The decline of democracy - the rise of dictatorship

An appeal

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In a "New Year's appeal", thirteen intellectuals and public figures who opposed Hungary's communist regime in the 1970s outline their concerns about Hungary's new constitution and call on Europe to help halt a slide towards a new dictatorship.

The undersigned, participants of the erstwhile human rights and democracy movement that opposed the one-party communist regime in the 1970s and 1980s, believe that Hungarian society is not only the victim of the current economic crisis, but also the victim of its own government. The present government has snatched the democratic political tools from the hands of those who could use these tools to ameliorate their predicament. While chanting empty patriotic slogans, the government behaves in a most unpatriotic way by reducing its citizens to inactivity and impotence.

The constitutional system of Hungary has sunk into a critical situation. On the 1 January 2012, the new constitution of Hungary along with several fundamental laws came into force. Viktor Orbán’s government is intent on destroