party voters, which corresponds also with the shift in Fidesz's position both on the EU and migration. In sum, based on the descriptive statistics, it could be argued that, while Fidesz may not have provided a

Table 5.8 Voters' position on immigration #1

Country's cultural life undermined by immigration				*0: undermined – 10: enriched*	
	2010	*2012*	*2014*	*2016*	*2018*
Fidesz	5,36	5,55	4,81	3,23	3,32
MSZP	5,15	5,55	5,08	4,74	4,56
Jobbik	NA	4,93	4,18	3,02	3,65
LMP	NA	6,29	5,92	5,11	4,07
DK	NA	NA	NA	NA	4,15

Source: European Social Survey, rounds 5–9.

Method: mean value of party voters (data based on cases where party identification of voters was given).

Table 5.9 Voters' position on immigration #2

Immigrants make country worse or better place				*0: worse place to live – 10: better place to live*	
	2010	*2012*	*2014*	*2016*	*2018*
Fidesz	4,27	4,47	3,97	3,32	3,72
MSZP	3,98	4,33	4,26	4,18	4,60
Jobbik	3,71	4,14	3,44	3,34	3,75
LMP	5,07	5,26	4,09	4,72	4,10
DK	NA	NA	NA	NA	3,89

Source: European Social Survey, rounds 5–9.

Method: mean value of party voters (data based on cases where party identification of voters was given).

position yet not represented in the party system, the changes in its viewpoint match the shifting attitudes of its voters. Whether the party position has been influenced by its electorates' changing views or the other way around, cannot be substantiated without doubt.

A right-turn in party positions and among the electorate?

Based on data presented in the previous section, this one focuses on the question whether a right-turn in the positions of parties and the attitudes of the electorate is traceable.

On an aggregate level, as Figures 5.2 and 5.3. show, even though the major governing party has drifted towards the extreme right on both the GAL/TAN and left–right scales, left-wing parties did not adjust their positions. While an

overall right-wing turn did not materialize, it is worth looking into specific policy matters that may further indicate whether such an attitudinal change occurred or not. The analysis concentrates on two different issues which might be indicative of a right-wing turn, one economy-driven and one culturally driven.

As far as identity is concerned, it is expected that in case of a right-wing slide both parties and people will put greater emphasis on the preservation of both national sovereignty and national culture. When looking into actual data, the picture is not so clear-cut, however. Figure 5.5 demonstrates that, on the issue of European integration, while the position of Fidesz became much more critical, this did not affect the stance of other parties. At the level of the people, we witness similar trends: although voters of Fidesz became more skeptical about the depth of future integration, this did not influence the electorate of other parties (with the exception of LMP voters) who held a rather positive view of the integration process (Table 5.7). So, Orbán is right (at least about the cleavage and definitely not the level of sophistication in his argument) when he claims that

> We take the view that Brussels must restore to us the powers which they have taken from us by stealth – and which, I think, they swindled from us illegally. By contrast, the opposition – whether the socialists, the far right or the liberals – all say that we must give Brussels more power, because on the big questions there are only European solutions, common European solutions.[4]

However, when it comes to other identity-driven affairs, such as migration, the impact seems to be much more ambivalent. Figure 5.6 displays that left-wing party positions have shifted slightly towards stricter policy measures. This, nevertheless, does not coincide with people's assessment of whether migrants make the country a worse or a better place (once again with the exception of LMP voters), as Table 5.7 indicates. Consequently, it is yet to be determined whether Orbán's projections about the future will materialize, as he claimed that

> So far there have been right-wing and left-wing parties, Europhile and Eurosceptic parties. Over the next few years the entire world of politics – which will also influence your lives – will move both in Hungary and across the whole of Europe towards a situation in which the political forces will fundamentally be either anti-immigration or pro-immigration.[5]

Different trends may be observed in relation to the issue of multiculturalism, however. Figure 5.7 demonstrates that, while Fidesz has become much more critical about the notion of multiculturalism, other parties have also turned more skeptical. This coincides with people's attitudes as well: voters of all

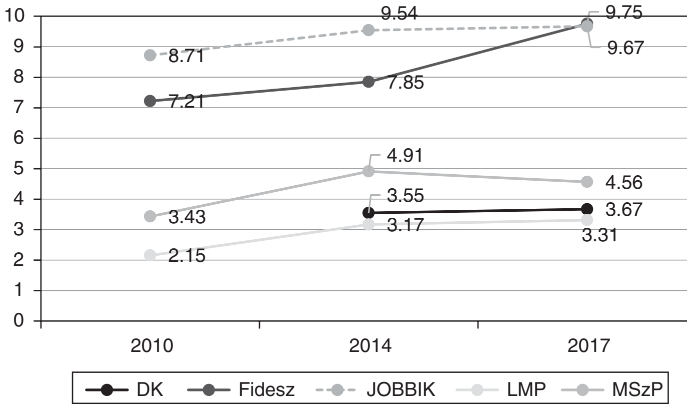

Figure 5.7 Party positions on multiculturalism (0: strongly favors multiculturalism, 10: strongly favors assimilation).

Source: Chapel Hill Expert Survey, rounds 2010, 2014, 2017

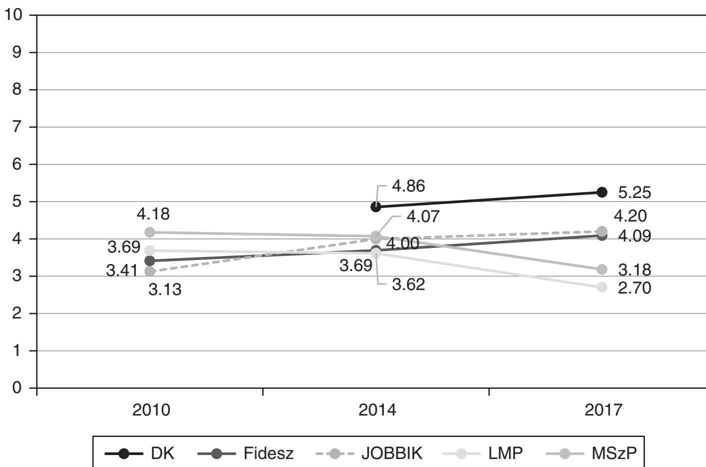

Figure 5.8 Party positions on ideological stance on economic issues (0: extreme left, 10: extreme right).

Source: Chapel Hill Expert Survey, rounds 2010, 2014, 2017

parties feel that migration is more likely to undermine Hungary's cultural life now (Table 5.8).

When it comes to economic attitudes and positions, the picture is equally ambivalent. As Figure 5.8 shows, there is no clear trend towards right-wing economic preferences. Quite the contrary, most parties still pursue a center-left

Table 5.10 Voters' position on government's role in reducing income differences

Government should reduce income differences				*0: agree strongly – 5: disagree strongly*	
	2010	*2012*	*2014*	*2016*	*2018*
Fidesz	1,57	1,79	1,75	1,73	1,81
MSZP	1,42	1,60	1,61	1,56	1,50
Jobbik	1,67	1,65	1,55	1,56	1,56
LMP	2,09	2,10	1,83	1,79	1,69
DK					1,46

Source: European Social Survey, rounds 5–9.

Method: mean value of party voters (data based on cases where party identification of voters was given).

economic agenda, it seems. Nevertheless, it has to be noted that the major governing party, Fidesz, along with the allegedly left-wing DK, and formerly far-right Jobbik are more and more receptive to right-wing economic ideas.

Interestingly, however, the same trends are not reflected in the data on the electorate. As Table 5.10 shows, while Fidesz voters are becoming less and less sensitive towards income inequalities, the other parties (with the exception of MSzP) have a stronger preference for a government role in reducing income differences.

All in all, it could be argued that there are different dynamics concerning the right-wing turn in party positions and people's attitudes. In economically driven policies, while the parties seem to be drifting towards a less interventionist state–market model, only voters of the Prime Minister's party seem to follow that trend. As far as identity-driven questions are concerned, a clear right-wing turn affecting both party positions and voters' approaches manifested itself only in relation to multiculturalism. While all parties seem to have become more accepting of tougher measures when it comes to migration, most opposition voters did not believe that migrants made their country a worse place as much as the pro-government electorate did. On the issue of European integration, no impact whatsoever was to be witnessed: neither the parties, nor the electorate (once again, with the exception of Fidesz voters) have become more skeptical about the need for future integration. In this regard, the Hungarian example provides a unique case that only partly coincides with party politics findings in the Western European context, as was introduced earlier in this chapter.

The populist narrative on party politics

Beyond the potential disruptions of populist party politics concerning cleavages, party positions and attitudes of the electorate, it is also essential

to assess the populist ideology of party politics itself. How does a populist narrative in relation to parties emerge? How are parties used in a populist discourse to delineate a "corrupt elite" and the "honest people"? What antagonistic relationship is drawn between these groups as represented by political parties, and how is popular sovereignty interpreted in the world of populist party politics? In order to answer these questions, the chapter builds once again on the speeches of the Prime Minister, who is *the* central figure in Hungarian politics in general, and party politics in particular as well.

As far as "the corrupt elite" is concerned, the Prime Minister built a narrative questioning the loyalty of the opposition to the Hungarian people relatively early. While until 2012, the opposition was mainly equated with "speculators"[6] who had caused the country's economic hardship, already in 2013, Orbán made the following statement about his political opponents:

> over the course of three years, they have changed from the opposition of the government into the opposition of the country … they want to see and portray an unsuccessful country, and as far as I can see they even want to make Hungary an unsuccessful country … They have obstructed, protested and walked out, and then betrayed Hungary everywhere possible.[7]

Later, as the migration crisis occupied central stage in European politics, Orbán extended the scope of his criticism of the opposition. As he argued: "the opposition switched sides and is now on Brussels' side".[8] Not only did Orbán accuse his political opponents of a loss of allegiance to the Hungarian people, but he linked them more directly to an international network run allegedly by Hungarian-born, American billionaire George Soros. As Orbán put it "in recent years, Soros' NGOs have penetrated all the influential forums of European decision-making. They are also present in the backyards of some Hungarian parties".[9] Later, he further explained that

> we do not fight the anemic little opposition parties, but an international network which is organized into an empire. We are up against media outlets maintained by foreign concerns and domestic oligarchs, professional hired activists, troublemaking protest organizers, and a chain of NGOs financed by an international speculator, summed up and embodied in the name "George Soros.[10]

During the 2018 parliamentary elections campaign, Orbán even implied that opposition parties "serve outside interests",[11] and that they "should not be underestimated as opponents [as] [t]heir strength is derived not from themselves, but from injections which come from abroad".[12] Orbán interpreted the political stakes in a very simplistic manner:

> on the one side there are our candidates: we speak straight, clearly and understandably: for us Hungary comes first. And on the other side

> there are George Soros' candidates who are running under the colors of different parties … for them Hungary does not come first: something else does.[13]

It must be underlined that Orbán's narrative about the opposition serving foreign interests does not stand alone, but rather is adopted by other party and government officials as well. In an interview with the weekly magazine, *Demokrata*, the President of the Parliament, László Kövér argued that "this opposition is not part of the Hungarian nation", but was rather a servant to a globalist elite.[14]

The above quotation from the Prime Minister did not only specify who and what the political opposition was, but indicated also who the party of the government was representing. As Orbán claimed, "we passionately love Hungary, and are ready to do everything we can for it. This is what sets us apart from the other political parties".[15] Additionally, he argued that "the dividing line, the distinguishing factor between the opposition and governing parties [is that] the governing parties … are enacting the will of the people".[16] Furthermore, talking about a battle between pro-, and anti-migration forces, he even claimed that "in this battle everyone uses the instruments at their disposal. What is at our disposal? We have the people: Hungarian people".[17]

The nature of the antagonism between the "corrupt elite" and the "honest people" has fluctuated from economic to cultural affairs (cf. Csehi, 2019). Gradually, identity concerns occupied center stage: those representing and defending the national interests against those allegedly speaking for a globalist elite. In relation to the 2014 European Parliamentary elections, speaking of the opposition, Orbán claimed that they "don't help us, the Hungarians, but … help the adversaries of the Hungarians".[18] The antagonism – given the populist nature of it – also has a strong moral element, which was explained by the Prime Minister in the following way:

> The homeland cannot be made fun of, the affairs of the homeland cannot be the object of ridicule, and one cannot act continuously to prevent it from succeeding, always throwing a pole between the spokes of the wheel and being glad when your homeland takes a tumble. One cannot behave like that. But this level of culture is not part of Hungarian political culture today, and is especially not part of the opposition's culture.[19]

Conclusion

It was argued that "either populist currents emerge within a mainstream party and challenge traditional leadership structures … or, more typically, they emerge outside and against traditional parties and promise "the people" a more authentic mode of political representation" (Roberts, 2017, p. 289). The Hungarian governing party, Fidesz, fits in the first category with an important side note: it was the leadership that carried out the populist turn. The chapter

set out to study what impact this populist turn may have had on party politics in Hungary.

First, it was highlighted that the approach to democracy both at the party and electorate levels has changed over the past decade. Although party-level data are not complete, they are still indicative of a particular trend which seems to highlight a growing division between the governing party and its opposition. People's satisfaction with the quality of democracy also diverges along the government–opposition demarcation, which seems to support the idea that a populist/anti-populist cleavage has emerged in Hungarian party politics. Secondly, even though on the traditional GAL/TAN and left–right scales we witness a considerable drift of Fidesz towards the extreme (essentially becoming more authoritarian), this is not reflected in voters' attitudes, and it has no impact on other parties' ideological stances (with the possible exception of the formerly far-right Jobbik). Consequently, no major dealignment and realignment (cf. Rydgren, 2010) has taken place in Hungary. Additionally, this shift does not seem to decrease representational deficiencies as Fidesz moved into an area previously occupied by the far-right, representing non-mainstream views on both European integration and migration (cf. Backlund & Jungar, 2019). In sum, GPS data describe Fidesz as a strongly populist (with rhetorical salience attached to it), pro-state (closer to economic left), conservative party with the highest level of unity favoring a strong-man rule, within the Hungarian party system. This seems to be substantiated by the role and through the rhetoric of the party leadership, above all, the Prime Minister.

As far as the "right-turn" in party positions and voters' attitudes are concerned, there are mixed results. On economic issues, although parties seem to be slowly moving to the right, they are still considered to pursue left-wing economic policies, and only Fidesz voters follow this right-wing drift (also substantiated by GPS data). On cultural issues, the picture is much more complex. Both people and parties across the political spectrum seem to be in favor of stricter policies concerning multiculturalism; however, when it comes to migration although parties seem to support tougher measures, opposition voters do not follow this trend. This seems to stand in slight contrast to Backlund and Jungar's (2019) claim that in the East-Central European region, nativism is generally directed against minorities instead of migrants. Last, but not least, on the question of European integration, neither opposition parties nor the people voting for the opposition have become more skeptical of further integration steps. Table 5.11 summarizes the findings with indications of the existence ('+') or the lack ('-') of a right-wing turn. The findings seem to also suggest that pro-government voters adopted an integrated cultural belief system (cf. Daenekindt et al., 2017) whereas voters in the opposition fall into the partitioned category where different cultural issues trigger different attitudes.

Although this chapter analyzed the domestic party politics impact of the populist turn witnessed in the political behavior of the major governing party,

Table 5.11 Summary of the "right-wing turn" in Hungarian politics

	Government party	*Government voters*	*Opposition party*	*Opposition voters*
Economy	+	+	+	-
Multiculturalism	+	+	+	+
Migration	+	+	+	-
EU integration	+	+	-	-

Fidesz, this is likely to have wider implications concerning European party politics as well.

Notes

1 It is important to note here that this overview does not concern itself with potential causes of populism that have no close relationship with party politics, but are rather linked to characteristics of the individual, such as emotional and psychological underpinnings for instance.

2 www.pewresearch.org/fact-tank/2016/09/30/hungarians-share-europes-embrace-of-democratic-principles-but-are-less-tolerant-of-refugees-minorities/. Last accessed 2 December 2020.

3 GAL: green, alternative and libertarian; TAN: traditional, authoritarian and nationalist.

4 22 July 2017, speech delivered by Viktor Orbán at the Bálványos Summer University.

5 27 February 2019, speech delivered by Viktor Orbán at the business year opening event of the Hungarian Chamber of Commerce and Industry

6 7 February 2011, State of the Nation address by Viktor Orbán.

7 28 September 2013, speech by Viktor Orbán at the 25th Congress of the Hungarian Civic Union.

8 11 November 2016, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.

9 12 November 2017, speech by Viktor Orbán at the 27th Congress of Fidesz.

10 15 March 2018, speech given by Viktor Orbán in commemoration of the 1848 revolution and freedom fight.

11 6 April 2018, speech by Viktor Orbán at the final Fidesz election campaign event.

12 5 April 2018, interview with Viktor Orbán in the weekly magazine, *Figyelő*.

13 1 April 2018, television interview with Viktor Orbán, Echo TV, *Bayer Show*.

14 https://hungarytoday.hu/kover-interview-opposition-eu-third-reich/. Last accessed 2 December 2020.

15 18 February 2018, State of the Nation speech delivered by Viktor Orbán.

16 19 January 2018, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.

17 25 March 2018, radio interview with Viktor Orbán, Kossuth Rádió, *Sunday News*.

18 23 May 2014, radio interview with Viktor Orbán.

19 31 March 2014, television interview with Viktor Orbán, HírTV, *Versus*.

6 Eurosceptic populism in Hungary after 2010

Hungary has been a member of the European Union (EU) since 2004. For long, the country's positive approach to the integration process has gone unchallenged among politicians and the general public. Orbán's return to power in 2010 did not suggest any potential deviation from this consensus at first. However, as already indicated in previous chapters, the government's relationship with the EU has increasingly been overshadowed by legal and political debates, which culminated in the initiation of the Article 7 Procedure in 2018, and the suspension of Fidesz's membership within the European People's Party (EPP) in 2019. In response, Orbán adopted an ever-more critical voice about the EU which, as is argued here, has been integrated within his populist ideology and discourse. The main focus of the chapter is the analysis of this type of populism, "Eurosceptic populism" (cf. Csehi & Zgut, 2020) and its presence in Hungarian politics after 2010. First, a literature review on Euroscepticism is provided. The aim is to highlight the natural conjunctions and the relevant distinctions between Euroscepticism and populism. After conceptual clarifications, and a summary of existing knowledge on Euroscepticism, the notion of "Eurosceptic populism" will be defined as a distinct type that is specific for the East-Central European region in general, and for Hungary in particular. The subsequent empirical analysis is divided into two parts. First, along the lines previously introduced in the chapter on party politics, the level of Euroscepticism is assessed through survey data covering both supply and demand side factors. Secondly, a few selected government policies related to the country's EU membership is analyzed from the perspective of populism, which is complemented with the populist narrative traced through the Prime Minister's speeches. It is found that the increasingly combatant populist discourse against the EU caused not only Orbán and Fidesz to gradually drift towards a more Euroreject platform, but the party's supporters have also adopted the most critical view towards the EU within the electorate. With that, contrary to what the literature describes as a "constraining dissensus" between the citizens and their government on EU affairs (Hooghe & Marks, 2009), in Hungary, we witness two parallel dynamics emerging which are structured by the populist "us" versus "them" division. On the one hand, there is a *constraining consensus* emerging between

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the government and its electorate (i.e. “the people”) that is reflective of their critical view of EU integration. On the other hand, there is a *permissive dissensus* between the government and voters of the opposition (i.e. “the non-people”) who favor deeper integration.

Euroscepticism and Eurosceptic populism

Euroscepticism is a multifaceted political phenomenon (Bijsmans, 2020) with an increasingly blurred meaning expressed through a variety of definitions (Crespy & Verschueren, 2009). At the most general level, Euroscepticism refers to a critical attitude towards the European integration process which has always been present with differing intensity and focus since the inception of the EU. Taggart and Szczerbiak (2004) made a distinction between “hard” and “soft” Euroscepticism. The first refers to a principled opposition to the EU that entails outright rejection of the integration process and/or an aim to withdraw from the EU. The second means qualified opposition which generally manifests itself in criticism linked to specific policy decisions that allegedly alter the division of competences between the EU and its member states in favor of the former. The framework has been used in the authors' later studies (Taggart & Szczerbiak, 2008, 2018), and served as a reference point for numerous others that tackled different aspects of the phenomenon. Kopecký and Mudde (2002) criticized the “hard”/”soft” categorization as too broad (especially the latter form), and proposed a typology based on a distinction between diffuse support for a general idea of European integration and specific support for the actual practice of the EU. Depending on positive or negative attitudes linked to both dimensions, they proposed four different categories: Euro-enthusiasts, Eurosceptics, Europragmatists, and Eurorejects. Euroscepticism, according to this typology, combines Europhile (i.e. in favor of the idea of European integration) and EU-pessimist (i.e. critical towards current state or direction of the integration process) positions. In contrast, Eurorejects oppose both the current state and the general idea of European integration (close to “hard” Euroscepticism). Europragmatists are expected to follow a utilitarian strategy: although they might be skeptical about the idea of European integration, this attitude may be coupled with an EU-optimist approach stemming from (economic) benefits of EU policies. While Krouwel and Abts (2007) argued that Kopecký and Mudde's categories were still not precise enough, their alternative typology, based on different arguments and degrees of opposition to the EU, did not deviate much from Kopecký and Mudde's conceptualization. For the sake of simplicity, this chapter relies on the framework provided by Kopecký and Mudde (2002).

What drives Euroscepticism at the individual level? A critical approach to the EU is not a novelty and is not specifically linked to the present (de Vries, 2018; Leconte, 2010). Indeed, parties of distinct ideological background and their electorates feared the integration process for different reasons. With the evolution of the EU, as the polity gained additional competences and

its role increased within the politics of its member states, the nature of criticism against the EU became ever more diverse as well (cf. Boomgaarden et al., 2011). As van Elsas and van der Brug (2015) argue, Euroscepticism has evolved with the changing nature of European integration over time, and with an alteration in the substantive meaning of the left–right cleavage. While at the beginning, EU market unification sparked mainly left-wing opposition, with increased political integration, nationalist criticism strengthened on the political right. In a similar manner, while previously socio-economic issues determined the left–right division, socio-cultural interpretations gradually gained relevance as well, changing the dynamics within national party systems. With time citizens on both extremes of the left–right scale became more Eurosceptic. In a later study, van Elsas et al. (2016) argued that left-wing and right-wing Eurosceptics differed in the object and motivation of their Euroscepticism. While left-wing Eurosceptics tended to assess the current functioning of the EU more critically, they did not oppose further integration (cf. Kopecky and Mudde's definition of Eurosceptics) which stood in sharp contrast to their right-wing counterparts. Additionally, it was shown that left-wing Euroscepticism was driven by both economic and cultural concerns while right-wing Euroscepticism was solely tied to cultural attitudes. These findings partly contradict a previous study by Van Klingeren et al. (2013) who argued that soft (i.e. identity-based) factors did not necessarily gain more relevance over time, driving Eurosceptic attitudes, but rather they had been present all along with hard (i.e. economically driven) causes. Nevertheless, Eurosceptic attitudes may be dependent on a number of different factors (cf. Hobolt & de Vries, 2016a; Lubbers & Scheepers, 2010). In fact, de Vries (2018) stresses that those with negative ideas about the EU are more likely to vote for Eurosceptic parties, while Hobolt and de Vries (2016b) demonstrated that those who experienced economic hardships in the Euro crisis and blamed the EU for its weak responses were also more likely to vote for Eurosceptic parties. What is already apparent is that Euroscepticism – much like populism – is likely to form around either economic or cultural grievances, real or perceived.

At the party level, among others, Hooghe et al. (2002) and De Vries and Edwards (2009) had previously demonstrated that both radical left and right parties were more likely to be Eurosceptic (compare this with the link between radicalism and populism put forward by – among others – Rooduijn & Akkerman, 2017). While Pirro et al. (2018) stress that the position of parties at the extremes of the traditional left–right cleavage on the EU are driven by diverse causes, Halikiopoulou et al. (2012) argued that far-left and far-right parties may share a similarly critical position on the EU because of a shared nationalist ideology. As they put it:

> Parties of the radical right oppose the EU on predominantly ethnic grounds as they perceive it to be a threat to the nation's cultural homogeneity. Radical left-wing parties are skeptical towards the EU on predominantly civic grounds as they perceive it to be a vehicle of great power

> intervention and imperialism and a threat to the territorial integrity of the nation-state.
>
> *(Halikiopoulou et al., 2012, p. 508)*

Their comparative analysis shows that radical parties share similar stances on economic and territorial nationalism, but are different in their ethnic and cultural nationalism. This coincides with arguments within the populism literature: Verzichelli (2020) claimed that populism was often linked with different notions of *sovereignism* (ethnic, civic or economic). Bonikowski et al. (2018) also pointed out that, while in Western Europe civic nationalism prevailed (cf. Brubaker, 2017), for the East-Central European region nationalism was more about overcoming historical trauma and humiliation.

As far as party system dynamics are concerned, much like populism, Euroscepticism possesses a disruptive potential. Over the history of the EU, as Hooghe and Marks (2009) argued, people gradually changed their "permissive consensus" into a "constraining dissensus" as they deemed the integration process too fast and too intrusive. Consequently, Euroscepticism has progressively gained ground in EU member states, and turned from a peripheral into a mainstream political phenomenon both at the party system and societal levels (cf. Brack & Startin, 2015; Leconte, 2015). As Spoon and Williams (2017) argue, when voters demonstrate higher levels of Euroscepticism and when party unity on European integration is weak, parties will be more responsive to the electorate, and thus will become more Eurosceptic themselves. However, Maurits J. Meijers (2017) shows that it is not only the demand for Euroscepticism that may influence parties to adjust their position on European integration, but the success of Eurosceptic parties that can incite Euroscepticism among mainstream parties.

Despite the obvious overlaps between Euroscepticism and populism (i.e. their drivers, their impacts), and the fact that "the past few years have seen waves of populism and Euroscepticism breaking together" (Pirro et al., 2018, p. 379), the two concepts are distinct in various aspects as well (Harmsen, 2010; Rooduijn & van Kessel, 2019). Rooduijn (2019) rightly points out that the two concepts are often used in conjunction or even erroneously interchangeably, however, criticism of the EU is not necessarily framed in a populist manner, and similarly, populists are often not specifically concerned about the EU. Nevertheless, "there is a strong correlation between populism and Euroscepticism in practice" (Rooduijn & van Kessel, 2019, p. 8), which was nicely demonstrated in the special issue of *Politics* (cf. Pirro & Taggart, 2018). Although, right-wing populist parties may decrease representational deficiencies in relation to immigration and European integration (Backlund & Jungar, 2019), McDonnell and Werner argue that radical right-wing populist parties and their voters "were much closer on anti-immigration positions than on European integration and that, while proximity regarding European integration influenced their likelihood to support a RRP [radical right-wing party] party, the salience did not" (McDonnell & Werner, 2018, p. 1762).

Furthermore, Rama and Santana (2020) also show that supporters of left-wing and right-wing populist parties are similar in their attitudes on the EU (and migration), whereas van Bohemen et al. (2019) show that Euroscepticism has a positive effect on voting for populist parties.

So, what is Eurosceptic populism? Populism is considered to be a broader and more abstract term (Rooduijn & van Kessel, 2019), therefore it is argued here that Euroscepticism may be considered as a signifier of populism. In fact, Eurosceptic populism may be defined as a specific type of populism where the EU is equated with "the corrupt elite" which allegedly acts against "the will of the people". The antagonism between "Brussels" and "the people" may take different forms: it could revolve around economic (e.g. protectionism versus common market), cultural (e.g. national identity versus cosmopolitan citizenship) or political (e.g. national sovereignty versus shared sovereignty) issues. In line with the argument put forward by Csehi and Zgut (2020), and the framework advanced by Caramani and Manucci (2019) on re-elaboration strategies of the national past, it is claimed here that in Hungary,

> opposition to an oppressing, communist regime [in the past] not only allowed right-wing populism to develop, but it also prepared the ground for an anti-imperialist narrative vis-á-vis the EU where the EU is criticized not mainly for its market liberalism but rather for its policies that presumably act against the notion of national sovereignty displayed through national identity and culture.
>
> *(Csehi & Zgut, 2020, p. 4)*

Euroscepticism within this framework is in line with Kopecky and Mudde's (2002) definition: it doesn't mean an outright rejection of the idea of European integration, but it expresses a clear (and often harsh) criticism about the current state and trajectory of the EU. Whether Euroscepticism is a principled belief or is only considered as a means to achieve strategic goals (i.e. increased political support) is hard to establish.

Eurosceptic populism in Hungary after 2010

Based on the concise literature review provided in the previous section, the level of Euroscepticism is now assessed. While research already analyzes the Eurosceptic nature of specific platforms such as the media, this chapter confines itself to the more mainstream actors: the public and political parties. Similar to the chapter on party politics, descriptive statistics will be used to visualize trends of Euroscepticism at both the mass and party levels. There is a variation of operationalization of Euroscepticism in the literature, in other words a diversity of measurements through which the phenomenon is assessed. However, instead of giving preference to any one of these methods a more aggregate, comprehensive approach is followed here. To that end, data from various polls and surveys will be used. Beyond the already

introduced European Social Survey and Chapel Hill Expert Survey, Standard Eurobarometer surveys (#73–90 of the Public Opinion in the European Union reports) are also included in the analysis. Accordingly, Euroscepticism will be assessed through measures like trust in the EU and its institutions, evaluation of EU democracy and perspectives on the future outside the EU.

Mass-level Euroscepticism

As the literature review highlighted, part of the reason behind growing Euroscepticism may be a changed attitude of the electorate towards decision-making at the European level. As Hooghe and Marks (2009) pointed out, the pre-Maastricht period could be characterized with a "permissive consensus" where people allowed political elites to carry on with the European integration process. As market unification was seemingly guaranteeing economic benefits, integration gained its legitimacy from the output it produced. However, as the EU acquired further competences, people became more wary and skeptical about European unification. Consequently, the silent assent of the people, the "permissive consensus", was gradually giving way to a "constraining dissensus", an ever more clamorous opposition voiced against the will of the political elites. The simplest way to measure whether people became more leery about European unification is to check whether they believe that integration has gone too far or not. According to the ESS data rounds 6–9 (unfortunately the question was not included in the 2010 round), the average sank somewhat through the years, although not significantly one may argue: 4.86 (2012), 4.68 (2014), 4.12 (2016), and 4.53 (2018). Table 6.1, as was already highlighted in the chapter on party politics, shows the changes according to party voters: with the exception of Jobbik all party electorates seem to have become more critical towards the idea of further integration,

Table 6.1 Voters' position on European integration

European Union (integration gone too far?)				*0: unification gone too far – 10: go further*	
	2010	*2012*	*2014*	*2016*	*2018*
Fidesz	NA	4,87	4,62	3,50	3,99
MSZP	NA	5,17	5,12	4,95	5,10
Jobbik	NA	3,30	3,84	3,48	4,76
LMP	NA	5,84	5,00	5,32	4,93
DK	NA	NA	NA	NA	5,41

Source: European Social Survey, rounds 5–9.

Method: mean value of party voters (data based on cases where party identification of voters was given).

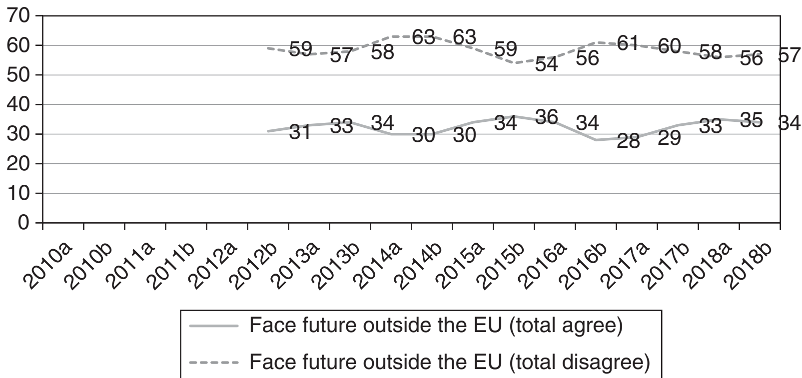

Figure 6.1 Hungary could better face the future outside the EU (%).

Source: Standard Eurobarometer (#73–90 of the Public Opinion in the European Union reports– spring (a) and fall (b) reports)

with Fidesz voters being about 18% more critical on average (the highest negative change among party electorates).

On the other hand, according to Eurobarometer data, a great majority of the people in Hungary still cannot see a future outside the EU (Figure 6.1). In fact, opinions seem rather stable on that question. The prospect of living outside the EU gained some traction during the migration crisis though, it seems.

A second indicator to measure Euroscepticism deals with institutional trust. Naturally, the less people trust existing European institutions, the more likely they are to be dissatisfied with the current state of the EU. ESS data are available on trust in the European Parliament and show quite a fluctuation: 4.75 (2010), 4.22 (2012), 4.85 (2014), 4.39 (2016), 5.03 (2018). However, as Table 6.2 demonstrates, Fidesz voters are the only ones who became more critical towards the EP.

Eurobarometer data on the European Parliament exhibit a slightly different aggregate picture (Figure 6.2). While fluctuations are traceable similar to the ESS data, there is an overall negative trend emerging: less people tend to trust the EP and more and more people tend not to trust it. This could be a more accurate reading, in fact, given the share of active Fidesz voters who may influence the aggregate trend to the negative.

Eurobarometer Survey provides data on trust concerning other EU institutions as well, and a more general measure on trust in the EU. While Figure 6.3 summarizes the information on the European Commission, Figure 6.4 is concerned with trust towards the EU.

While Figure 6.3 shows similar trends to those seen on the EP, Figure 6.4 displays greater fluctuations. Fewer people tend to trust the European Commission over time, while trust in the EU in general has seemed to change

Table 6.2 Voters' trust in the European Parliament

Trust in the European Parliament (mean)				*0: no trust – 10: complete trust*	
	2010	*2012*	*2014*	*2016*	*2018*
Fidesz	5.30	4.51	5.26	4.61	5.12
MSZP	4.85	4.37	5.60	4.75	5.93
Jobbik	NA	3.61	4.36	3.56	5.13
LMP	NA	4.14	6.04	5.11	4.90
DK	NA	NA	NA	NA	6.03

Source: European Social Survey, rounds 5–9.

Method: mean value of party voters (data based on cases where party identification of voters was given).

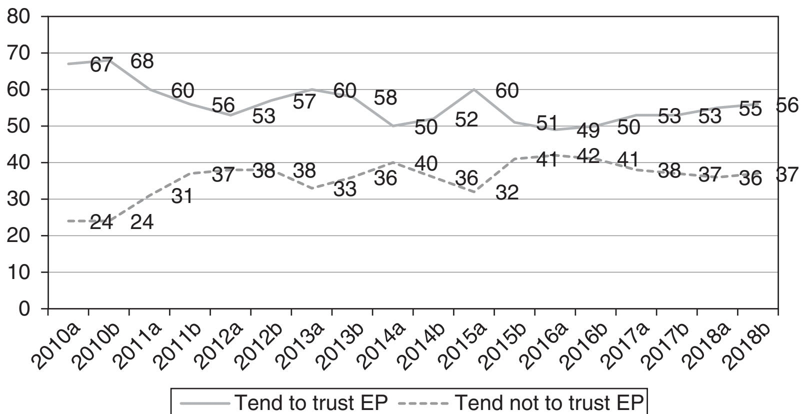

Figure 6.2 Do you tend to trust or tend not to trust the European Parliament? (%) (Hungary).

Source: Standard Eurobarometer (#73–90 of the Public Opinion in the European Union reports– spring (a) and fall (b) reports)

radically in the past decade. The two major peaks concerning the latter are likely to be demonstrating current disputes at the time with the EU: in 2012 the new Hungarian constitutional framework and in 2015 the migration crisis troubled the relationship between the government and the EU.

A similar trend can be traced in data representing people's evaluation of democracy in the EU (Figure 6.5): the two spikes of democratic dissatisfaction occur in 2012 after the adoption of the Fundamental Law, and in 2016 after the peak of the migration crisis in the previous summer.

All in all, at the mass level, the electorate has become slightly more critical about the trajectory of the EU, with Fidesz voters leading the trend. As far as

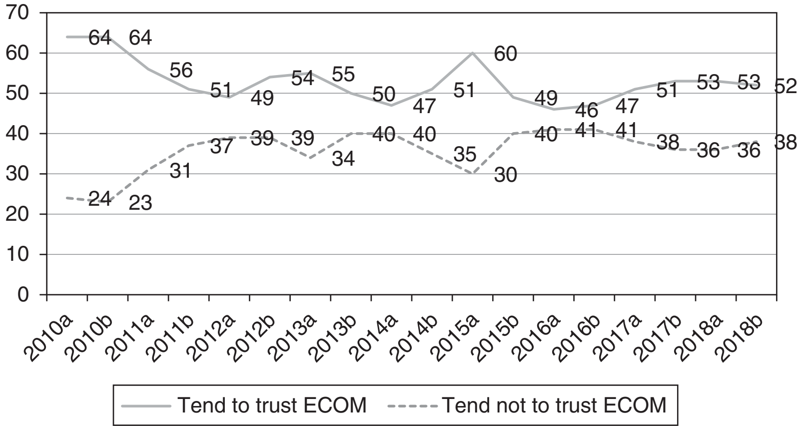

Figure 6.3 Do you tend to trust or tend not to trust the European Commission? (%) (Hungary).

Source: Standard Eurobarometer (#73–90 of the Public Opinion in the European Union reports– spring (a) and fall (b) reports)

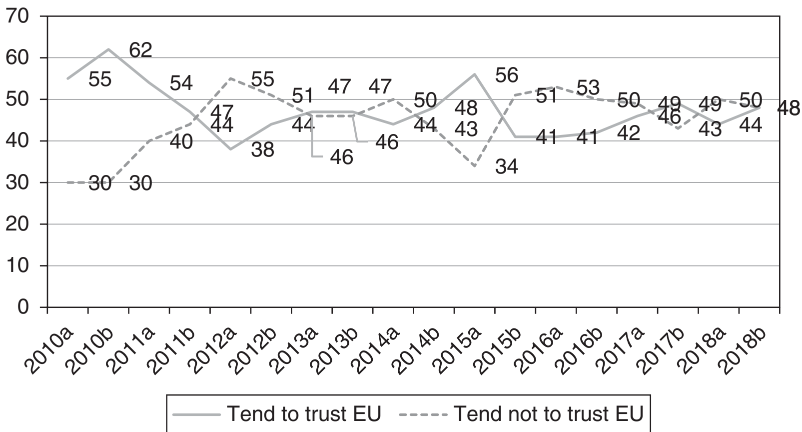

Figure 6.4 Do you tend to trust or tend not to trust the European Union? (%) (Hungary).

Source: Standard Eurobarometer (#73–90 of the Public Opinion in the European Union reports – spring (a) and fall (b) reports)

the current state of the EU is concerned, the picture is somewhat fuzzy. While ESS data signal a meager increase in trust in the European Parliament within the population in general and among party voters as well (with the exception of Fidesz voters), Eurobarometer data suggest the opposite, and show that the electorate's trust in the EU and its institutions has gradually decreased

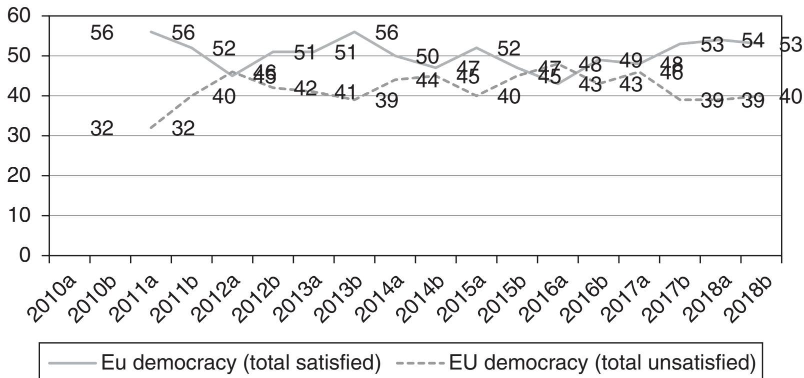

Figure 6.5 Are you satisfied with democracy in the EU? (%) (Hungary).

Source: Standard Eurobarometer (#73–90 of the Public Opinion in the European Union reports – spring (a) and fall (b) reports)

between 2010 and 2018. Additionally, while the share of those being satisfied with EU democracy has not changed significantly, there was an increase in the number of those who have a more skeptical approach. However, despite these negative trends, a majority of the people still cannot visualize the country facing its future outside the EU, thus it could be assumed that people are still supporting the overall idea of European integration.

What emerges from this picture is that, even though the notion of European unification is still largely approved, people are having an ever more critical interpretation of the current state of the EU. Data suggest that Euroscepticism in public opinion shifted from the fringes to the mainstream, and it is more likely that unstable attitudes and an ever-increasing polarization of the European integration issue will be exploited politically by a populist government. All in all, it could be argued that people seem to have slowly become ever more Eurosceptic as defined by Kopecký and Mudde (2002).

Party-level Euroscepticism

Do political parties provide a bigger supply of Euroscepticism in Hungary now? As has already been shown in the chapter on party politics, there was a significant change in the position of the major governing party concerning the EU (Figure 6.6).

Although this shift did not push other parties towards greater levels of Euroscepticism, given the dominant position and governmental role of Fidesz, this conversion has important ramifications for the country's EU membership. As far as the salience of European integration is concerned, Figure 6.7 shows that Fidesz (along with the left-wing DK) has increased the relevance of the topic considerably (there was only a slight shift in Jobbik's stance).

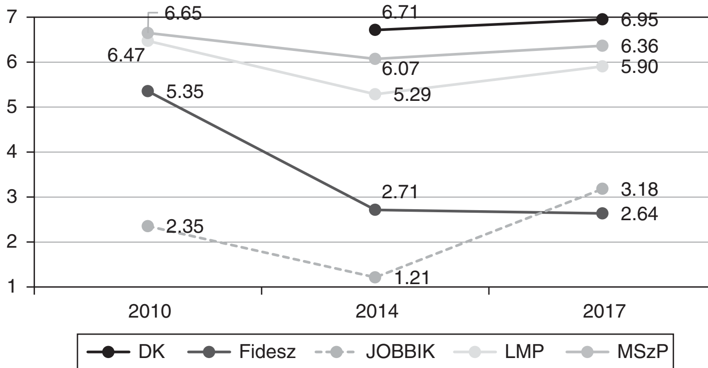

Figure 6.6 Party positions on the EU (1: strongly opposed, 7: strongly in favor).
Source: Chapel Hill Expert Survey, rounds 2010, 2014, 2017

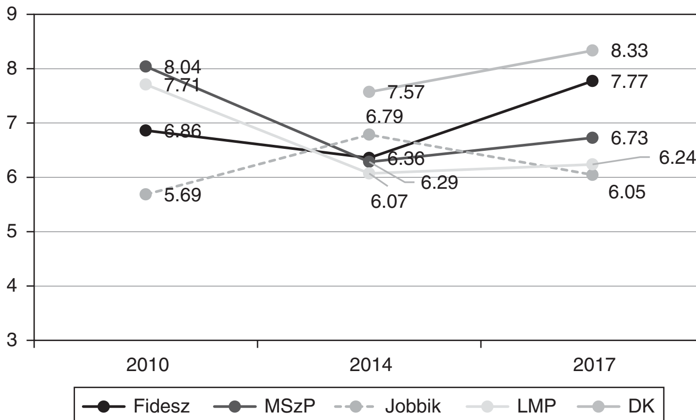

Figure 6.7 Relative salience of European integration in a party's public stance (0: EU is of no importance, never mentioned, 10: European integration is the most important issue).
Source: Chapel Hill Expert Survey, rounds 2010, 2014, 2017

Even though Euroscepticism at the party level could be assessed through additional measures, unfortunately CHES data on party positions do not cover the entire period from 2010 to 2018 (e.g. party position on the benefits of EU membership, or on the powers of the European Parliament). Nevertheless, there is one more area where party position could be indicative of the level of Euroscepticism. Figure 6.8 summarizes the change of opinion concerning EU authority over member states' economic and budgetary policies. Although data are missing for 2010, the trends could be indicative and

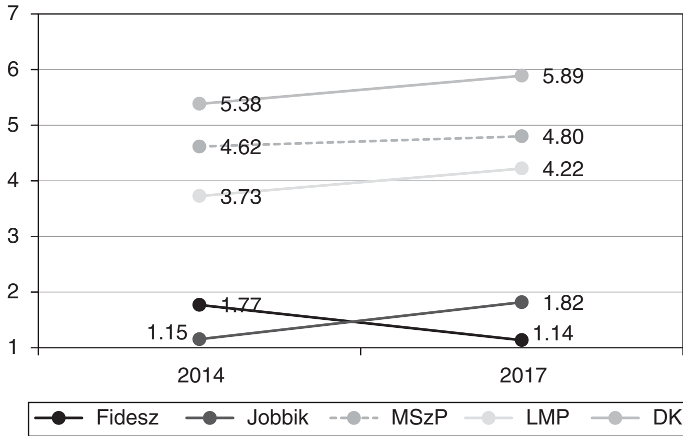

Figure 6.8 Party position on EU authority over member states' economic and budgetary policies (1: strongly opposes, 7: strongly favors).

Source: Chapel Hill Expert Survey, rounds 2014, 2017

show an interesting pattern: not only did Fidesz become the most skeptical party in this regard, but its change of position is also contrary to the overall trend witnessed in the position of other parties.

From permissive consensus towards constraining consensus and permissive dissensus?

Adding the mass-level and party-level data of Euroscepticism the following conclusions could be drawn for Hungary. A *permissive consensus* is slowly fading away. On the one hand, people in general started to adopt a more critical approach towards the EU. This doesn't mean that a majority of the people oppose either the idea of European integration or the current state and trajectory of the EU. In fact, skeptical voices are still a minority, but they no longer only appear at the fringes of society, and they constantly gain in support, which is likely to lead to increased polarization of the issue of European unification. It should also be highlighted that much of the opposition is driven by the changing attitudes among supporters of the government. On the other hand, at the party level, Fidesz has clearly adopted a (much) more critical stance towards the EU while simultaneously emphasizing the relevance of the topic. Putting these public opinion and party position data together, two parallel conclusions may be drawn. On the one hand, there is a growing *constraining consensus* emerging between the government and its supporters as both embrace an increasingly critical view of the EU. On the other hand, there is a *permissive dissensus* also forming between the government and the electorate of the opposition that has a much more positive view of the EU

and higher expectations towards further integration than Orbán and his supporters. These parallel trends are reflected somewhat in a study from 2019 by the Hungarian think-tank Policy Solutions that shows that Fidesz voters are relatively the least supportive and at the same time relatively the most critical of EU membership (Policy Solutions, 2019, p. 10). The same conclusions may be drawn from the answers provided to the question "If there was a referendum today would you vote for or against EU accession?" Fidesz voters are relatively the least supportive of the idea of accession, and relatively the most supportive of a "no" vote (Policy Solutions, 2019, p. 31). Additionally, there is a majority only among Fidesz voters arguing that things are going in the wrong direction in the EU (Policy Solutions, 2019, p. 61). Nevertheless, the same study also shows that 71% of Fidesz voters still hold that EU membership is either "beneficial" or "rather beneficial" (Policy Solutions, 2019, p. 14), once again suggesting a Eurosceptic attitude.

The ever-strengthening Eurosceptic populist narrative

As data on party positions concerning the EU suggest, the governing party Fidesz, and the Prime Minister, Viktor Orbán, did not start out with an outright Eurosceptic position in 2010. However, as the government adopted an increasingly populist stance it soon capitalized on a critical approach to European integration as well, and started to equate the EU with "the corrupt elite" that acted against "the people" (Csehi, 2019; Csehi & Zgut, 2020). The nature of antagonism between "Brussels" and "the Hungarians" was linked to different themes.

National sovereignty

The first episode concerning "national sovereignty" was linked to Hungary's Fundamental Law. Orbán alleged that the EU attempted to encroach on the country's national sovereignty through its intrusion into the country's constitution-making process. Already in 2011, in response to the criticism coming from the EU, Orbán stressed that "we did not let Vienna dictate us in 1848, we did not let Moscow dictate us in 1956, and we won't let Brussels or others dictate us now".[1] Furthermore, he argued that "we write our own constitution, and we do not need a template and the unwanted help of foreigners trying to lead our hands".[2] Later, the Prime Minister summarized the events as follows: "we declared that we would not allow others to push their noses into issues that are the business of the Hungarians, and we defended the country from Brussels bureaucrats".[3] It was clear that "the Hungarians" (i.e. "the people") stood in opposition to "bureaucrats" (i.e. "the elite") who "hauled Hungary's Fundamental Law off for trial in Brussels, in a mirror image of their ideological predecessors' peddling of the communist constitution in Moscow".[4] Although Orbán admitted that the EU provided much

more liberty in expressing critical views than the Soviet Union, he did point out that

> We remember well when the decisions on Hungarian freedom and the fate of Hungary were not left to the Hungarians. We also know full well that – just as you are doing now – other people in another place wanted to protect us from ourselves. Hungarians do not need to be protected from themselves.[5]

Later on, the sovereignty claim became more explicit and much more obviously populist in tone. In 2015, Orbán argued that

> we must acknowledge that the European forces seeking to eliminate the national, the nation state framework in Europe have gained considerable strength … they have replaced the former internationalist ideology with a historically less compromised supranationalism; however, the fact that they are no longer singing the marching song of internationalism but one calling for a state above the nations amounts to the same difference as there is between a bag of potatoes and a bag of spuds.[6]

Essentially, Orbán interpreted European politics as divided between pro- and anti-sovereigntist forces, suggesting a moral difference between them. As he further explained,

> a significant proportion of Eurocrats in Brussels and quite a few leaders in Europe believe – this is a particularly strong notion on the left, in the left-liberal world – that the nations represent a negative aspect of Europe. They are bad things which have led to world wars and are responsible for conflict. If there were no nations in Europe, life here would be happier. By contrast, we say that there is no Europe without nations, because the nations themselves constitute the essence of Europe, and therefore we want to strengthen nations, while they want to marginalize nations, and even eliminate them. In their minds, the mission of the European Union is to transcend nations. In our minds, the mission of the EU is to strengthen nations, to make them stronger in Europe.[7]

The Prime Minister increasingly accuses the EU of a self-inflicted competence growth. “This is Brusselism: the stealthy withdrawal of powers from the nation states”,[8] as he argued, claiming also that “Brussels is irritated by strong nation states, and by those strong nation states speaking their mind, stating their ideas in clear terms, and pointing out that certain issues should not be resolved in Brussels”.[9] Orbán repeatedly warned that “Brussels is stealthily devouring ever more slices of our national sovereignty … the main danger to Europe’s future does not come from those who want to come here, but from

Brussels' fanatics of internationalism".[10] Once again, he simplified the antagonism as a conflict between two groups, "the good sovereigntists" versus "the corrupt supranationalists":

> We want to preserve Europe's diversity. In contrast to this, supporters of a United States of Europe and a new European empire want to eliminate nations, hand over the keys to Brussels, and replace responsible and democratic national decision-making with the directorate of a faceless bureaucracy.[11]

As he argued, in this struggle, "the task of Europe's freedom-loving peoples is to save Brussels from Sovietization",[12] as "the essence of Europe is not in Brussels: its essence is in the Member States".[13] Much in line with Kopecký and Mudde's (2002) argument, Orbán claimed that

> We who want a Europe of the nations are not Eurosceptics … we are Eurorealists, who do not want to build the European Union on sand, but on rock-like foundations. And there is only one such bedrock: the reality of the European nations.[14]

Given that he and his government were not satisfied with the trajectory of European integration, Orbán formulated a simple expectation about the future of the EU: "in Europe, in the decades to come we would like to see less of Brussels and see stronger nation states".[15] It has to be noted that a critical approach to European integration is not a negative thing *per se* (cf. Kaniok, 2012). Quite the contrary, contestation is and should be a natural process within European politics. What makes Orbán's Eurosceptic approach ominous is its populist characteristic: he and only he represents "the will of the people", and all opposing arguments are deemed morally wrong and illegitimate, rendering any meaningful discussion essentially impossible. His combative claims are cases in point. As he argued:

> Brussels imperial marches are being played again … Brussels today is ruled by those who want to replace an alliance of free nations with a European empire: a European empire led not by the elected leaders of nations, but by Brussels bureaucrats.[16]

The empire-like nature of the EU along with its alleged double-standards were integrated within a populist narrative, and were repeatedly used by the government to ward off criticism (as illegitimate and morally unjust) formulated against the state of democracy and rule of law in the country (see corresponding chapter in this volume).

This leads to the second major topic under the bracket "national sovereignty": the critical approach to the state of EU democracy. In relation to the migration crisis, Orbán argued in reference to EU measures that

> What is happening now has no democratic basis. This process may be liberal – as is thought by many in Brussels – but it is in no way democratic. People's opinions cannot be downplayed and ignored. People's opinions must, to some extent – preferably as much as possible – be integrated into the political decision-making process.[17]

As he further explained:

> in Europe today the scale of the distance between the elite and the people – between the policy deemed desirable by the elite and the people's instincts, will, intentions and wishes – is so great and exponentially growing that it also raises questions over the future of European democracy.[18]

At yet another occasion, he doubled down on this claim, stating that "this bureaucratic Brussels elite is quite clearly acting against the will of the European peoples".[19] This is a clear populist tone that raises an interesting issue nevertheless. Sørensen (2020) argued that right-wing Eurosceptics often adopt a national and transnational understanding of "the people" simultaneously, which is supposed to differentiate them from a populist approach. Nevertheless, as Csehi (2019) pointed out, Orbán's narrative of "the people" became broader as he started to refer to Brussels as "the corrupt elite". Consequently, it is argued here that the assumption that European integration has alienated the imagined group of "the people" across the different member states does not necessarily contradict populist notions of "the people". Quite the contrary, along the lines of the "logic of equivalence" put forward by Ernesto Laclau, it could be argued that populists indeed could develop a transnational sense of "the people" of which Orbán's reference to "the European peoples" is but one example. "The people" is *the* central concept in a populist ideology in relation to which all other core concepts are defined. Naturally if one is willing to oppose a transnational elite (i.e. Brussels bureaucrats), it is only natural that it will be matched with a transnational understanding of "the people" as well. Additionally, the seemingly pluralist characteristics of the transnational "peoples" (which is in fact not pluralist as it still excludes the "non-people" in distinct national settings) allows for another criticism against the EU. As Orbán put it, "There is no European people: there are only European peoples. And if there is no European people, you cannot build a system of European institutions on the foundations of such a non-existent European people."[20] Nevertheless, the Prime Minister does not seem to be fully consistent in his approach. As he later explained,

> in Brussels an alliance has been forged against the opinion of the people. The members of this alliance are the Brussels bureaucrats and their political elite, and the system that may be described as the Soros Empire. This is an alliance which has been forged against the European people.[21]

In sum, national sovereignty is used by Orbán in two different ways to advance a Eurosceptic narrative. The EU, often simply referred to as "Brussels", is equated with the "corrupt elite" which allegedly attempts to stealthily chip away national competences, and ignores the voice of its constituencies. Consequently, the EU is believed to harm the notion of national sovereignty, as it acts against "the will of the people" as a national entity, and against "the peoples of Europe" as a transnational body.

National identity and culture

While criticism against the EU on the basis of national sovereignty is already embedded in a cultural discourse, Orbán's Eurosceptic populist narrative has a more explicit culturally driven dimension: the issue of migration. Clearly, the topic allows for both a populist and a Eurosceptic interpretation. Both essentially argue that migration is orchestrated by a European elite against "the will of the people". This is the manifestation of a cultural antagonism where the former is believed to be the representative of globalist, liberal multiculturalism, and the latter the defender of cultural homogeneity. A Eurosceptic touch may also add incompetence of the EU in dealing with the migration crisis. Orbán's discourse is actually a reflective combination of both features. As far as "the elite" is concerned, he claimed that

> A bizarre coalition has been formed: a coalition of human traffickers, human rights activists and Brussels bureaucrats. This coalition is not working on putting an end to the mass migration; on the contrary, they are working on transporting and settling migrants here safely, swiftly and lawfully.[22]

He even doubled down on this argument later stating that

> It is forbidden to say that in Brussels they are constructing schemes to transport foreigners here as quickly as possible and to settle them here among us. It is forbidden to say that the purpose of settling these people here is to redraw the religious and cultural map of Europe and to reconfigure its ethnic foundations, thereby eliminating nation states.[23]

His accusations and rhetorical flares seem to have become even more radical with time. By 2018, he claimed that Brussels "wants to dilute the population of Europe and to replace it, to cast aside our culture, our way of life",[24] and furthermore, Brussels bureaucrats were believed to "dig a grave for us indigenous Europeans, and in general they sing the praises of those who come here after us – those who come here to replace us".[25] Orbán claimed to defend "the will of the people" against this conspiring elite, not concealing that it was "in the interest of preserving cultural homogeneity and ethnic homogeneity".[26] It comes as little surprise that migration occupied center stage in

Hungarian politics after 2015. The government used billboards, newspaper ads to convey its anti-migration stance to the public, further buttressed by a National Consultation and an invalid referendum on the topic. In Orbán's words: "the governing parties launched the National Consultation, and they are enacting the will of the people as expressed in that consultation".[27] As time passed, two changes were introduced to the original narrative: "the elite" was broadened to include reference to George Soros, and the government's anti-immigration stance was used as an excuse to ward off any legitimate criticism formulated against the policies and actions of the government. The following quotation from the Prime Minister is a good indication of both:

> Hungary is doing its job, it's protecting its borders, it's protecting its citizens, and meanwhile Brussels bureaucrats want to take revenge on the country … Meanwhile there's a battlefront, there's a struggle in Brussels in which Brussels bureaucrats want to raise the Soros plan[28] to the level of European law.[29]

According to the government's narrative George Soros installed his people across the different institutions of the EU and they were following his instructions. Although much of the antagonism between "the elite" and "the people" was culturally driven (see argument on cultural homogeneity), in the run-up to the 2018 parliamentary elections, Orbán also highlighted an economic argument against migration that had a Eurosceptic flavor to it as well:

> if plans from Brussels which seek to turn Hungary into an immigrant country are forced upon us, the financial foundations of every development will be endangered. Migration means integration – which costs an enormous amount of money. If Hungary becomes – or is turned into – an immigrant country, we'll have to use the development funds for the Hungarian regions and Hungary's medium-sized towns mostly on integration and the building of an immigrant country.[30]

As far as the Eurosceptic argument is concerned, Orbán pointed to the incompetence of the EU early on at the peak of the migration crisis. He argued that "Brussels is unable to protect the people of Europe",[31] and later even claimed that "it is a big enough problem that Brussels is not capable of organizing the defense of Europe, but it is an even bigger problem that it lacks the intent to do so".[32] Nevertheless, once again, Orbán's narrative does not seem to be entirely consistent, as he also pointed out on multiple occasions that "it is up to the nation states to solve this problem".[33] This suggests an instrumental use of Euroscepticism to advance a populist interpretation of the world. This approach was also traceable in Orbán's position on the fortification of the EU's external border. While he initially supported the idea, later he used it again to criticize the EU. On the one hand he criticized the EU for attempting to encroach on national competences and on the other hand, he claimed that

they were trying to retaliate against countries occupying an anti-immigration position. As he put it:

> the name of the next battle to be fought will be how to take away the right of intransigent countries – of countries that are resisting immigration – to defend their borders. So, what they want is nothing less than this: that – instead of our Hungarian sons, police officers and military personnel who have donned their uniform, sworn an oath, and for whom their homeland is important – they will send mercenaries here from Brussels, from where they will be told how the Hungarian border should be protected.[34]

National economy

The last narrative frame used for the Eurosceptic populist approach concerns the national economy. It must be stated that this frame is the least robust of all, nevertheless, it is divided into two major themes: accusing the EU of representing globalist corporate interest at the cost of "the people", and accusing the EU of an attempt to encroach on national authority over the economy, once again acting against "the will of the people". In the wake of the crisis, Orbán argued that

> In Brussels there are many who instead of reforming the European economy want to breathe new life into the crippled system of monetary and banking capitalism, and who instead of a labor-based economy would prefer to resurrect the system of the speculators, who instead of an equitable distribution of burdens want the people to again bear the burdens of the crisis alone.[35]

Referring to his government's self-acclaimed unorthodox economic policy measures, he claimed that his administration "took up the fight with the European left, and with the bureaucrats in Brussels, who rather than support us, stood by the banks and the multinationals".[36] It was in this context that Orbán asserted that the EU was meddling with the national competence over the economy. As he put it: "Brussels has launched a new attack against the third phase of public utility charge reductions, and wants to strip us of our right to regulate the price and cost of public utilities within our national sphere of authority."[37] This essentially Eurosceptic claim was then embedded within a wider populist frame, insisting that "the multinationals, bankers and bureaucrats of Brussels are preparing for another assault against Hungarian families".[38]

Conclusion

The chapter had two objectives: (1) to conceptualize Eurosceptic populism as a distinct form of populism, (2) to analyze the impact of Eurosceptic populism.

As for the former, it was argued that Eurosceptic populism integrates critical views within a populist narrative; it equates the EU and its institutions with "the corrupt elite" that supposedly carries out its economic, cultural and political agenda against "the will of the people". As was highlighted, criticism against the EU is not the problem, after all, contestation is encoded within democracy's DNA. What is disputable is populists' openness towards meaningful deliberations. Their division of the political landscape into morally superior (i.e. "the people" and their populist representatives) and inferior (i.e. "the corrupt elite" representing "the non-people") actors almost inevitably provokes further discord. Orbán's reference to an allegedly complicit European bureaucratic elite that supposedly wanted to trample national political, economic and cultural sovereignty is a clear indication of this populist mindset.

As for the latter, mass- and party-level data suggest that Eurosceptic populism did have an impact in Hungary. Not only did the governing party become ever more critical towards the current state and the idea of European integration, Orbán's supporters seem to have adopted a less supportive approach to the EU as well. As these changes did not trigger any adaptive behavior, two parallel processes seem to be emerging within the country. On the one hand, there is a growing *constraining consensus* with regards the EU between the government and its electorate. On the other hand, there is a *permissive dissensus* between Orbán and supporters of the opposition who tend to have a more positive view of the current state of the EU and the idea of European integration in general. This is a clear manifestation of a populist division of the society between "the people", their representative, the populist government, and the "non-people" willing to conspire with (international) "the elite".

However, one may not overstate these findings. On the one hand, Orbán is in fact right in stating that "Hungary is not anti-European, and it never has been".[39] Consequently, pushing an anti-EU agenda may easily backfire. On the other hand, it is suggested here that Orbán's use of Euroscepticism is rather instrumental: it is not driven by a principled belief that the idea of the EU is essentially wrong, even though the Prime Minister likes to argue that "we want the original European Union of the founding fathers, and not some kingdom of Brussels".[40] Rather, there is a strategic use of Euroscepticism: it allows Orbán to further cement his populism domestically. Through a criticism of the EU, he will always have a "corrupt elite" against which "the will of the people" he may defend. From the perspective of populism, keeping Euroscepticism on the backburner is a viable option and indeed a preferable political strategy.

Notes

1 15 March 2011, speech delivered by Viktor Orbán in commemoration of the 1848 revolution and freedom fight.

2 15 March 2012, speech delivered by Viktor Orbán in commemoration of the 1848 revolution and freedom fight.

3 14 March 2014, television interview with Viktor Orbán, Rákosmente Television.
4 24 April 2015, Viktor Orbán's address at the conference 'Dialogue and Identity'.
5 2 July 2013, speech delivered by Viktor Orbán in the European Parliament.
6 3 December 2015, speech delivered by Viktor Orbán at the 14th Plenary Session of the Hungarian Standing Conference.
7 4 December 2015, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.
8 8 January 2016, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.
9 22 January 2016, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes.*
10 15 March 2016, speech delivered by Viktor Orbán in commemoration of the 1848 revolution and freedom fight.
11 17 October 2016, speech delivered by Viktor Orbán in the Hungarian Parliament.
12 23 October 2016, speech delivered by Viktor Orbán in commemoration of the 1956 revolution and freedom fight.
13 19 May 2017, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes.*
14 27 June 2017, speech delivered by Viktor Orbán at the closing event of the National Consultation.
15 22 September 2017, speech delivered by Viktor Orbán after meeting with Polish Prime Minister, Beata Sydlo.
16 23 October 2018, speech delivered by Viktor Orbán in commemoration of the 1956 revolution.
17 30 October 2015, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.
18 2 December 2015, speech delivered by Viktor Orbán at the Hungarian Diaspora Council.
19 20 May 2016, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.
20 23 January 2017, speech delivered by Viktor Orbán at the Lámfalussy Conference.
21 22 July 2017, speech delivered by Viktor Orbán at the Bálványos Summer University.
22 13 December 2015, speech delivered by Viktor Orbán at the 26th Fidesz Congress.
23 15 March 2016, speech delivered by Viktor Orbán in commemoration of the 1848 Revolution and Liberty War.
24 15 March 2018, speech delivered by Viktor Orbán in commemoration of the 1848 revolution and freedom fight.
25 13 October 2018, speech delivered by Viktor Orbán at the opening ceremony of the Puskás Academy Sports and Conference Center.
26 28 February 2017, speech delivered by Viktor Orbán at the year opening of the Hungarian Chamber of Commerce and Industry.
27 19 January 2018, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.
28 According to the government, the "Soros Plan" describes how George Soros planned to change the socio-cultural landscape of Europe first and foremost through his suggestion of migrant quotas.
29 21 July 2017, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.
30 9 March 2018, speech delivered by Viktor Orbán at the inauguration of the Várpalota bypass route 8.
31 25 July 2015, speech delivered at the Bálványos Summer University.
32 28 February 2016, State of the Nation Address delivered by Viktor Orbán.
33 30 October 2015, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.
34 14 September 2018, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.

35 23 October 2012, speech delivered by Viktor Orbán in commemoration of the 1956 revolution and freedom fight.
36 12 December 2013, speech delivered by Viktor Orbán at the Foundation for a Civil Hungary Award Ceremony.
37 28 January 2014, speech delivered by Viktor Orbán at the Minister of Interior's annual assessment meeting.
38 3 February 2014, speech delivered by Viktor Orbán in Parliament.
39 12 June 2017, speech delivered by Viktor Orbán in Parliament.
40 27 June 2017, speech delivered by Viktor Orbán at the closing event of the National Consultation.

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Part III

Policy impact

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7 Family policy and populism in Hungary after 2010

While the polity and politics impact has been widely studied, the policy implications of populism have received comparatively less attention. Although the number of policy-oriented analyses are steadily growing, ranging from foreign policy (Verbeek & Zaslove, 2014) through welfare (Keskinen et al., 2016) to climate change (Lockwood, 2018), there appears to be a shortage of analytical frameworks that could help study populism's imprint in policy measures. Bartha et al. (2020) provide a useful structure looking at the substantive, procedural and discursive features of populist policy-making. However, their approach deviates somewhat from the "mainstream" approach in the study of populism, and it does not deal specifically with *impacts*. In contrast, this chapter follows the ideational perspective on populism, and analyzes the populist discourse of the Orbán government built around family policy, and the actual impact of the adopted measures. It is shown how the Orbán government has step-by-step strengthened the notion of families (with children) as "the people", and contrasted it with other forms of social associations (i.e. "the non-people") and representatives of an old corrupt system (i.e. "the elite"). Additionally, it is argued that the antagonism between "the deserving people", "the undeserving non-people" and "the corrupt elite" is not confined to economic arguments reflected in the notion of the "workfare society" only. Rather, it is embedded within a cultural, political, moral claim that families are not only the basic unit of society but also the sole agents securing the survival of the nation as an ethnic community against the forces of "liberalism". This is interpreted here as a clearly populist move which elevates the notion of family from the private into the public sphere, and turns the socio-economic unit that a family is into a political, cultural, moral reference point which allows for divisions between "us" and "them". As a final component within the ideational approach, positive discrimination of families is interpreted as a result of the government's willingness to fulfill "the will of the people". As far as the outcome is concerned, it is shown that, while the risk of poverty and social exclusion of families has been reduced, relative socio-economic inequalities have increased, clearly benefitting wealthier households with multiple children. Additionally, while the political position of families has not been secured to the extent the Prime Minister would have wanted, support

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for marriage (as the basis of family according to the Fundamental Law) and raising children has increased in the past decade. Although the focus on family policy might be considered as a limited approach to understand broader socio-economic impacts of populism, it is argued here that the effects in one segment could be indicative of trends in other adjacent areas of the broader socio-economic field.

Populism and socio-economic policies

The aim of socio-economic policies is to improve the economic and social conditions of households, which pertain (but are not confined) to taxes, education, housing, etc. Given that socio-economic conditions are often equated with welfare measures, it is not surprising that much of the literature on populism that looks into socio-economic policies in general focuses on the welfare system specifically (Keskinen et al., 2016; Schumacher & van Kersbergen, 2014), with a few exceptions adopting a broader approach (Rathgeb, 2020). For the sake of clarity and simplicity, this chapter concentrates on welfare measures with a special focus on regulation concerning families (i.e. family policy). In contrast to previous areas covered in the book where the approaches to populism were rather divergent across the literature, much of the analysis linked to socio-economic policy impacts of populism adopts an ideological definition of populism (a potential exception being Chandler, 2020). Before an overview of the literature is provided, it is important to stress that, while it might not be difficult to trace the imprint of populism on policy-making (Bartha et al., 2020), it is rather challenging to substantiate whether populism as a factor is responsible for particular policy outcomes (Chandler, 2020). Consequently, both the theoretical implications introduced here and the empirical analysis attempt to avoid the establishment of clear causal relationships. In a similar tone, while directional trends of socio-economic policies may be established, any normative judgments that would attribute sole responsibility to populism should be handled with caution.

How does populism manifest itself in socio-economic policies in general? Based on the ideational approach of populism, the following, more specific questions need to be addressed: how does populism divide the society up into “the people”, “the non-people” and “the elite” based on socio-economic considerations? How is the conflict between these groups formulated within the area of socio-economic policies? How is “the will of the people” better represented in socio-economic policy measures according to populists?

As far as the first question is concerned, populists are likely to stress the existence of a socio-economic division within the society between “the deserving people”, “the undeserving non-people” and “the corrupt elite” (Chueri, 2020; Keskinen, 2016). Rathgeb (2020) described this cleavage as one between the “makers” and the “takers”, the former representing the employees and employers that suffer under an economic exploitation by immigrants and a “corrupt elite” (i.e. takers from below and from above).

However, economically driven differentiations (also in the form of tax-payers versus alleged tax-evaders or those that take advantage of tax money) are often complemented with political, cultural and even moral arguments, especially in right-wing narratives. The deserving people are thus frequently equated with those belonging to the ethnic, religious or cultural majority. It is this feature, the elevation of policies supporting "the people" (e.g. backing families specifically) into the cultural, political and moral realm, which adds a particular populist flavor to policy-making, as it turns "the people" into a policy reference point based on which an "us" versus "them" narrative may be established.

On the basis of this description of societal division, one may expect that the key drivers of the antagonism between "the deserving people", "the undeserving non-people" and "the corrupt elites" are first and foremost both cultural and economic in nature. Much of the literature actually implies that "welfare chauvinism" is a populist reflection of this dual core: it is supposed to ensure socio-economic advantages for a culturally defined in-group. As Keskinen et al. argue: "economic issues and welfare benefits are closely connected to questions of culture and national identity when immigration is constructed as a central topic" (2016, p. 323). Nevertheless, as Ruiz Jiménez et al. (2020) point out, populists may interpret welfare nationalism as social patriotism, which adopts the image of the nation as a social justice community where the improvement of the conditions of "the people" is deemed a patriotic endeavor, which in return could strengthen national identity as well. This may then justify exclusionary measures towards "the non-people", as populists often confer social rights based on cultural or ethnic belonging (Ketola & Nordensvard, 2018). Additionally, given populism's moral division between "the people", "the non-people" and "the elites", such moral partition is also expected to feature in the discourse of populists and be reflected in their policy measures, which then further strengthens the "us" versus "them" populist dichotomy.

As for popular sovereignty, it is expected that populists will criticize existing socio-economic institutions and measures for their adverse effects on society in general (Chandler, 2020), and for being unrepresentative of "the will of the people" in particular. Consequently, once populists gain power, one may anticipate some revision of the welfare system – which is often viewed as a result of a globally diffused social policy model – which will allegedly result in a better representation of the interests of "the people". As Fenger rightly pointed it out: "the social policy positions of populist radical right parties seem to be more inclined towards a revival than a dismantling of the welfare state" (Fenger, 2018, p. 205). One such revision may concern the basis of entitlements, which is a natural derivative of the narrative about "the deserving people" and "the undeserving non-people". Fenger (2018) construed this under the notion of "welfare nostalgia", whereas Bluhm and Varga (2020) described this as a framework with a "support for the idea of redistribution – to the extent it favors the right constituency"

(Bluhm & Varga, 2020, p. 654). Another potential modification concerns the increased role of the state. Along the lines put forward by Müller (2014), the idea of "the people=the party=the state" is reflected in the notion that the state should intervene into market processes to better serve the interest of "the people", which is endangered by transnational actors and a liberal world order. This coincides with the claim Bluhm and Varga (2020) make about populist socio-economic policies which they label as "conservative developmental statism". Within this scheme social policy is subordinated to a state-driven economic development, the aim of which is not only to fight the ineffective remnants of post-communism (on the role of the communist legacy see also Lugosi, 2018), but also to strengthen both the national economy and identity. Although they argue that this structure is not populist *per se*, one may easily interpret it as such. It characterizes a previous system (post-communism) and its (current) representatives as corrupt and promises a replacement that better represents "the will of the people", defined as a specific constituency, while also creating political and moral divisions within the society about the issue.

In general, when it comes to right-wing populist measures in the socio-economic field, policies are expected to reflect the following three main features: nativism, authoritarianism and populism (Rathgeb, 2020). As for nativism, it could be expected that exclusionary measures will be introduced to the existing framework, thus making welfare institutions less attractive to potential "takers from below". A clear narrative about "the deserving people" and "the undeserving non-people" should define the nature and extent of redistribution favored by populist actors. In relation to this, a certain level of authoritarianism may be reflected in actual punishments of designated groups of "the non-people" (e.g. unemployed, single people, etc.). In sharp contrast, the adopted measures may include specific tax breaks and regulatory safeguards for the "deserving people" (e.g. child benefits and social insurance rights of long-time workers). In terms of populism, it is expected that policies will attack privileges and entitlements that were allegedly used to cement unfair advantages for "corrupt elites" at the cost of "the people". Additionally, at the procedural level, state dominance, exclusionary practices and political and moral justifications are expected, as populists do not need to listen to the opinion of those representing "the non-people", yet allegedly fight a moral battle for "the people".

Populism and family policy in Hungary after 2010

What we already know

The socio-economic policies of the Orbán regime have already been analyzed in the literature. While this provides relevant insight into the policy proposals and actions of the government, it does not approach the topic through the lenses of populism either at the narrative or at the action levels (with the

potential albeit limited example of Bartha et al., 2020). Szikra (2014) analyzed the social policy changes carried out between 2010 and 2014 and argued that measures reflected both neoliberal, *etatist* and neo-conservative elements (cf. Fenger, 2018). Through the examples of private pension funds, public works programs and family policies, it was demonstrated that the government was explicitly promoting "traditional families", an increased involvement of the state in different socio-economic areas, and a reverse redistribution towards the wealthy. Interestingly, it is argued that many of these steps were the result of the new constitutional framework (see corresponding chapter in this volume).

While Szikra provides an informative assessment, the findings are not integrated within a populist framework, which clearly could have been argued for. Policy measures did reflect a division between deserving and undeserving members of the society: instead of guaranteeing equal importance of every child through the strengthening of universal family allowances (which lost much of their value in the past decade), government actions redirected funds to boost fertility explicitly among working families; instead of helping people without a job, the length of unemployment insurance was cut along with other social benefits, and instead assistance was often linked to public work programs. Essentially, a "workfare society" was adopted as a model where "the 'idle poor' [was] increasingly deprived from social rights to any financial assistance" (Szikra, 2014, p. 493). In a later, more extended version that also included government policies between 2014 and 2017, Szikra once again claimed that there was a "boost of redistribution towards the better-off along with serious cuts of benefits accessible to the poor and those with weak or no connection to the labor market" (Szikra, 2018c, p. 6), along with measures according to which "families with unstable labor market positions are not promoted through family policy means" (Szikra, 2018c, p. 8). Toplišek actually talked – in relation to socio-economic policies of the Orbán government – about "a starkly anti-poor and workfarist agenda" (Toplišek, 2020, p. 395). As a result, increasingly, married couples not only enjoyed generous tax-relief, but could also benefit from other specific financial support programs targeted at their housing needs. This latter was also linked to two years of work-related social contribution payments, which once again cut many single-earner families out. Bluhm and Varga (2020) described this practice under the notion "redistributive conservatism", while Fabry (2019) labeled the practice "authoritarian neoliberalism" with heterodox measures (cf. Bartha et al., 2020; Chandler, 2020).

Szikra (2019) later argued that Orbán's policies reflected an ideology which was termed "post-communist traditionalism" which combined pragmatist and ideologically driven components and manifested itself through both symbolic and actual measures. For instance, the traditional family model is not only supported through a governmental narrative but also through financial redistribution programs. It should be highlighted that, by itself, directed assistance to families should not – under any circumstances – be considered

as populist *per se*. However, when policies are coupled with exclusionary discourse and action, suspicion grows exponentially. As Szikra points out – once again not embedding the empirical evidence within a framework of populism – not only was the goal to increase the welfare of only particular families, a strong anti-LGBTQ narrative was formulated which claimed that LGBTQ people were the cause of low fertility rates and the decline of the economy as they undermined the traditional family models that served as the basis of the economy (on the gender aspect see also Lugosi, 2018). As an important sidenote, it needs to be mentioned that gender studies were banned in Hungarian universities as it was claimed that they were antagonistic to family values. To further cement the notion of "the deserving people" versus "the undeserving non-people", the Orbán government toyed with the idea of launching further measures, such as giving extra voting rights to families with children, or the introduction of a special tax on childless couples.

As a last remark, one may add that, while there has been a strong anti-immigrant campaign in Hungary, the takers from below (Rathgeb, 2020) are much more equated with the local minority, the Roma, that is often pictured as a self-serving community living off the wealth created by the deserving Hungarian ethnic majority.

The populist narrative

While Lugosi (2018), Szikra (2019), Fabry (2019), Toplišek (2020), Chandler (2020) attempted to frame the nature of socio-economic policies of the Orbán government after 2010, only Chandler, Lugosi and later Bartha et al. (2020) approached the topic from the perspective of populism (although not based on a mainstream ideological conceptualization of the term). Besides the analytical added value of the work delivered by the latter group of scholars, two main aspects seem to be missing from the literature: a systematic analysis of the populist narrative built around social policy, or more specifically family policy, and an evaluation of the impact of policy measures (as an exception in relation to labor policies and inequalities, see Szikra, 2018b). In the following, this chapter aims to fill these gaps and first provides a thorough assessment of the discourse of the government. The different aspects of the populist ideology will be highlighted through speeches and interviews of the Prime Minister, Viktor Orbán.

When Orbán returned to power in 2010, Hungary was still suffering from the effects of the economic and financial crisis which had started under the previous socialist government. Given the situation, "the corrupt elite" in relation to socio-economic issues was first defined along economic lines:

> In 2002 we said that if the left form a government then it will really be international big capital that forms a government, and there will be a huge price to pay for the country and the people of Hungary. And this is exactly what happened. Six brutal austerity packages, twenty-four

> increases in public utility charges, the taking away of a whole months' pension, the taking away of a whole months' wages and a whole year of childcare support, the abolishing of family tax benefits; this is what the eight years of government by the left cost people.[1]

Later, Orbán expressed antagonism towards the political opposition in a much clearer and populist phrasing:

> Don't forget that Hungarians can't rely on the opposition, who never voted for the most important decisions: they didn't vote for family tax allowances, tax cuts, preferential retirement rights for women, the Land Act, the rescue package for foreign currency debtors.[2]

Approaching the 2018 elections, the rhetoric linked to socio-economic matters became ever more divisive between "the honest people", "the corrupt elite" and "the dishonest non-people" that would support this elite:

> We, the millions with national feelings, are on one side; the elite "citizens of the world" are on the other side. We who believe in nation states, the defense of borders, the family and the value of work are on one side. And opposing us are those who want open society, a world without borders or nations, new forms of family, devalued work and cheap workers.[3]

At yet another occasion, the prime minister claimed that "the Government represents work, home, family and security; and in contrast to this, the opposition represents the policies that in the past have wrecked Hungary".[4]

In contrast to those allegedly trying to undermine the traditional, family-based social structure either in the public or political sphere, "the honest people" were equated with *working* families. The family as the basis of the society had already been cemented within the new constitutional framework (see corresponding chapter in this volume), and served as the reference point for the socio-economic reforms initiated by the government. As Orbán explained:

> The majority of people in Europe respect the family and do not want to accept the relativization, expansion of the concept of family, which I too support, which, as such, diminishes in significance and is even mocked at times. This is also why we endorsed a special law on the protection of families in Hungary.[5]

It is the exclusionary nature of the definition of families which actually provides socio-economic policies with a populist flavor. Orbán himself admitted – criticizing the "political correctness" of the Western, liberal world – that "if a government supports families, it sends the message that it sees other ways of life as inferior, and it is thus not inclusive".[6] Nevertheless, the division

does not only exist between families and other forms of social coexistence (e.g. unmarried couples or single parents raising children), but also between working and non-working families. As the Prime Minister argued, "There will be more and more family benefits which will only be available to those who work, in addition to raising children".[7] Although Orbán promised to care for those who were unable to work,[8] he admitted that under the new paradigm, it might be "difficult for those who are disadvantaged, but there is a certain level of security, which if one does not refuse work, is available to all".[9]

In sum, it could be argued that, over the years, a clear populist narrative has been created around the preferable group of "the people" (the working families). It should be stressed that there is nothing wrong with government policies that favor families, and these would not make them populist by definition. However, when there is a clear exclusionary aspect, and a narrative also refers to "undeserving non-people" and "corrupt elites" that exploited the existing welfare system, there is a politically charged, normative element emerging which should not be neglected.

While the delineation between "the people", "the non-people" and "the elite" has partly been spelled out, looking at the actual antagonism between these groups could further help crystallize their contours. Orbán's narrative relies on four different arguments: economic, cultural, political and moral.

The economic reasoning revolves around the antagonism between the ideas of a welfare and a "workfare" society. Already in 2012, the Prime Minister envisioned a blueprint according to which he would restructure socio-economic measures. As he argued:

> Hungary believes that we should not be striving to build a welfare society that was built in an era that has already ended, a welfare society that was never really established here … We should instead strive to create a work-based society. We should not be endeavoring to build a welfare society, but instead a workfare society.[10]

Later, Orbán doubled down on this claim and stressed that "We have to acknowledge, even if it is difficult, that the concept of welfare state is over. Instead of that, we have to build up workfare states and replace entitlements with a merit-based society".[11] The Prime Minister thus held it extremely relevant that "instead of the policy 'something for nothing', we shall pursue the policy of 'something for something'".[12] As he further explained in a wider context, "In Europe, welfare is not something you are entitled to as a matter of course: it is something that you have to work for".[13] Consequently, the policy line of the government was quite simple: "We do not pay social welfare if we do not receive something from the people in return".[14] In tune with the new constitutional framework, which aims to strike a right balance between rights and duties (see corresponding chapter in this volume), Orbán stressed that "the balance between benefits and responsibilities needed to be

restored”.[15] Accordingly, the idea was that “we must link work to child and family support”.[16] One of the cornerstones of this new system has been the family tax allowance, which clearly benefitted working families. As the Prime Minister explained:

> we introduced a tax system that clearly supports work, but we introduced it on a family basis, meaning that the constitution clearly states that the income that is required for the raising of a child cannot be taken away from people, i.e. it cannot be taxed. And this gave rise to this family tax system, which is a tax benefit received on the basis of the number of children people have.[17]

Those supporting and benefitting from this system allegedly stood in sharp contrast to those who supported “the tax system that was in effect in Hungary until 2010 [which] was anti-work, anti-enterprise and anti-family. And it succeeded in ruining the Hungarian economy”.[18] In sum, it could be argued – with Orbán’s words – that “the foundation of our family support system is an economic system based on work”[19] where they would “never finance welfare expenditure by taking on loans, foreign loans. Even if we drift into poverty or find ourselves in difficult circumstances, we will not use foreign loans to pay for social benefits, allowances or uncovered pay rises”.[20] By late 2013, early 2014, Orbán not only declared that the government “succeeded in moving from a welfare-based economy in the direction of a work-based economy”,[21] but that others in Europe had started to copy the Hungarian system.[22] Nevertheless, with the intensification of the migration/refugee crisis, the rhetoric of the government was enriched with a new element: “undeserving non-people” may take away funds from “the deserving people”. As Orbán explained it: “If we had to spend an annual amount of some nine million forints per head on immigrants we would have to set aside all our future development plans, all pension increases and all family support”.[23]

The populist claim about societal division does not only manifest itself through an economic antagonism in Orbán’s discourse, but also through a cultural cleavage. According to the Prime Minister, the idea of the traditional family was under a serious cultural attack in current times:

> Europe’s population is gradually dwindling, because the family is under constant attack, and many view raising a family as something that is in the way of self-fulfillment. The reduction of family communities based on stable commitments is a general tendency throughout Europe … Europe is moving towards a state where the religious will become unreligious, where national will make way to formations that are above national, and in which families will be replaced by individuals. They call this progress. This is the dominant intellectual trend in European politics today.[24]

Later, the Prime Minister doubled down on this, arguing that

> there is an aggressive secular political vision prevailing in European politics today that is called progression. They think that this future is desirable for Europeans today: we are going from religious towards irreligious, from national to supranational, from the family towards individualism … We have come to a point where such forms and ideas of human relations as the nation and the family have begun to be questionable. The original meaning of work and loans have also become uncertain in economic life. This means that important things – work, trust, family and nation – still exist but have become disengaged from the moral foundations that Christianity has provided for them.[25]

The cultural division between "the people", "the non-people" and "the elite" is indeed believed to be driven by the perspective on Christianity. As Orbán later explained:

> In Christian Europe there was honor in work, man had dignity, men and women were equal, the family was the basis of the nation, the nation was the basis of Europe, and states guaranteed security. In today's open-society Europe there are no borders; European people can be readily replaced with immigrants; the family has been transformed into an optional, fluid form of cohabitation; the nation, national identity and national pride are seen as negative and obsolete notions.[26]

Nevertheless, culturally speaking, the family-support policies of the Orbán government were not solely driven by religious concerns. Instead, as the Prime Minister argued: "pursuing a family-friendly policy agenda is for us a matter of necessity, of national necessity – or, if you like, a matter of national life and death".[27] Countering negative demographic trends is not only relevant from a national identity perspective for the administration, but also considered economically vital for future redistribution.

This cultural perspective feeds into the political arguments as well. In the populist narrative, there is a political division between "the people", "the non-people" and "the elite", which in this case, is strongly linked to the notion of family and all the socio-economic measures surrounding it. Orbán also relates the issue back to the question of liberal democracy:

> liberal democracy does not provide an answer to certain challenges. … It doesn't protect us in the sphere of families, because liberal democracy doesn't strengthen families: it maintains that there are many varieties of family, there are many varieties of lifestyle, and we mustn't make distinctions between them – in fact, if possible they should be granted equal status in the eyes of the law. One of the consequences of this is that we are living through a period of demographic decline.[28]

Later, he doubled down on this claim, making it clear who the opposing actors were: “liberal democracy sides with adaptable family models, while Christian democracy rests on the foundations of the Christian family model”.[29] Accordingly, the Prime Minister claimed that there was a fight against political correctness in the area of family policy even in the wider European context:

> When we create and adopt documents relating to the future, we continually fail to agree that the term “family” should even feature in those documents. When we suggest the incorporation of the word, there are some who oppose it, saying that even if we use the word, we can only use it in the plural, leaving open what the concept of family actually means, and what a European family comprises.[30]

Nevertheless, the political argument is also given a normative edge that is supposed to help delineate “the people” from “the non-people” and “the corrupt elite”. As was demonstrated before, Orbán often refers to “Christian morality” when it comes to his policies and politics. In relation to socio-economic matters in general, and family policy in particular, he even pointed out, without giving any specifics, that “the establishment of a work-based economy and society is not just a political and economic duty, but also a moral duty”.[31] One explanation of this normative stance that the Prime Minister himself provided also makes a clear delineation between “the deserving people” and “the non-deserving non-people”, which also relates back to the economic arguments provided for the newly established family support system:

> We are pursuing a family policy which does not support those who want to live off their families or those who want to live off their children, but those who want to live for their children. And this is why we are tying ever more benefits to work.[32]

This idea of a morally righteous behavior of families, which once again aims to balance rights with duties, is also reflected in other segments of the social support system. As Orbán later explained: “We similarly believe in the importance of linking benefits for children to the fulfillment of parental obligations. If parents fail to meet their obligations, they will not be able to receive child benefits from the central budget”.[33]

As a last feature of the populist ideology, the reflection of the notion of “popular sovereignty” will also be assessed in Orbán’s narrative on family policy. The government orchestrated a National Consultation on families. The institution of National Consultation is pictured by the administration as a tool that confirms the existence of a consensus about a specific topic. As Orbán put it:

> I thought that while it’s very difficult to ask every single person for their opinion on one issue or another, there are matters which are so important

> that they call for common points of understanding … I thought that there are a few issues on which it would be good for there to be general agreement.[34]

On another occasion, he stressed that

> We must repeatedly launch national consultations, because on difficult questions involving conflicts it is important that the country is united – or that the majority is united; and the best means to achieve this unity and create areas of agreement is the institution of the national consultation.[35]

In other words, consultations are used to convey the message: "your opinion matters, we are listening to the will of the people", irrespective of how "the people" is defined. Even Orbán himself stressed in relation to another consultation that "the governing parties launched a National Consultation, and they are enacting the will of the people as expressed in that consultation".[36] As the previous quotation indicated, this might only reflect a majority's voice, those who belong to "the people". In itself, it seems a noble and democratic objective, however, the method through which it is carried out seems to undermine the same objective and the legitimacy of the institution itself: as argued before, questions often seem to be directed towards a particular answer, and the results are not transparent at all. Furthermore, as Szikra (2019) and Bartha et al. (2020) highlight, the decision-making process in the socio-economic sphere lacked any consultation and stakeholder participation, which is a clear indication of a populist approach: the government is the only true representative of "the people", there is no need for consultations with other actors, who by definition, cannot represent "the will of the people".

Table 7.1 serves as a summary of the populist narrative built around the measures concerning the family support system. Given that the antagonism between "the people", "the non-people" and "the elite" is defined as a multi-level issue, it is expected that the government will pursue a rather heterodox policy line, which the existing literature also confirms.

The populist impact

The aim of the previous section was to help understand the drive behind the actual family policy measures of Viktor Orbán's populist government. While the existing literature has already summarized and described the most relevant actions of the current administration in this policy area, a more thorough analysis of the narrative adds to overall comprehension. The chapter now turns to the actual impact of populist policies and studies the socio-economic effects of the family support system through various data. Part of the aim here is to show how adopted measures actually led to the strengthening of the position of families along three of the four dimensions previously described.

Table 7.1 Orbán's populist narrative around family policy measures

"The deserving people"	*"The undeserving non-people" and "the corrupt elite"*	*The nature of antagonism*	*Popular sovereignty*
Traditional, working, better-off families	Unemployed Homeless Non-traditional family models LGBTQ communities Poor minorities/ immigrants	Cultural (traditional family values, ethno-nationalism versus liberal values) Economic ("takers" versus "makers") Political (liberal democrats versus Christian democrats) Moral (those interested in the survival of the nation and those that emphasize rights and duties versus those who don't)	Active state intervention, responsive government to guarantee the will of "the deserving people" through national consultation

As far as the economic dimension is concerned, according to the data provided by the Central Statistical Office (CSO) the social contribution to social security has declined from 22% in 2010 to 17.4% in 2018.[37] In comparison, Eurostat data show that the amount spent on social protection benefits per capita in Hungary went from 2,175€ in 2010 to 2,383€ in 2018.[38] When it comes to specific types of contribution, interestingly, family and child support contributions decreased from 2.9% of the GDP in 2010 to 2.1% in 2018.[39] This coincides with Eurostat data that show a decrease in per capita spending on family and child benefits (from 282€ in 2010 to 266€ in 2018).[40] Nevertheless, while it is true that the average amount of family allowance (*családi pótlék*) has decreased over this period, maternity leave payments (*gyermekgondozási díj*) have almost doubled (see also Figure 7.1).

Looking at the broader socio-economic impact, the government managed to cut the rate of those living in relative income poverty from 14.1% to 12.3%.[41] Nevertheless, the impact varies greatly across different social groups: in families without children, the rate went up from 8.9% in 2010 to 12.7% in 2018, while families with children experienced an opposite effect (18.8% in 2010 versus 11.3% in 2018).[42] The biggest increase may be witnessed in the situation of families with three or more children: their income poverty rate contracted from 35.4% in 2010 to 11.4% in 2018.[43] Additionally, at a more general level, the rate of people living in serious material deprivation went from 23.4% to 8.7%,[44] and the number of those facing the risk of poverty and social

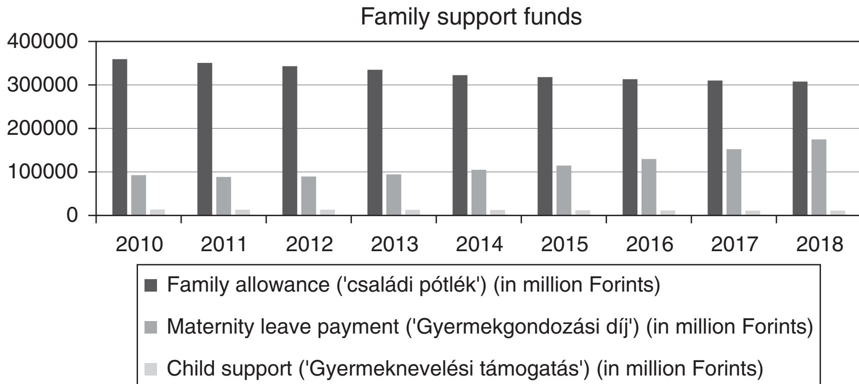

Figure 7.1 The amount spent on different types of family allowance in Hungary 2010–2018.

Source: CSO (KSH) data.

Table 7.2 Feeling of household income (1: living comfortably on present income; 2: coping on present income; 3: difficult on present income; 4: very difficult on present income)

	2010	*2012*	*2014*	*2016*	*2018*
legally married	3.1	2.83	2.75	2.32	2.59
in legally registered civil union	2.71	3	2	2	NA
legally divorced/civil union dissolved	2.72	2.93	2.74	2.54	2.46
widowed/civil partner died	2.76	2.78	2.65	2.5	2.5
none of these	2.54	2.75	2.44	2.28	2.28

Source: European Social Survey, Rounds 5–9.

exclusion has also decreased (from 31.5% to 18.9%) in the same time period.[45] This time, both families with and without children benefitted from the positive trend. Eurostat describes a similar picture although with slightly different numbers (from 29.9% in 2010 to 19.6% in 2018).[46] As far as material deprivation is concerned, Eurostat traces a decrease within the population from 39.9% in 2010 to 19.6% in 2018.[47] European Social Survey data also indicate an increase in household incomes across different marital statuses (see Table 7.2).

Although the rate of poverty seems to be decreasing in the country, it is not clear whether the generated wealth is distributed evenly across different social classes. According to CSO data, the relative net income increase varies slightly across the different deciles: the lowest decile witnessed a relative increase of 42% compared to 52% in the highest decile.[48] Based on CSO data, the inequality of income distribution, i.e. the ratio of total income received by the

Table 7.3 Inequality of income distribution

2010	*2011*	*2012*	*2013*	*2014*	*2015*	*2016*	*2017*	*2018*
3.41	3.94	4	4.29	4.33	4.3	4.26	4.27	4.35

Source: Eurostat[57]

20% of the population with the highest income (top quintile) to that received by the 20% of the population with the lowest income (lowest quintile) has changed from 4.64 in 2010 to 4.69 in 2018. This stands in contrast to Eurostat data which indicate a much stronger increase in inequality (see Table 7.3) As Csehi (2020) pointed out, the growing inequality within society was also mentioned in the Country-Specific Recommendation (CSR) of the European Commission.

In sum, the economic condition of families seems to have been enhanced through the government's measures, although the effects indicate a redirection of financial assistance away from the socio-economically more deprived groups without children to the better-off families with three or more children.

As far as the cultural position of families is concerned, although policies influencing demographic trends take a long time to show effects, it is worth looking at the major tendencies. Not only did the population shrink from 10.01 million in 2010 to 9.76 million in 2018, the number of children born also decreased from 90,335 in 2010 to 89,807 in 2018.[49] Nevertheless, in line with or perhaps as a consequence of the government's alleged aim to ensure the survival of the nation, the fertility rate increased from 1.25 in 2010 to 1.49 in 2018.[50] Additionally, the number of marriages went from 35,520 in 2010 to 50,828 in 2018 (while at the same time the number of divorces decreased),[51] which might have also been induced by the increased conditionality of family allowances on marriage. Although the European Value Survey (EVS) collected data only in 2008 and in 2017, it could be helpful in determining whether the societal evaluation of families has changed during the Orbán government or not. Two indicators have been selected for this purpose. On the question whether marriage was considered outdated, while 80% answered "no" in 2008, this went up to 84.4% in 2017. A similar trend can be witnessed in relation to the question whether it was a duty towards society to have children: the proportion of those who strongly agreed or agreed with the statement went from 34.4% in 2008 to 40.8% in 2017. Last, but not least, it has to be noted, in relation to the alleged cultural struggle between families and other forms of social coexistence, that in 2018 the government banned the gender studies curriculum from all universities in Hungary. Although the official explanation referred to a lack of demand for gender studies in the Hungarian job market, members of the governing party have previously argued that "the substance of gender studies stood in opposition to the values of the government".[52]

As for the political position of families, the populist impact is once again somewhat mixed. On the one hand, the new constitutional framework ensures a special place for families within the Hungarian society. As was argued in Chapter 1 of this volume, families are considered to be the principal framework of social coexistence, and thus the institution received special socio-economic and political protection. The Fourth Amendment to the Fundamental Law further specified the basis of the notion of family and defined it as a relationship between parents and children based on marriage (see corresponding chapter in this volume). According to a survey carried out by the close-to-government think-tank, Századvég, about the amendment, 83% of respondents agreed with the idea that a marriage was between a man and a woman.[53] Additionally, as was argued previously in the corresponding chapter on the constitution, the government cemented the family tax allowance system within the constitutional framework, allegedly according to the principles of popular sovereignty. Although the government's political discourse and action clearly are supportive of the idea of traditional, working families, not all measures were passed that were supposed to benefit "the deserving people" politically. In the National Consultation on the new Fundamental Law, people actually rejected the idea of guaranteeing additional voting rights to families with children, which was a rather regrettable decision on the Prime Minister's own account.[54] Whether there will be renewed attempts from the government to eventually push towards changes in the electoral process is yet to be seen, but based on a populist logic, it cannot certainly be excluded as a possibility.

Conclusion

The chapter focused on the impact of populism on a specific socio-economic policy field, namely family policy. Building upon the existing research on the link between populism and welfare policies, both the narrative and the impact of actual measures have been analyzed. It was shown how the family support system was built around a discourse that divided society into "the deserving people" (i.e. working families), "the undeserving non-people" (e.g. migrants who would take away the benefits from working families, others that exploited the existing welfare system, those that allegedly pursued anti-family attitudes) and "the corrupt elite" (i.e. those that created a welfare system that cemented unfair practices, provided opportunities for exploitation and even took away benefits from families[55]). This division was partly induced by the new constitutional framework that made the family the unit of societal coexistence, and was pursued through acts of discriminatory legalism which provoked serious criticism from various stakeholders (cf. Bartha et al., 2020), and essentially elevated "families" from a purely socio-economic issue into a highly politicized, cultural and moral reference point. Consequently, the antagonism between the above-mentioned groups were multi-dimensional: not only were "the people", "the non-people" and "the elite" differentiated based on their alleged economic perspective, but also on their cultural, political and moral

stances. It is this conflict-based, exclusionary differentiation that makes governmental policies essentially populist. Additionally, in line with the "popular sovereignty" objective of populism, the government claimed to have given more voice to "the people" not only through its policies, but also through procedures like the National Consultation that allegedly asked for the opinion of the people on family-related matters.

As far as the actual policy impact is concerned, the picture is rather mixed. On the one hand, the government spends less on family and child support, yet the addressees of financial assistance seem to be more concentrated. While family allowances, from which all families would benefit, have decreased in relative value, other child-support schemes that are linked to work have almost doubled in the past decade. One could therefore describe the government's policies as rather heterodox, combining welfare-chauvinist, welfare nostalgic and neoliberal elements as well (cf. Fenger, 2018). As a consequence, the level of relative income poverty has decreased among families with children, although it seems to have happened at the cost of families without children. In general, government policies have not only decreased the level of material deprivation, but also the risk of poverty and social exclusion of families with or without children. However, data indicate that working families with three or more children benefitted the most, and that the increase in wealth has been distributed across the different deciles of society rather equally, which then led to a relative growth in inequalities. There were additional proposals that failed that would have further cemented the favorable position of families within society: a special tax on families without children or the idea of giving additional voting rights to families with children.

Interestingly, while the government claims to support the traditional form of family, it does make certain differences among families. On the one hand, not all children are weighted equally in a family: the biggest tax cuts and the most generous housing assistance are enjoyed by working families raising three or more children. On the other hand, families of "the non-people", especially immigrants, fall under different evaluation: the government seriously opposed family-reunification policies throughout the management of the migration/refugee crisis.[56] Also, it has to be noted that the government's claim about being willing to know and act upon "the will of the people" is rather a political communication tool. In reality, on the one hand, family-policy-related decision-making lacked considerable consultation with stakeholders (Szikra, 2018a), while on the other hand, the National Consultation on families was not only incapable of providing meaningful societal input given the directed questions (Bátory & Svensson, 2019), but also lacked legitimacy given the transparency problems around the institution.

Last, but not least, the cultural and political position of families seems to have strengthened. The slight increase in the support for the institution of marriage and the idea of raising children indicates that the government's strong narrative and its targeted policies combined do have an impact on the society and its value structure.

Notes

1. 28 September 2013, speech delivered by Viktor Orbán at the 25th Congress of the Hungarian Civic Union.
2. 12 November 2017, speech delivered by Viktor Orbán at the 27th Congress of Fidesz.
3. 15 March 2018, speech delivered by Viktor Orbán in commemoration of the 1848–1849 revolution and freedom fight.
4. 25 December 2018, speech delivered by Viktor Orbán, “Hungary has set out on an upward path”.
5. 8 May 2014, speech delivered by Viktor Orbán at the Europe Forum Conference.
6. 5 November 2015, speech delivered by Viktor Orbán at the Budapest Demographic Forum.
7. 7 May 2015, speech delivered by Viktor Orbán at the general meeting of the German-Hungarian Chamber of Industry and Commerce.
8. See 20 February 2015, speech delivered by Viktor Orbán at presentation ceremony for the Golden Umbrella Award.
9. 30 May 2013, speech delivered by Viktor Orbán at the conference titled: “National interest in focus”.
10. 16 November 2012, speech delivered by Viktor Orbán at the Hungarian-Slovakian Economic Forum.
11. 13 May 2013, speech delivered by Viktor Orbán at the Aleksanteri Institute of the University of Helsinki.
12. 6 November 2014, speech delivered by Viktor Orbán, “25 years of democracy and freedom in Europe”.
13. 21 September 2015, speech delivered by Viktor Orbán in Parliament.
14. 19 June 2015, speech delivered by Viktor Orbán at the round table of the Bratislava Global Security Forum.
15. 7 April 2016, address delivered by Viktor Orbán at the OECD.
16. 28 March 2014, television interview with Viktor Orbán, Echo TV, *Proof Sheet*.
17. Ibid.
18. 3 February 2014, speech delivered by Viktor Orbán in Parliament.
19. 26 May 2017, television interview with Viktor Orbán, Vásárhely Television.
20. 22 February 2013, the State of the Nation speech delivered by Viktor Orbán.
21. 1 March 2014, speech delivered by Viktor Orbán, “Government plans to increase the number of export-producing SMEs to 12000”.
22. See speech delivered by Viktor Orbán at the foundation for a Civil Hungary Award ceremony on 13 December 2013.
23. 9 March 2018, speech delivered by Viktor Orbán at the Inauguration of the Várpalota bypass route 8.
24. 17 November 2012, speech delivered by Viktor Orbán at Madrid’s Saint Paul University.
25. 15 April 2013, speech delivered by Viktor Orbán at the conference titled: “A Christian response to the challenges facing Europe”.
26. 28 July 2018, speech delivered by Viktor Orbán at the Bálványos Summer University.
27. 9 November 2017, speech delivered by Viktor Orbán at the 7th plenary session of the Hungarian Diaspora Council.
28. 25 May 2018, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.

29 28 July 2018, speech delivered by Viktor Orbán at the Bálványos Summer University.
30 5 November 2015, speech delivered by Viktor Orbán at the Budapest Demographic Forum.
31 28 September 2013, speech delivered by Viktor Orbán at the 25th Congress of the Hungarian Civic Union.
32 26 May 2017, television interview with Viktor Orbán, Vásárhely Television.
33 5 September 2019, speech delivered by Viktor Orbán at the 3rd Budapest Demographic Summit.
34 7 December 2018, radio interview with Viktor Orbán, Kossuth Rádió, *Good Morning, Hungary*.
35 19 January 2018, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.
36 Ibid.
37 www.ksh.hu/docs/hun/xstadat/xstadat_eves/i_fsv001b.html. Last accessed 28 August 2020.
38 Eurostat – Social protection expenditure – main results. https://ec.europa.eu/eurostat/data/database
39 www.ksh.hu/docs/hun/xstadat/xstadat_eves/i_fsv001b.html. Last accessed 28 August 2020.
40 Eurostat – Social protection expenditure – expenditure tables by benefits – family/children function. https://ec.europa.eu/eurostat/data/database. Last accessed 28 August 2020.
41 www.ksh.hu/docs/hun/xstadat/xstadat_eves/i_zaa007.html. Last accessed 30 August 2020.
42 Ibid.
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45 Ibid.
46 Eurostat – people at the risk of poverty or social exclusion – main indicator. https://ec.europa.eu/eurostat/data/database. Last accessed 30 August 2020.
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50 Ibid.
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52 https://hang.hu/belfold/2018/08/10/betiltanak-a-genderszakot-bencsik-gabor-tiltakozik/. Last accessed 2 October 2020.
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54 1 April 2011, TV interview with Viktor Orbán, HírTV, *Péntek 8*.
55 "The Socialist cabinet systematically cut back family allowances. First, they abolished tax concessions after children; then they lowered the duration of paid maternity leave to two years. From 2011, we re-instated this to its earlier level of three years and introduced a family-friendly taxation system for families with

children, which is more favorable than all forms of support so far". State of the Nation speech delivered by Viktor Orbán on 22 February 2013.

56 See, for example, 12 November, 2015, interview with Viktor Orbán in Swiss weekly, *Weltwoche*.

57 Eurostat – Income quintile share ration S80/S20 for disposable income by sex and age group. https://ec.europa.eu/eurostat/data/database. Last accessed 30 August 2020.

8 Cultural policy and populism in Hungary after 2010

Even though cultural explanations of the emergence of populism around the world are abundant (cf. Hawkins et al., 2017), detailed research on the impact of populism on culture itself still remains scarce. Part of the problem is that cultural policy covers a wide range of issues from the various strands of arts through religious affairs to education and sports, which makes a uniform approach somewhat challenging. This chapter, focusing on the explicit or *nominal* understanding of culture, provides an overview of the narrative and impact of populism in this field within the Hungarian context. It is argued here that after 2010 there was a clear trend represented by the government to bolster the notions of Christian and national culture, which were portrayed not only as a better depiction of "the will of the people" but also contrasted with the previous allegedly elitist, liberal cultural canon that was depicted as morally unjustified. Building on the rather limited number of studies on the link between culture and populism, the chapter draws up an analytical framework that helps study the populist impact on cultural policy both at the discursive and at the institutional, procedural levels. The Prime Minister's narrative on culture and the government's measures on structural changes are then used as illustrations. Much like in the case of family policy, it is pointed out that culture is turned from a private into a public affair, from an issue of taste into a question of moral and political declaration.

Cultural policy and populism

As pointed out before, the link between cultural policy and populism is a rather understudied field, despite the relevance of cultural explanations in the rise of populism (cf. "cultural backlash" theory by Norris and Inglehart, 2019). As Bonet and Zamorano highlighted, even though the emergence of radical-right, populist parties was often associated with the spread of "identity politics", the literature has so far "largely neglected the cultural dimension" (Bonet & Zamorano, 2020, p. 2), with the exception of a few country-specific case studies (Aksoy & Şeyben, 2015; Almeida, 2019; Connors, 2018).

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Consequently, the framework proposed here builds on studies which do not have an explicit populism focus. Instead, they analyze cultural policy from the point of view of illiberalism (Bonet & Zamorano, 2020; Kristóf, 2017), "power politics" (Bozóki, 2016; Oktatói Hálózat, 2020) or simply do not have any particular conceptual perspective (Almeida, 2019). Nevertheless, it could be argued that illiberalism-based analyses are implicitly populism-related as illiberal democracy may be closely attached to the ideal of a populist democracy (see corresponding chapter in this book), while other studies may enlighten individual components of a populist framework. It is not only the divergent conceptual approach and research focus on cultural policy which culminates in a low number of studies linking populism and culture, but also the challenge posed by the concept of "culture" itself, which could lead to different notions of "cultural policy" itself. Without attempting to summarize the broad literature on "culture", it should be sufficient here to draft a rather general definition that could serve as a basis to understand the notion of "cultural policy" and its relevance for the political phenomenon of populism. Mulcahy (2006) provides a broad overview of the idea of "culture". Using different definitions from dictionaries, the main components of the concept are highlighted. At the individual level culture is "the process of becoming educated, polished, refined; that is, cultured: the state of being civilized" (Mulcahy, 2006, p. 319). At the community level, it is often referred to as "the totality of socially transmitted behavior patterns, arts, beliefs, institutions, and all other products of work and thought; the predominant attitudes and behavior that characterize the functioning of a group or organization" (Mulcahy, 2006, p. 319). In line with this, Almeida argues that culture "revolves around the idea of a reproduction of a tradition" (Almeida, 2019, p. 275). Consequently, culture is mainly linked to arts, religion, education and sport, yet we can also talk about "culture of different fields", such as a "business culture", a "political culture", which describe behavioral patterns in said areas. Clearly, culture is a relevant and inseparable feature of social coexistence, which then may raise crucial questions for politics itself.

What is cultural policy and how is it relevant for the study of populism? Almeida (2019) adopts Ahearne's (2009) approach of explicit or nominal cultural policy, which only covers areas that are explicitly labelled as such. This rather narrow conceptualization is adopted in this chapter as well. As far as the political component is concerned, Kristóf provides a general, yet appropriate understanding and considers cultural policy as "government efforts to subsidize and control the arts … an overlapping zone between the fields of culture and politics, which is structurally conflict-ridden because of the different logic and interests of the two fields" (Kristóf, 2017, p. 129). Similarly, Vestheim claims that cultural policy "expresses a relationship between a political system and the cultural field" (Vestheim, 2012, p. 497). The political relevance of "culture" within a historical context is aptly summarized by Vestheim, who argues that "culture – in the form of artefacts, arts, beliefs,

values, attitudes and behaviors – was used for political purposes and power interests long before the dawn of liberal democracy of the late eighteenth and the early nineteenth centuries" (Vestheim, 2012, p. 496). In fact, "cultural policies are a form of 'hegemony' that is secured when the dominant culture uses education, philosophy, religion, aesthetics and art to make its dominance appear normal and natural to the heterogeneous groups that constitute society" (Miller & Yudice, 2002, p. 9). This latter quote brings us directly to the idea of populism and how populism as an ideology may be linked to culture and cultural policy.

The expected impact of populism on cultural policy may be characterized as follows: (1) it clearly establishes a division and antagonism between the culture of "the people" and that of "the elite" and "the non-people"; (2) it promises to reform the existing structure and processes built around and used within the different fields of culture in order to provide a better representation of "the will of the people" in cultural governance.

As for the separation of "the people" from "the elite" and "the non-people" in populist discourses about culture, this may be framed in various different ways. In relation to Turkey, Aksoy and Şeyben (2015) highlight that the governing party, AKP, has developed a cultural narrative that depicts a cleavage between religious-conservative and secular-liberal groups of the society. Similarly, in France, Almeida (2019) describes the FN's cultural policy as built around the distinction between "the real country" (i.e. the people) and "the legal France" (i.e. the political and administrative elites). Melito (2020), in relation to Poland, defined the division as a conflict between a counter-hegemonic, neo-traditionalist discourse and the liberal mainstream narrative (or traditionalism versus liberalism). Also talking about the case of Poland (and Hungary), Bonet and Zamorano point to the cultural division between a pure national culture and alleged anti-Catholic, anti-national sentiments which are considered "the expression of a moral and ideological corruption" (Bonet & Zamorano, 2020, p. 11). In general, much in line with Bonet and Zamorano's description of an "illiberal cultural policy", populist cultural policy attempts to create one particular form of legitimate culture which is reflective of a homogeneous "people" and at the same time shows "a disdain for elitist definitions of national culture" (Bonet & Zamorano, 2020, p. 5). Nevertheless, as Bozóki rightly points out, culture is "inherently diverse and autonomous in terms of its creation and reception and potentially unconventional in providing new modes of perception and thinking" (Bozóki, 2016, p. 89). Just as societies are heterogeneous, culture is expected to be mosaic-like as well (compare this notion with the different conceptualization of "the people" and "the demos" in the corresponding chapter on democracy in this volume). However, populists are expected to monopolize cultural symbols that could also strengthen the division between "us" and "them". What gives a clear populist flavor to this distinction is the fact that it describes not a simple "us" versus "them" political dichotomy, but rather a reflection of "an exclusionary and authoritarian conception of cultural policy" (Almeida,

2019, p. 270) which accuses "them" of occupying a morally unjust position in the cultural arena. In fact, populist cultural policy describes the policies of "them" as "mind control and censorship" (Almeida, 2019, p. 271) in order to bring about the end of the sovereign nation, i.e. "the homogeneous people". In other words, a populist understanding of cultural policy turns culture from a question of taste into a question of faith and moral judgment, from a simple enjoyment of art into a political declaration (Magyar, 2013a, p. 44), which – similar to what has been stressed in relation to family policy in the previous chapter – allows for further deepening of the division between "us" and "them".

As far as the second feature is concerned, populists aim to provide greater representation to "the will of the people" in culture as a correction to the existing unfair and corrupt system. In fact, they often argue that their approach to culture should be interpreted as a democratization of the cultural field that provides voice to those who had been "consigned to oblivion" (Almeida, 2019, p. 271) by the high culture of "the elites" previously. In relation to Hungary, Kristóf summarized it as follows:

> two parallel narratives used to dominate Hungarian intellectual life: according to the left-liberal view, the recruitment of the late communist period's cultural elite was primarily meritocratic, and cultural canons established in the transition period are culturally legitimate. According to right-wing intellectuals, leftist hegemony or dominance in culture is the product of 40 years of discretional adverse selection, and even after the regime change conservative and nationalistic views remained unfairly repressed by the post-communist elite.
>
> *(Kristóf, 2017, p. 130)*

Consequently, populist cultural policies may be interpreted as attacks on the cultural sector "to achieve the replacement of the elites" (Oktatói Hálózat, 2020, p. 17). Given the populist understanding of "the people=the government=the state", a populist approach to cultural policy is likely to influence the cultural policy model (Hillman-Chartrand & McCaughey, 1989) a government pursues. A populist actor is most likely to adopt the *Architect* model which postulates the existence of an intervening state that actively supports cultural production, distribution and reception. This derives from the fact that populists may look at cultural policy as an instrument to boost political agendas (Bonet & Zamorano, 2020), but also as an area that should satisfy the taste of the majority, i.e. "the people" in populist terms. Once again this refers back to the idea that populists are likely to adopt the view that there is *one* legitimate, homogeneous culture. This approach has important ramifications for cultural governance: only (s)elected representatives (i.e. the true voice of "the people") may determine cultural values, which should then be followed by the cultural elite

without questioning (compare this with the populist claim that they democratize access to the cultural field). In practical terms this manifests itself in various ways, from abolishing institutional autonomies, through the creation of alternative institutions and processes, to directed and uneven redistribution of financial resources. Kristóf (2017) interprets this within the framework of "post-communist traditionalism" in Hungary that not only rewrites the cultural canon but replaces the previous elite and reshuffles the resources in favor of a new one. The tools used may range "from state clientele networks to public-private corporatism under an illiberal patronage" (Bonet & Zamorano, 2020, p. 12), but as Bozóki rightly points out, "culture is a terrain that cannot be totally controlled" (Bozóki, 2016, p. 89). Nevertheless, it is expected that populists attempt to turn culture into "a handmaiden of politics", making its function "ideological and propagandistic" (Bozóki, 2016, p. 102). This is reflective of an understanding that "cultural policy is constitutive of the general will" (Connors, 2018, p. 316) which may then lead to a populist censoring of culture in the name of the "will of the people", a kind of "social-order protectionism".

In line with the general literature on cultural policy, the impact of populism on this field may be traced through four dimensions (Vestheim, 2012): (1) aims and ideologies, (2) institutional structure, (3) access and participation, (4) distribution of economic sources. Populism – as highlighted in the framework above – clearly influences all four aspects. First, it changes the narrative to stress the existence of a single legitimate culture, mostly embedded within a nationalist ideology. As Bozóki put it in relation to Hungary, the aim of the Fidesz government is a "politically homogenized culture of an ethnically defined national community" (Bozóki, 2016, p. 102). What makes the policies populist is their elevation of this homogenized culture into the political realm where it is used as a moral reference point based on which members of the community are grouped either as part of "the people" or "the non-people" and "the elite". Secondly, populism attempts to restructure previous institutional and procedural mechanisms in order to weaken allegedly "elite" structures and to favor its own loyal cultural elite (Kristóf, 2017). Thirdly, populism comes with the promise of democratizing the cultural arena. However, it generally proves to be democratic only for "the people" and rather authoritarian for others ("the non-people"). Last, but not least, populism aims to redistribute financial resources to culture reflective of "the will of the people". This may also lead to cutting funds from those who are critical towards a populist regime and who are deemed "anti-people" by the regime (see AKP policy on the National Theatre in Aksoy and Şeyben, 2015). Given that "cultural policy aims and ideas are rhetorical utterances, first of all they represent intentions, which must be analytically discerned from implemented and practical policy actions" (Vestheim, 2012, p. 498). As a result, in the following, the cultural policy impact will be analyzed along these four dimensions, focusing both on political narratives and actual policy measures.

Populist narrative of cultural policy in Hungary after 2010

Christianity and nationalism – ideologies driving the identification of "the people" and "the elite" in Orbán's populist discourse on cultural policy

Although both Bozóki (2016) and Kristóf (2017) claim that there is no clear policy program or coherent, ideology-driven cultural policy of the Orbán government, it is argued here that the narrative built around the issue of culture and cultural policy indicates the existence of a clear populist ideology. Accordingly, the discourse of the government focuses on two major elements: the identification of a cultural antagonism between "the people", "the elites" and "the non-people", and a claim to provide greater voice to "the will of the people" in cultural policies.

Given that populists – much like mainstream politicians – often act from a strategic standpoint (i.e. in consideration of which actions and measures increase political support), it is likely that the framing of societal conflict between "the honest people" and their alleged adversaries might be multidimensional, or change over time (Csehi, 2019). In fact, it is claimed here that there are various groups of culturally defined "corrupt elites", who, nevertheless, are, to a great extent, linked together over time in Orbán's narrative on Christianity and national identity. The discussion on the populist discourse of "the people" and "the elite" in the cultural policy field will start with Orbán's speech in Kötcse that predated his return to power. In the fall of 2009, he argued that elites had a responsibility in creating culture, and the problem of the then existing cultural elite in Hungary was that the society expected them less and less to define "the criteria of human worthiness", that is, the values that should direct our everyday lives. Furthermore, he claimed that the evaluation of the cultural elite had traditionally been linked to the success of governance. Consequently, talking about the left-liberal coalition, he stressed that

> governmental failure has discredited the culture-giving social-liberal communities as well … All things considered, to some extent they participated in the development and creation of a common thinking that led the country here [i.e. to the brink of economic collapse] … they might not have failed as writers, but as an elite, … a role-model providing elite, they surely failed.[1]

Almost a year later, as Prime Minister, Orbán turned the anti-elitist rhetoric into a full-blown populist narrative:

> the elitist, this kind of Bolshevik-liberal advance-party … that owns the positions, out of fear for its own position stigmatizes the representatives of ambitious groups that share, let's say a plebeian mentality. And then there is this stereotype that the latter are from the countryside, therefore

> they are uncultured … who are contrasted with the elite that is well-educated, well-read, speaks languages … [for this elite] what an awful sight it would be if sons of the people were in positions that were previously occupied by families of the elite based on ancestry and inheritance.[2]

The previous cultural elite, whom Orbán considers as descendants of the allegedly fading and failing 1968 generation,[3] is clearly contrasted with the representatives of "the people". This division linked to culture was voiced by the Prime Minister a few years later when he interpreted his return to power as follows: "There has been an uprising by those who are not usually asked, whose voices are not usually heard … the seemingly weak and vulnerable, those who have been forced into economic and cultural straightjackets".[4]

It should be noted that between 2012 (after the new constitutional framework has been established) and 2017 when the preparations for the new parliamentary elections were started, Orbán's focus on culture deviated somewhat from the criticism of "the elite", that is, the allegedly social-liberal cultural elite. This front was covered by Orbán's main "cultural warrior", the late Imre Kerényi,[5] who claimed that "cultural positions since 1945–48 have been the turf of left-liberals".[6] He depicted an antagonistic relationship between two types of culture ("left-liberal" versus "national") pointing to the "need to limit the left-liberal value-destruction within the cultural and intellectual life"[7]. Once again, it cannot be stressed enough that it is this implied moral division which turns the government's policies essentially populist.

Coming back to the narrative of the Prime Minister, who is the unquestionable figurehead of populism in Hungary, it has to be noted that "the corrupt elite" was not simply framed by him as the former social-liberal cultural upper class, but was interpreted more generally within a broader civilizationist framework (cf. Brubaker, 2017) that revolved around the ideas of Christianity and national identity. Simply put, the government devised a division between "the people", i.e. those that believed in and defended "Christian culture" and "national culture", and "the elite", i.e. those that supposedly were conspiring in the creation of a "post-Christian", "post-national"[8] Hungary. This narrative dates back to the early days of the second Orbán government, and it slowly grew into one discursive frame during the migration / refugee crisis; partly also because "Our Constitution acknowledges the role of Christianity in preserving the nation"[9] – as Orbán pointed out.

As a first step, the new Fundamental Law helped frame the existence of an alleged pro- versus anti-Christian cleavage (see corresponding chapter in this volume). Already in 2012, also as a response to the criticism laid against the new constitution, Orbán described the European political scene as one where well-organized political and intellectual forces aimed "to push back and undermine Christian culture, Christian civilization and Christian values".[10] Although this might seem a neutral, political statement, additional quotes from the Prime Minister will highlight the exclusionary, moral and thus populist, nature of his pro-Christian stance and narrative. Orbán expressed the

previously suggested political antagonism much more clearly in relation to the migration crisis: "A group of Europe's intellectual and political leaders wishes to create a mixed society in Europe which, within just a few generations, will utterly transform the cultural and ethnic composition of our continent – and consequently its Christian identity."[11] But what exactly is this Christian culture and Christian identity according to Orbán? Contrary to common belief that Christianity is perceived as a religion by the government, Orbán expressed it multiple times that

> Christianity and Christian culture are not simply questions of faith, but are also related to the culture that has developed out of Christianity. A faith-based knowledge and sensibility has created a culture that today we describe as our lives: our everyday lives, life as we live it, the form in which we maintain our lives, and the world in which we feel at home.[12]

On another occasion he further specified that Christianity

> determines how we think about freedom of religion and freedom of expression, how we think about personal responsibility, about the family, about our responsibility to our parents and our children, and about equal rights for men and women. All this can be called Christian culture.[13]

Consequently, Orbán claimed that, "regardless of whether one is a believer or not, the whole of Europe and all Europeans stand on the bedrock of Christian civilization and Christian culture: freedom, freedom of religion, equality between men and women, economic growth, work".[14] He also explained later that

> the Government is not defending articles of faith: although they are important, that is not the business of the Government; it is, however, our business to guard those ways of life which spring from Christian articles of faith. Therefore we defend human dignity, the family, faith communities and the nation.[15]

Nevertheless, as a Constitutional Court judge later stressed in relation to the seventh constitutional amendment providing for constitutional safeguard of Christianity:

> while the National Avowal acknowledges the Christian tradition, Article R) paragraph (4) renders Christian culture to be defended, so it is not about the acknowledgement and protection of Christian faith or Christian religion. From a general perspective, however, Christian culture may not be understood without Christian faith: culture sprouts from faith.[16]

Who are "the elite" that supposedly defy the "Christian cultural" values? In Orbán's words:

> a force like George Soros and his army … they believe in a multicultural Europe; they don't like Christian Europe; they don't like the traditions of a Christian Europe; and they definitely don't like Christians. … We, however, … we want to remain Christian. We insist on our European attitude to life, on our languages, our culture, our preferences, our way of life, our view of the family, relations between men and women and freedom of religion.[17]

The belief that the government and *only* the government may represent "Christian culture" – which is in line with "the will of the people" – and the attempt to depict all political opposition to this course as morally wrong and belonging to one monolithic group is a clear populist discursive tactic. Later, the Prime Minister embedded this division within a discussion on democracy, arguing that "liberal democracy is in favor of multiculturalism, while Christian democracy gives priority to Christian culture".[18] While it is clear that "the corrupt elite" is equated with a "Western multiculturalist European elite"[19] that believes in "liberal democracy", wants "to loosen the fabric of European culture"[20] and allegedly wages a "European cultural war"[21] against Christianity, "the non-people" narrative is not as clear cut. It would be a mistake to argue that anyone not conforming with the "Christian culture" falls into this category, as Orbán explained: "it is hardly the migrants whom we should be so angry with. The majority of them are also victims".[22] Nevertheless, with the government's harsh anti-migration rhetoric and practice even against migrants seeking the legal route to asylum, one is tempted to be skeptical about the non-exclusionary approach of the government. The Prime Minister himself foresaw this when he argued:

> there are all kinds of people living together in our society. And so, if we say that Hungary is a country that is built on Christian roots, that draws from the foundations of St Stephen, which is built on the foundations of St Stephen's church, then are we excluding those people [i.e. the non-Christians] from the nation?[23]

Orbán's populist discourse about culture was not only linked to the issue of Christianity though. A second feature which helped identify the culturally "honest people" and the culturally "corrupt elite" revolved around the idea of national identity. As much of the literature argues, right-wing populists believe in an ethnically homogeneous "people" that forms the imagined community of a nation. Although Orbán once claimed that "the Hungarian homeland … [was] a meeting point of cultures",[24] later he argued that

> We also see cultural homogeneity as important. This should, of course, be seen once again as diversity within certain limits: limits which do not permit the close coexistence of civilizations which are unable to mix in a cultural sense … I'm convinced that if we maintain ethnic homogeneity, and if we can keep cultural diversity within certain limits of cultural homogeneity, that will enhance the value of Hungary as a place.[25]

Culture, according to Orbán, was "a battlefield for the preservation of our national identity".[26] Within this framing, various types of "elites" have been depicted by the Prime Minister. At the domestic level, Orbán claimed that

> We have a culture which we built ourselves, in which an extremely important role is played by national identity and self-awareness: awareness of who we are. The Left doesn't see this as something positive: they've always seen it as negative, and they believe in internationalism transcending nations. We conservatives and Christian democrats believe that there are nations which must cooperate in the interest of peace and security. But the purpose of this cooperation is not to erase our national characters and our national interests. We believe in international cooperation. The Left is internationalist, and it attacks everything that strengthens the nation, while supporting – overtly or covertly – everything that weakens the nation.[27]

Later, he doubled down on this argument and stated:

> One camp – the camp we belong to – declares our national identity to be a source of pride … we derive energy from this patriotism; for us it is a source of pride, and it should be a part of our everyday cultural life. … in parallel with this there is another culture: one of self-hatred. Within this, some people continually seek out moments and events in Hungarian history – which undoubtedly took place – in order to explain that in reality we should not only perceive ourselves critically, but with hatred; and so, we should hate ourselves.[28]

This division which suggests a moral difference between the "two camps" is a clear indication of populist talk (cf. "the *honest* people" versus "the *corrupt* elite"). Nevertheless, the idea of national culture was not only threatened by "leftist, internationalist political actors with self-hatred for their homeland", but also by European and global political developments. As for the former, Orbán has constantly feared and obstructed the idea of ever closer political integration of the European Union. He saw the idea of a "United States of Europe" (which does not have wide-ranging support among European political leaders in the first place) as inherently dangerous for the survival of national culture. As he put it,

> the left, who want to sacrifice our thousand-year-old Hungarian statehood on the altar of some non-existent, now developing United States of Europe. Let's not go there, we shouldn't want anything to do with that. I recommend that we keep our Hungarian sovereignty, Hungarian traditions, Hungarian culture, Hungarian language, Hungarian economic interests and Hungarian political independence.[29]

Later, he repeated this populist, "us" versus "them" argument, claiming that "there are two political trends in Hungary: one which seeks to protect Hungary and the Hungarian people, and seeks to preserve our national culture and European identity; and one which for some reason works to oppose all this".[30]

As for the latter, migration was depicted as a double challenge: on the one hand, as explained in the previous section, it was seen as a threat to the alleged Christian culture of Europe, and also as a phenomenon that "destroys national culture".[31] On the other hand, given that it posed a pan-European challenge which required EU-level responses, it disrupted the delicate balance between pro-integrationist and pro-sovereigntist political groups. Not surprisingly, Orbán claimed that

> Brussels is not defending Europe and it is not halting immigration, but wants to support it and organize it. It wants to dilute the population of Europe and to replace it, to cast aside our culture, our way of life and everything which separates and distinguishes us Europeans from the other peoples of the world.[32]

The issue of migration actually helped Orbán combine and put the various groups of the alleged "elite" under one bracket (cf. Csehi, 2019):

> the Brussels vanguard and the other leaders who are opposed to nation states [who] see migration as a chance … to replace the European Union of nation states with a multicultural empire of mixed populations, smoothed into a unity: a Europe without nation states; an elite separated from its national roots; an alliance with multinational power groups; a coalition with financial speculators. This would be paradise for George Soros.[33]

In conclusion, the Orbán government has developed a populist discourse over the years which depicted three separate but over-time interlinked groups of "the corrupt elite": the former allegedly liberal cultural elite in Hungary, the multiculturalist and supposedly anti-Christian political elites, and the liberal and purportedly anti-national political elites. Against these stood the government that represented "the honest people", those identifying themselves with the Christian and national culture. Talking in the context of the 2018 parliamentary elections, Orbán summarized it as follows:

> we have two alternatives. We have our candidates, who want Hungary to remain a Hungarian country, and want to maintain our national Christian culture, however one interprets it … And on the other side there are George Soros's candidates, who want to transcend all this, who want to leave Christian and national traditions behind, who want to set it aside like an inconvenient burden, and who want to dissolve Hungary in some great internationalism.[34]

Once again, it has to be stressed that in itself opposition to certain political groups does not qualify as populist. It is the exclusionary nature, and the moral justification implied in the "us" versus "them" differentiation which adds a clearly populist tone to the political narrative.

Giving a voice to "the will of the people" in cultural policy

From the point of view of populism, it is not sufficient to argue that populists divide the society into morally divergent groups of "the people" and "the elite". Instead, it is essential to show how they also claim that existing structures do not guarantee a voice to "the will of the people" or even act against them, which they promise to correct. In relation to culture and cultural policy, this effectively means that they aim at redistributing resources, access and opportunities to those who allegedly represent the values and interests of the imagined group of "the people".

Domestically, the government's main line of argument was that the previously existing system unfairly favored supposedly left-liberal-leaning artists and created a "cordon sanitaire culturelle" (cf. Almeida, 2019) for the "conservative, Christian, national" representatives of culture. As a response, Kerényi argued: "it was you [i.e. the allegedly left-liberal cultural elite] until now, and now it's our turn".[35] As a response to the fact that "left-liberal cultural leadership has gravely brushed the national side aside",[36] he acknowledged that "it is without doubt that the culture and institutional framework of the national side was strengthening"[37] thanks to the governmental policies and reflective of what "the people" wanted. What gave this approach clearly populist characteristics was once again its exclusionary nature. As Kerényi argued, "the left-liberal side has to make peace with the idea that they will face seven years of famine in cultural policy … they have to experience it on the left what it is like when resources are not available".[38]

Linking to the "national and Christian" frame of his cultural policy narrative, Orbán claimed that "those who want to loosen the fabric of European culture and want a mixed population are serving a bad cause, and are acting against the will of the majority of Europeans and Hungarians. As such, they are anti-democrats."[39] The Prime Minister practically suggested, as the above quotation referred to as well, that his political opponents were acting in an undemocratic, illegitimate way (once again, bear in mind Orbán's conception of democracy, see corresponding chapter). He emphasized this feature before when asking:

> can a refugee policy be right if it is contrary to the will of the people? Is it possible to change the future, the demographic composition, public security and cultural fabric of a people in the name of some abstract, higher ideal against the people's will?[40]

On yet another occasion he asked:

> By whom and on what authority were European leaders tasked with not only admitting but transporting to the European continent hundreds of thousands of people from groups outside European culture, so that little by little our European cultural identity will be called into question? Who gave a mandate for this?[41]

Earlier, he even provided evidence to support his questions and claims:

> on the question of whether immigration changes the culture of a country, sixty-three per cent of the citizens of the twenty-eight Member States believe that it does. Meanwhile, the European elites claim that this is not so, and that these correlations do not exist.[42]

In contrast, Orbán's answer:

> we may not adopt decisions – those which significantly change people's lives and also determine the lives of future generations – over the heads of the people, and against the will of the European people. The quotas would redraw the ethnic, cultural and religious map of Hungary and of Europe.[43]

In summary, in line with the understanding of various groups of "the elite", the populist emphasis on popular sovereignty is also expressed through different dimensions. On the one hand, the government claims to rebalance the alleged cultural hegemony of the left-liberal cultural elite so as to give more voice to the "national side" which supposedly exclusively represents "the people". On the other hand, in a broader, European or even global context, Orbán insists that European political leadership has forsaken "the people", and has acted against "the will of the people" as it continuously undermines the cultural identity of "the people".

Populist measures in cultural policy in Hungary after 2010

After the discussion of the multidimensional populist narrative of the Orbán government in the field of cultural policy, it is essential to analyze how the ideational positions were actually translated into policy measures. Do governmental decisions support or rather challenge the populist discourse? In the following, through a few selected cases from the period 2010–2018, it shall be

highlighted how populist ideas were put into action. The issues considered are the constitutional guarantee of the defense of Christian culture, the publishing of the "National Library" and the creation of the Hungarian Arts Academy (HAA) along with the restructuring of the National Cultural Fund (NCF). Two remarks should be made here. First, while these questions may seem to be representative only of the domestic "left-liberal versus national" antagonism, with time, they also formed part of the wider *Kulturkampf* narrative. Secondly, as with the focus of the chapter, it is not claimed here that the selected cases cover all areas of cultural policy. Rather, the case analysis serves two purposes: on the one hand, it provides an analytical framework through which different strands of culture (from arts through education to sports) may be studied in the future. On the other hand, they are representative of the cultural field after all and are used to demonstrate the impact of a coherent, comprehensive but essentially populist approach to cultural policy in general. Additionally, they reflect both the symbolic and the institutional impacts.

The "National Library"

One symbolic measure that explicitly and unequivocally tackled the issue of the alleged "cordon sanitaire culturelle" was the publishing of the so-called "National Library". It was considered to be a canon-rewriting program (Kristóf, 2017) that was supposed to strengthen the "national" voice in literature. As Kerényi put it: "the canon of the national right should be strengthened, against the left-liberal canon that had hegemony for over 61 years".[44] In an interview with the pro-government daily, *Magyar Nemzet*, he further explained that "the 'National Library' is a canon reflective of the taste of the national-conservative side".[45] Not only is the "National Library" a good example of the projected antagonism of the "us" versus "them" mentality of populism, but it also provides a clear indication of the policy impact as well. The "National Library" is a government-funded program which was heavily criticized for multiple reasons. First, publishing companies claimed that it distorted the book publishing market through its regulated pricing which created a comparative disadvantage for the same literary work published by others. Secondly, the selection of contributors was also questioned, which started with the publication of one of the books of Cécile Tormay who (although nominated for the Nobel Prize in the 1930s) was sidelined for decades for her openly anti-Semitic orientation (see similar arguments highlighted in relation to the Front National in Almeida, 2019). As Kristóf explained: "the cult of radical nationalist authors contributes to the patriotic-nationalist character of post-communist traditionalism" (Kristóf, 2017, pp. 134–135). Nevertheless, the book series was foreseen as an "upwardly open" enterprise, meaning that it should be available for later additions, and Kerényi claimed that they were open to suggestions as to whom they should include in the "library".[46] It is worth noting that from June 2019 the "National Library" is not available for orders any more.

The Hungarian Academy of Arts and the restructuring of the National Cultural Fund

The new constitutional framework established in 2011 made reference to the HAA, the main responsibility of which was "to facilitate the prevalence and protection of the values of Hungarian and universal culture, the respect of the traditions of Hungarian arts and the birth of new and significant artistic works".[47] While this is a seemingly noble and legitimate objective, the founding and everyday activity of the academy triggered some criticism, and serves as one of the most prominent manifestations of the impact of populism on culture to this day. Before the Fundamental Law made the HAA a public body, for almost two decades it functioned as an independent social organization which "proudly declared its national commitment and conservative views" (Kristóf, 2017, p. 136). As an alternative, the Széchenyi Academy of Letters and Arts (SZALA) functioned under the Hungarian Academy of Sciences (HAS), which was thought of as an association of left-liberal artists. The government clearly created a favorable position for the HAA through its constitutional recognition and by assigning financial resources to the academy. In relation to this decision, the Constitutional Court also ruled that "the Act on transforming the Academy to public corporation was not fully in conformity with the requirements of neutrality and pluralism deriving from the freedom of art".[48] The fact that only the members of the former HAA (as a non-governmental organization) were able to become members of the new public corporation, who also gained the right to decide about prospective members, was regarded as not in full harmony with the requirement of plurality. In fact, as the late György Fekete, the former president of the HAA pointed out in an interview, to become a member in the HAA required obvious national feeling, and an indisputable national consciousness.[49] In another interview, he went even further and said, in relation to the "national consciousness" criteria and leftist and liberal artists becoming members of the HAA, that "if there is equal performance in the contest, let me love my own more".[50] Additionally, given that the HAA decided about financial resources, the neutrality and pluralism-related deficiency also meant that some artists were deprived of the opportunity to influence cultural life in Hungary. Despite the constitutional nonconformity, however, the Constitutional Court did not annul the constitutional provision as "it might have resulted in the infringement of rule of law, as the new public corporation has already started to operate and new legal relations have been commenced".[51] Not surprisingly then, the HAA, under the leadership of György Fekete,

> became a symbol of all the government's allegedly anti-liberal and traditionalist cultural views. After his authoritative public statements on Christian and national values in culture, fears of attempts to cultural homogenization and even censorship were raised in the cultural sphere.
>
> *(Kristóf, 2017, p. 137)*

One of the most controversial steps linked to the HAA was the government's decision to guarantee the public body a one-third influence over financial assistance distributed to artists through the NCF. The previous scheme divided the influence between the responsible ministry and the independent cultural associations. The government interpreted the change as a victory for independence as the state's influence was seemingly reduced, yet critics pointed out that the HAA was hardly independent from the government, thus the reform meant a *de facto* centralization of cultural funds. While it is almost impossible to assess whether this structural change has led to imbalanced practices of financial assistance (Kristóf, 2017, actually claims that no such imbalances may be traced in the *award-giving* practice of the HAA), it further strengthens the idea that "one group of artists" (i.e. members of the HAA) – that was deemed worthy by the choice of the government to provide them with public organizational status – gained additional power over the entire cultural field.

Cementing the "Christian culture"

In line with Orbán's call to defend and guarantee the survival of "Christian culture", the government initiated various measures to fulfill this aim. First, at the structural level, "Christian culture" gained not only constitutional recognition but also protection. The "National Avowal" which serves as a preamble to the constitution of Hungary acknowledges the role Christianity played in building and preserving the Hungarian state and nationhood. It is quite suggestive of "the people", however, that all other faiths are only referred to as "religious traditions". The neutrality of the state has been limited otherwise as well. During the migration/refugee crisis, Orbán claimed that

> Our response to this changed world, the Hungarian people's response, has been to replace the shipwreck of liberal democracy by building 21st-century Christian democracy. This guarantees human dignity, freedom and security, protects equality between men and women and the traditional family model, suppresses anti-Semitism, defends our Christian culture and offers our nation the chance of survival and growth. We are Christian democrats, and we want Christian democracy.[52]

As was already pointed out in Chapter 1 on populist constitutionalism, this aim to protect "Christian culture" was reflected in the seventh amendment to the Fundamental Law which provided constitutional safeguards: "the protection of the constitutional identity and Christian culture of Hungary shall be an obligation of every organ of the State" (Article R(4)). As was shown in the corresponding chapter, Orbán formulated this change in a clearly populist manner which not only suggested who belonged to "the people" (i.e. those adhering to "Christian culture"), but in various interviews also expressed who formed "the corrupt elite" and "the non-people" in turn.

Additional measures were supposed to reflect the safeguarding of "Christian culture" as well. The introduced and then withdrawn closure of all shops on Sunday (i.e. to sanctify the seventh day of the week), the making of Good Friday an official holiday, the creation of a state secretariat to help suppressed Christians around the world, are all indications of the government's objective to cement "Christian culture". Nevertheless, the government took some controversial steps in this regard as well. For instance, the religious status of the Hungarian Evangelical Fraternity was taken away after the new "church law" in 2011 was passed, and despite various positive court decisions (Constitutional Court, European Court of Human Rights), their situation has not been settled, which suggests that the government does not only distinguish between those adhering to "Christian culture" and those who don't, but also between – for the lack of a better word – "good Christians" and "bad Christians". Not surprisingly, a group of scholars argued that:

> The regime wields the concept of Christianity as a weapon against those who think differently or have a different religion. Forcing Christianity into a national mold denies its universal character. The regime interprets Christianity in a "tribal", ethnic, "pagan" framework, not considering it a value in itself, but an instrument: it is valuable as long as it protects "Hungarians" from "aliens".
>
> *(Oktatói Hálózat, 2020, p. 18)*

Conclusion

This chapter set out to analyze the impact of populism on cultural policy. While the field of culture covers a diverse area from education through arts to sports, this section of the book focused on the explicit or nominal notion of cultural policy, that is, only on themes that explicitly referred to culture as such. The added value of the analysis provided here may be summarized as follows: first, in contrast to other studies about the Orbán government's cultural policy, an approach explicitly focusing on populism has been used here. Secondly, empirically, the chapter relies on extensive narrative analysis as opposed to being confined to a handful of documents or statements as in other studies. Thirdly, the framework used clarifies the different dimensions of policy impact analysis and then combines discourse analysis with the study of corresponding policy measures.

In general, it was demonstrated that Orbán's populist narrative about culture divided society along three different dimensions. First, the government claimed that the previously existing system built around culture brushed certain representatives of the field aside, rendering them into a "cordon sanitaire culturelle". Secondly, he contrasted the allegedly left-liberally dominated cultural elite with those representing "national culture". This was no simple political differentiation, but a moral judgment characteristic of populism. The former President of the HAA even suggested that there was a positive and

a negative force in the emergent Hungarian *Kulturkampf*.[53] Thirdly, not only were "national commitment and consciousness" used as markers of the differentiation between representatives of culture as agents of "the people" and "the corrupt cultural elite", but also Christianity. These narrative frameworks were then translated into actual policy measures, as the examples of the "National Library", the creation of the HAA and the various attempts to safeguard "Christian culture" indicated. These all helped delineate who "the corrupt elite" and "the non-people" supporting them were, and were also claimed as corrections of the existing system to increase the voice of "the people". On the one hand, populist cultural policy thus claims to democratize the field, yet it only creates a favorable position for those it deems worthy, i.e. the true representatives of "the people". The logic behind this approach does not match with the pluralist idea of the demos: while it does not ask you to change who you are, it won't tolerate you either.

As a last remark, much in line with what Kristóf (2017) suggested, it could be argued here that changing the "cultural canon" was a clear attempt to provoke a cultural war, which was used to highlight "the corrupt elite" in the Orbán government's populist narrative. This was in some way an expected outcome, as Orbán himself argued that "we must embed the political system in a cultural era".[54] To what extent the populist impact on cultural policy leads to a vicious circle as described by Kotwas and Kubik (2019), whereby intensified cultural discourses (on Christianity and nationalism) create opportunities for actual populist measures which then may be used to further divide through cultural narratives, and so on, is yet to be determined.

Notes

1 5 September 2009, speech delivered by Viktor Orbán at the Civil Picnic in Kötcse. Words in brackets added by the author.
2 2 October 2010, interview with Viktor Orbán, HírTV, *Sziluett*.
3 See 8 October 2012, speech delivered by Viktor Orbán at the Hungarian Diaspora Council.
4 10 February 2017, State of the Nation address delivered by Viktor Orbán.
5 His official title was: "deputy of the prime minister responsible for laying the foundations of reflective national constitutional thinking and for performing the duties linked to the preservation and development of cultural values".
6 26 January 2013, ATV, *Csatt*.
7 http://valasz.hu/itthon/nem-vagyok-gyula-papa-43391/ Last accessed 19 October 2020.
8 18 February 2018, State of the Nation address delivered by Viktor Orbán.
9 31 October 2013, speech delivered by Viktor Orbán at the signing of the agreement between the government and the Evangelical-Lutheran Church in Hungary.
10 23 November 2012, speech delivered by Viktor Orbán at Madrid's St Paul University.
11 12 October 2017, speech delivered by Viktor Orbán at the International Consultation on Christian Persecution.

12 16 February 2018, speech delivered by Viktor Orbán at the Christian Democratic International's Conference on interfaith dialogue.
13 2 February 2018, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.
14 20 April 2018, radio interview with Viktor Orbán, Kossuth Rádió, *180 minutes*.
15 18 May 2018, speech delivered by Viktor Orbán upon forming the new government.
16 http://plwp.eu/files/2018/PLWP_2018-08_Schanda.pdf Last accessed: 20 October 2020.
17 8 June 2018, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.
18 28 July 2018, speech delivered by Viktor Orbán at the Bálványos Summer University.
19 15 September 2016, speech delivered by Viktor Orbán at the 15th anniversary of the foundation of the Andrássy University.
20 21 July 2017, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.
21 4 October 2018, speech delivered by Viktor Orbán at the inauguration of the House of Traditions.
22 28 February 2016, State of the Nation address delivered by Viktor Orbán.
23 28 March 2014, interview with Viktor Orbán, Echo TV, *Proof Sheet*. Words in brackets added by the author.
24 15 March 2015, speech delivered by Viktor Orbán at the commemoration of the 1848–1849 revolution and freedom fight.
25 28 February 2017, speech delivered by Viktor Orbán at the Hungarian Chamber of Commerce and Industry's ceremony to mark the start of the 2017 business year.
26 30 October 2017, Viktor Orbán's laudation at the presentation of the Grand Cross of the Order of Merit of Hungary to Kossuth and Munkácsy award-winning interior designer György Fekete, departing President of the Hungarian Academy of Arts.
27 1 April 2018, interview with Viktor Orbán, Echo TV, *Bayer Show*.
28 15 November 2018, speech delivered by Viktor Orbán at the 8th plenary session of the Hungarian Diaspora Council.
29 22 May 2014, "We must take the European Parliamentary elections seriously".
30 21 September 2015, speech delivered by Viktor Orbán in Parliament.
31 23 July 2016, speech delivered by Viktor Orbán at the Bálványos Summer University.
32 15 March 2018, speech delivered by Viktor Orbán at the commemoration of the 1848–1849 revolution and freedom fight.
33 23 October 2018, speech delivered by Viktor Orbán at the commemoration of the 1956 revolution and freedom fight.
34 1 April 2018, interview with Viktor Orbán, Echo TV, *Bayer Show*.
35 13 February 2017, ATV, *Csatt*. Words in brackets added by the author.
36 26 January 2013, ATV, *Csatt*.
37 Ibid.
38 Ibid.
39 21 July 2017, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.
40 4 March 2016, radio interview with Viktor Orbán, Kossuth Rádió, *180 Minutes*.
41 30 October 2015, address delivered by Viktor Orbán at the presentation of the discussion document: "Signs of Times".
42 23 July 2017, speech delivered by Viktor Orbán at the Bálványos Summer University.

43 24 February 2016, Viktor Orbán’s press conference.
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Conclusion

This volume has provided a systematic overview of the impact of populism in Hungary after Viktor Orbán's return to power in 2010. While issue-specific conclusions based on the 2010–2018 period have already been drawn at the end of each chapter, the aim here is to provide a framework that adequately describes the essence of Orbán's populism, and to look beyond 2018, shortly assess how his fourth term as Prime Minister – so far – further has strengthened the populist impact characterized in the individual chapters of the book.

A glimpse at the post-2018 period – the continuation of past practices

As it was clearly stated in the introduction to this volume, the time period under scrutiny here was confined to the years of the second and third Orbán government, between 2010 and 2018. Nevertheless, given the electoral success of the incumbent cabinet in the 2018 parliamentary election, the Prime Minister has continued building his "smart populism" further. In the following, a short overview with selected cases is provided of the post-2018 developments linked to the individual themes analyzed in this book.

Populist constitutionalism

Much in line with the notion of "populist constitutionalism" which considers constitution-making an open-ended process dependent upon "the will of the people", the Hungarian government adopted the ninth modification of the Fundamental Law in December 2020. This latest amendment,[1] among other things, further specifies "the morally justified people" by claiming that "the mother is a woman, and the father is a man". Once again, a private matter has been elevated into a moral reference point which aims to polarize society into two distinguishable camps: those that agree with cementing such values and principles into a basic law, and those that consider such moral justifications an intrusion into the privacy of the citizens of the state. Additionally, the amendment stresses that "Hungary protects the rights of children to self-identity based on their gender by birth, and guarantees their education based

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on the country's constitutional identity and Christian culture", which further deepens the cleavage formed around the instrumentalist uses of Christianity, and indirectly leads to further societal and political divisions.

The practice of populist constitutionalism is unlikely to fade in the coming years. That would be contradictory to the logic embedded in the populist ideology. Instead, it may be expected that the Fundamental Law will see further amendments depending on the political will of the populist government.

Discriminatory legalism

Similar to the case of "populist constitutionalism", discriminatory legalism did not cease to exist as a political practice after the 2018 parliamentary election. The *use* of discriminatory legalism was manifest in the late 2019 appointment of a deputy state secretary responsible for youth who – before her approval – would not have qualified for the position. Similarly, in early 2020, the so-called Lex Dézsi changed the electoral law, and allowed a doctor from the governing party to become a mayor of one of the major cities in Hungary without having to give up his medical practice. As far as the *abuse* of discriminatory legalism is concerned, the government decided to push the electoral system even further down the road of majoritarianism. According to the regulation adopted in December 2020, in order for a party to be able to have a national list, it needs to have at least 71 single-district candidates now as compared to the previously prescribed 27. This effectively hinders the possibility of opposition parties having separate party lists in elections, if they want to maintain electoral coordination in single districts so they stand a chance against the political monolith represented by the governing party(-coalition). It pushes the various opposition parties into one camp, which then may be exploited in an "us" versus "them" populist narrative. As for the *contingent use* of discriminatory legalism, the curtailing of the rights of MPs to oversee the functioning of public institutions qualifies as a new example. The new regulation was initiated after opposition MPs were literally thrown out of the building of the public broadcasting outlet, MTVA. According to the new measures, access to public institutions (such as the MTVA) is now linked to previously attained permissions from the head of said public institutions. Similarly, the increased sanctioning power of the President of the Parliament (currently occupied by Viktor Orbán's long-time personal friend) with brutally increased potential fines allows for discretionary abuses of law directed against an alleged "corrupt elite".

The state of democracy

Interestingly, when it comes to the overall quality of democracy, the V-Dem dataset traces no further deterioration in the data of the various democracy indices (with the exception of the electoral democracy index) from 2018 to 2019 (the latest available data). Similarly, the Freedom in the World 2020 Report of

the Freedom House detects no quantitative change in the scores from 2018 to 2019. However, this is hardly good news. On the one hand, the level of decay was so grim between 2010 and 2018 that anything other than a *major* boost in democratic quality comes short of a remedy, and would not challenge the view that populism is not an immune system gone rogue. On the other hand, the government continues to send mixed signals on its views of democracy and its basic principles both within the domestic and the broader, European context. As for the former, the democratic quality of the Enabling Act passed during the first wave of the Covid-19 pandemic triggered a public debate because of its potential for unlimited executive rule by decree.[2] Nevertheless, once again, Orbán played the situation smart: he handed back all emergency powers by essentially allowing the Parliament to do this, thus demonstrating not only his democratic commitment, but also highlighting the unfounded critical views of a "corrupt elite". As for the latter, the government's approach to the "rule of law" conditionalities attached to fiscal assistance of the EU also raised eyebrows within the community, and questioned Orbán's commitment to the principles enshrined in the Treaties.

Media politics

Similar to the already mentioned areas, the internal logic of populism turns it into a shark which – in order to survive – has to swim all the time. Accordingly, no consolidation could be expected in the government's approach to news media and journalism. As for the former we witnessed two parallel trends. On the one hand, the centralization of the media landscape has not slowed down. In fact, after the somewhat disappointing results of the local elections, the most widely read opposition online news outlet Index.hu came to be owned by close-to-government business figures in a highly convoluted and hardly transparent process. As a result, most of the journalists – spearheaded by the chief editor – handed in their resignation and later established the by-now up and running new platform Telex.hu, which is highly dependent upon the financial contribution of its readership, much like any opposition outlet these days. On the other hand, again as a response to the local election results, the government initiated a project which is supposed to reach out to the younger generation which seems to be either apolitical or rather critical towards Orbán and his policies. The newly established Pesti TV set off with the slogan "the revolution of normality", and claims to approach politics with openness and bluntness.

As far as journalism is concerned, there is nothing new under the sun. The government and Orbán personally still consider critical media outlets and their correspondents as non-representative of "the people", while pro-government journalists now openly admit that they are not willing to expose their readers to critical views of the government as this would alienate and upset them.[3] Interestingly, in Hungary, filter bubbles are not constructed mainly in social media platforms, but also in more traditional media outlets, it seems.

Party politics

In terms of party politics, much like in relation to the quality of democracy, not much has changed in the past two years. Trends have not changed considerably on the cleavages identified in the corresponding chapter of this volume. What we witness is the opposition parties' slow metamorphosis into one unified monolith against the government (which is further buttressed by the new amendments to the electoral law as highlighted above), and the strengthening of positions around the key cleavages (migration, EU and potentially democracy).

EU politics

Despite the contentious relationship between the government and "Brussels", a fresh survey maintains the unbroken support for European integration among the Hungarian electorate, with the caveat that supporters of the governing party have the least favorable view of the EU.[4] These most recent findings also underline the parallel trends of *constraining consensus*, and *permissive dissensus* highlighted in the corresponding chapter of the book. Additionally, while neither the Article 7 Procedure nor the decision on Fidesz's membership in the European People's Party has reached a conclusion yet, the political ties between the government, the EU and its other member states have slowly but steadily been weakened in the past two years. While Orbán seemingly won with the rejection of the *Spitzenkandidaten* system in the election process of the Commission President, his first nomination to the von der Leyen Commission failed to reach approval. Additionally, the European Court of Justice not only ruled against the government in the cases of Lex CEU and "Stop Soros" (already mentioned in the corresponding chapter), just recently it also found the government in violation of the Treaties in how it treated migrants in the Transit Zones. Last, but not least, although the political impact of the Prime Minister's initial veto in relation to the negotiations on the Next Generation EU recovery financial package and the new budgetary framework are yet to be evaluated, it is unlikely that it will have broadened the government's future room of maneuver. It is expected that the instrumental uses of Euroscepticism will continue to feature in Orbán's populist narratives, and for that the maintenance of the perception of an antagonistic relationship between Budapest and "Brussels" is inevitable.

Family policy

The government continued the socio-economic policies assisting "working", better-off families with children in the post-2018 period as well. In 2019, new measures were introduced which lowered the mortgage burdens of families with three children or more, provided them with financial assistance to

buy a car and exempted mothers with four children or more from paying income taxes. Additionally, generous fiscal benefits were granted to married couples willing to have children. As with the previous cases described in the corresponding chapter in this book, these new measures were also linked to requirements only fulfillable by those who had work-related social security coverage for a given time before the submission of their application. In the meantime, while basic family allowances accessible to all families irrespective of the number of children and other requirements have not been increased, the recently announced financial assistance for renovation may be used by anyone raising children.

Cultural policy

The *Kulturkampf*, waged in order to strengthen the allegedly suppressed voices of "Christian-conservative-nationalist" culture, did not fade with time. Quite the contrary, two parallel mechanisms seem to have intensified, both corroborating Orbán's claim that "culture is a combative terrain".[5] On the one hand, the occupation of culturally relevant institutions provided yet another episode in the form of the unilateral restructuring efforts of the University of Theater and Film Arts (abbreviated as SZFE in Hungarian) initiated by the government, which triggered both domestic and international criticism. Structural reforms were justified based on claims that students were exposed to (liberal and leftist) ideological indoctrination. The reforms were met with student protests and the occupation of the buildings of the university. The action was interpreted by the director of the National Theater, and the head of the newly established advisory board of the foundation that now owns the university, Attila Vidnyánszky, as a coordinated attempt by internationally induced "soldiers" to undermine the government and its policies.[6] The narrative and the measures are yet another example of the dynamics already described in the corresponding chapter of this volume.

On the other hand, there is growing evidence that a populist narrative is gaining ground among key representatives of the cultural sector. One of the latest peaks of this trend was delivered by the director of a museum who published an op-ed on a pro-government online news outlet where he likened Europe to "George Soros' gas chamber", and pushed the populist propaganda to the extreme. The op-ed was withdrawn and the director apologized. Nevertheless, such subservient behavior may be expected in the future with the ever-strengthening populist narratives of the government.

Smart populism and the challenge of responding to it

In July 2020, in-between two waves of the Covid-19 pandemic, Jan-Werner Müller wrote an opinion piece in the *Financial Times*.[7] In it, he essentially distinguished between "smart" populists who prove to be skilled in governance, like Orbán and the Indian Prime Minister, Modi, and those who were

simply interested in "TV antics", such as Donald J. Trump. While the notion of "smart populism" was not spelled out in detail by Müller, it is argued here that populism as manifested in Hungary in the past decade under the watchful eyes of Viktor Orbán, in fact, could be described as "smart populism".

What is "smart populism"? Before turning to the analytical discussion on this concept, a highly relevant normative question should be addressed first. By labeling Orbán's regime as a manifestation of "smart populism", it is not suggested here that the system created should be followed. As has been sufficiently argued in this volume, populism has had a major negative impact on the health of democratic institutions and processes, and led to cultural and socio-economic polarization, which by no means should be copied by any politician. "Smart" in this context refers solely to the way the populist regime was constructed and is being maintained by Orbán. "Smart" means intelligent, effective and being able to command difficult situations. It indicates a creative and highly responsive approach to governance and political engineering, which potentially makes it successful. It is not argued here that discriminatory legalism or an overall democratic decline, for instance, should be praised, rather the way in which it was designed and carried out may be described as smart for the survival of populism itself. One additional remark has to be added here which also carries a normative package: highlighting exactly *how* this "smart populism" was executed puts an ethical burden on the researcher, as it may be used for the wrong purposes. Nevertheless, the analysis provided here should be interpreted as a guide to recognize the emergence of "smart populism", and to potentially engage with it by knowing its nature.

So, once again, what is "smart populism"? First off, it has to be stressed that the notion of "smart populism" is to be considered as a suggestion rather than a full-blown analytical framework at this point. It may lead to more thorough theoretical investigations and analytical descriptions in the future, whereas here it simply serves as an overarching theme within which the individual lessons drawn from throughout the book could be interpreted. "Smart populism" as a slogan has recently been used by Canadian politician, Maxime Bernier who applied the term in reference to policies which reflected the principles of personal freedom, responsibility, fairness and respect. Contrary to this rather vague notion, "smart populism" is understood here as an application of populism as an ideology in a politically resourceful way which leads to the near invulnerability of the regime. The way "smart populism" approaches the definition of "the people", "the non-people" and "the elites", the manner in which it describes the antagonism between these groups and the mode in which it addresses the issue of popular sovereignty all pose a serious challenge to their political opponents because of the intelligent narrative and practical design of these components by "smart populists". Clearly, there is a difference between framing "the people" in an unintelligent, hardly believable and unacceptable way, and alternatively as a group which triggers a sufficient and respectable appeal among the electorate. Similarly, antagonism may be based

upon ridiculous, even outrageous ideas embedded within conspiracy theories, or it could highlight believable, albeit simplified, claims about existing socio-economic or cultural conflicts. Additionally, pushing for "the will of the people" may be carried out in aggressive as opposed to more subtle ways as well. The "smartness" of a populist leader relies on his or her capability to strike a right balance between being divisive and moderate, which then could facilitate the sustainability of his or her regime. It may be considered as a chess game where a "smart populist" plans the moves in an adaptive fashion way ahead of his or her opponents pushing them in a defensive and reactionary position.

How does "smart populism" manifest itself in the case of Orbán? First and foremost, Orbán's example shows that a "smart approach" is probably most viable in cases where populism is adopted as an ideology. As a "mental map" it may ensure a more principled attitude toward governance. In fact, Orbán's example nicely demonstrates that the only ideology his government is embedded in is populism. The thickening ideologies to give direction to his policies fluctuate from nativism (as seen in relation to EU politics), through conservatism (as seen in family policy approaches) to even neoliberalism (as seen in socio-economic policies). Populism, on the other hand, provides the overarching theme, the lenses through which decisions may be best anticipated, interpreted and understood. "Smart populism" as an ideology is reflected in the carefully designed polity-policy-politics developments which, despite the multifaceted criticism that they have triggered both domestically and internationally, continue to enjoy public support in the country.

Let's turn the discussion now towards the components of the ideational approach, and let's start with the concept of "the people". The individual case studies across the volume demonstrate two things. First, while Orbán's definition of "the people" always has an exclusionary characteristic, the discourse maintains a certain level of inner *flexibility* with which the Prime Minister may construct "the people" always adjusted to the situation at hand (e.g. "the people" equals "the Hungarians" in relation to "Brussels", but it transforms into the "Christian-conservative-national" part of society when dealing with issues of culture, while once again it transforms into "working families" when talking about socio-economic policies). In this sense, Orbán seems to acknowledge the incompleteness of "the people" characteristic of populists (cf. Espejo, 2017, p. 623). However, this inner openness is closed from time to time with a supply-driven government narrative of the notion of "the right people". As a result, instead of becoming the lead figure of an organically emerging "people", Orbán manages "the people" from above. Secondly, key to the ideational approach to populism, Orbán deliberately accentuates the *morally justified* feature of "the people". What is explicitly smart about this is that he chooses his definition carefully so as to create an almost impossible position for his opponents. After all, who would vote against policies that support *families*, identified as the moral forbearers in the quest for the survival of the nation? Who would question a system which allegedly promotes

national culture? In general, who would challenge policies that supposedly defend "the Hungarian people" from the machinations of a "corrupt international elite and their domestic puppets"? Abstaining from extremities, yet turning private matters of culture and identity into morally predetermined public affairs, may not only resonate with "the people", but also qualifies as a logical and defensible strategy.

Equally, Orbán's narrative about "the elite" may be interpreted as a carefully designed, almost lab-tested discourse. While some may argue that his opposition to the "Soros empire" qualifies as a conspiracy theory, it could be pointed out that choosing a controversial figure, George Soros, as the lead character embodying "the corrupt elite" was a smart choice, once again from the perspective of populism. Soros and his alleged network may symbolize the supposedly malevolent elite which opposes "the honest people" in economic (i.e. the speculator versus "the hard-working people"), cultural (the globalist versus the "nationals"), political (the liberal versus the conservative) and moral (good versus bad) terms. The *versatile application* of the same "corrupt elite" makes the narrative quite smart, and also explains why Orbán is not willing to part with the anti-Soros rhetoric. Through sporadic and suggestive "evidence", the government always manages to build a believable narrative (see also later) about a "Soros-mafia" which allegedly obstructed Orbán's constitution-writing efforts, undermined the government's legislative agenda and position within the EU, while constantly attacking its policies in the domestic and international media.

As far as the antagonism is concerned between "the people" and "the elite", "smart populism" once again requires a balancing act. For instance, the so-called Soros-narrative may not only fulfill "the people's" craving for an interpretation that justifies their exclusionary views but also depict them as proponents of a logical explanation. In other words, Orbán's "smart populism" offers a discourse which is "complex" enough to be taken seriously as a legitimate explanation by his voters, yet simple enough to be comprehended by them (cf. Castanho Silva et al., 2017). "Smart populism" may in fact use "logos" as a discursive appeal besides "ethos" and "pathos" (cf. Montgomery, 2017). Orbán, thus, managed to channel *conspiracies* directed towards a single person, and thus transformed relatively low levels of conspiracy beliefs into widely accepted populist frameworks (cf. Political Capital, 2018). Additionally, one may argue that, contrary to traditional conspiracy theories, Orbán accuses entities which have less and less power and influence (partly also due to Orbán's policies) of plotting against "the Hungarian people": civil society organizations, domestic political parties and their international counterparts who never had much legitimacy, and the media. A fight against those weak actors almost always ensures "victory", thus, a complete annihilation of them does not serve the goals of the regime. Another feature that makes Orbán's approach to the antagonism between "the people" and "the elite" smart, is its *provocative* nature. This feature is relevant as provocation is expected to trigger a counter-reaction against which one may not

only build a counter-narrative, but a populist could depict himself or herself as the defender of “the people”. The provocative character of Orbán’s populist narrative has featured in almost all themes covered in the book, and Orbán’s freedom-fighter rhetoric has centered around this idea that the Prime Minister is defending “the Hungarian people” against morally unjustified, globalist, liberal forces both domestically and within the international political arena. Provocation also serves a practical purpose: it helps keep “the people” together through constant mobilization in alleged defense of their interests. As a last point concerning antagonism, while it could be argued that populism in general opposes *gestures* towards the political opponents (i.e. there is no need to play nice with “the corrupt elite” and “the non-people” they claim to represent), a “smart populist” may selectively practice positive signaling, but only in cases which ensures saving their faces in a political conflict, and does not jeopardize the unity of “the people”. We have seen these rather harmless gestures manifested in the withdrawals of the proposed legislation on extra taxes on the internet, the Budapest Olympics bid and the Sunday shopping ban. One may actually argue that these already reflect a “smart populist” view on “the will of the people’.

In fact, a smart populist approach to the notion of popular sovereignty refers to a balancing act where populists could openly claim that they listen to the voice of “the people”, yet they would not risk their policies being rejected by “the people” as not representative of their will. This has been ensured by Orbán mainly through two different mechanisms. On the one hand, he made sure that ‘the will of the people’ was what he and his government wanted it to be. On the other hand, he only allowed a constrained form of popular sovereignty, where ‘the will of the people’ was allowed to be expressed only on issues Orbán permitted, and in a way which limited meaningful participation and autonomous thinking. As for the former, the constitutionalization process, Orbán’s party and EU politics demonstrated aptly that “the will of the people” was often supply-driven. To guarantee the success of this process, and as proof of the second mechanism, the overwhelming extent of government advertisements and the bogus practice of the so-called national consultations were referenced as evidence throughout the various chapters. These practices help maintain the view both internally and externally that the system built is nothing similar to an authoritarian regime.

In summary, “smart populism”

a) is an *adaptive* and *carefully designed* ideology where
b) “the people” is constantly (re)defined from above through a moral justification which makes opposition to it politically challenging,
c) “the elite” is selected based on its multifaceted applicability and relative weakness,
d) the antagonism between “the people” and “the elite” is built around a believable, complex yet comprehensible explanatory framework, and is often a result of a populism-induced provocation,

e) “popular sovereignty” is – contradictorily – supply-driven and void of mechanisms that would ensure the meaningful expression and influence of “the will of the people”, and
f) which may be easily translated into actual measures influencing the polity-policy-politics triad.

After this rather concise discussion on the notion of “smart populism”, three crucial questions remain to be answered. First, is “smartness” contingent on anything? It is argued here that the success of “smart populism” is dependent on resources, both financial and political. Clearly, the amount of money spent on a populist narrative, and the extent of political power with which the reform of the state may be carried out may influence the level of “smartness”. As was shown throughout the book, Orbán has crafted a symbiotic relationship between his discourse and policy measures.

Secondly, does “smart populism” have weak points, specifically linked to the “smart” component? At this point, a few weaknesses may be highlighted. First, the flexible (re)definition of “the people” may result in a whirlpool of conflating narratives which may be difficult to control and maintain without eventual contradictions. Also, it may lead to a situation where the expectations of “the people” turn out to be so high that nobody may qualify any more. Secondly, the crafting of the antagonism – based on its “moral reasoning” and simplicity – may lead to uncontestable taboos, which populists themselves often oppose and promise to get rid of, and thus could breed negative feelings against populists in the long run. Thirdly, and in relation to the second point, constrained forms of “popular sovereignty” do not relieve the government from the responsibility of governance. At most, it provides a fake sense of security for both “the people” and their government, and could potentially undermine the output legitimacy of the populist regime.

Lastly, and most importantly, what to do about “smart populism”? First, and foremost, “smart populism” requires – politically speaking – equally intelligent responses. It does not suffice, and in fact, it may be a counter-productive strategy, to try to “out-populism” the populists. Nevertheless, the risk of anti-populist forces becoming increasingly populist should be taken seriously. In relation to Hungary, the narrative that “we, the enlightened, modern, Westernized people” stand in opposition to the allegedly “uncivil, anti-progressive non-people and their corrupt representative, the government” should be avoided at all cost. Müller (2019) is right in pointing out that populists need to be respected, mainly because they often represent the valid and legitimate socio-economic and/or cultural grievances of the electorate. However, replying to the populist challenge cannot adopt the same strategies it attempts to question in the first place.

Secondly, a response to populism needs to engage with all components of the ideology in a meaningful and strategic manner, which may highlight its incoherence, and undermine its internal logic. It is argued here that the most crucial step in this process is the shifting of political focus from national to

local politics. In fact, with a full-blown, mature populist regime in place, top-down politics orchestrated through national-level actors is almost untenable, as highlighted above. Practically, any opposition, domestic or international, against the populist regime almost always backfires. Simply put, "smart populists" – through mobilization of their political and financial resources – interpret criticism as proofs of their previously constructed discourse that the government is defending "the will of the people" against the attacks of "the elite". National politics with its relative distance to the electorate, and broader international embeddedness enables such narratives. So, instead of trying to engage with the grandiose political agenda of populists in a reactive fashion, opposition to populism should focus on highlighting the controversies of populist ideology and governance from the local level up. Bringing politics closer to the people may effectively neutralize divisive and polarizing claims about "the people", "the elite", their alleged antagonism and the notion of popular sovereignty as well.

As far as "the people" are concerned, local engagement with the electorate and finding small-community-based solutions to the challenges they face may be used to build a more inclusive understanding of "the people". Showing a democratic alternative of a community to the public in contrast to the populist notion of "the people" may win over hearts. Authentic attempts at community-building which focus on inclusive strategies may highlight the dead-end approach of populism's understanding of a society.

Similarly, a shift to local politics may be beneficial in countering the narratives about "the corrupt elite". In fact, compared to well-known national politicians, it is much harder to make people believe that a person they know from their neighborhood actually is conspiring against "the will of the people". As the most recent municipality elections demonstrated in Hungary, despite government efforts to depict candidates of the opposition as part of the "Soros-mafia", such implications did not always work, especially in cases where credible, locally established and well-known contenders ran for public office (e.g. Péter Márki-Zay, the mayor of Hódmezővásárhely).

As for the antagonism, opposition to populism should adopt a proactive approach. Highlighting and repeating local-level concerns should help eclipse alleged conflicts populists have crafted. After all, access to healthcare, education or any other public service should resonate more with the people as opposed to distant, and fuzzy threats such as an alleged "liberal opinion-terror". Additionally, instead of accepting the machinations of a vague, "conspiring elite", the wrongdoings of local elites should attract much more attention, which could also be instrumentalized by an active and determined opposition.

Last, but not least, an anti-populist platform has to provide ways of meaningful participation for the people in contrast with the bogus practices of "smart populism", such as the national consultation. Small-scale deliberative and participatory democracy projects in local constituencies are not only affordable, but could also be depicted as sharp contrasts to populist

methods to uncover "the will of the people", and may serve as experiments for future, broader applications. Additionally, they may lead to more inclusive understandings and practices of democracy as opposed to national consultations which induce passive and reactive engagement by people. The mayor of the capital, Gergely Karácsony, in fact organized a four-day event in cooperation with a democracy-researching foundation, DemNet, for 50 randomly selected citizens of Budapest to deliberate on the climate strategy of the city.[8] Such events and processes may be utilized with the help of digital platforms which may further decrease the costs, a key factor for municipal politicians who may face constant budgetary tightening as a result of the Covid-19 pandemic.

In line with the argument put forward, we see that the first cracks in Orbán's "smart populist" regime were caused by local elections. While the results of the 2019 municipality elections should not be overrated, they do suggest that a bottom-up approach which does not spare mobilization efforts may bear political fruit in the end, even under unfair circumstances. Although local responses have started to emerge in Hungary, the opposition at the national level still commits the mistake of engaging with the government and its policies, which not only enables and legitimizes the spoof parliamentary democracy Orbán has created, but also allows the government to turn most of the efforts of its opposition against themselves. National responses to "smart populism" should be complete silence, passive resistance which could highlight the responsibility of a populist government in all policy failures and would not undermine the bottom-up effort to counter populism in the countryside.

However, "smart populism" is adaptive, and Orbán has already realized the danger in local mobilization. It comes as little surprise that – in response to the Covid-19 pandemic – he pursues lab-designed policies which put municipalities in difficult socio-economic situations and will eventually be used to depict opposition mayors as incompetent. It is likely that discriminatory legalism will additionally be pursued where national financial assistance will be transferred to municipalities based on discretionary decisions of the government. While it may be exhausting to constantly fight against opposite and unfair political currents, opposition to populism does not have the luxury of not having to get its hands dirty in political labors.

Notes

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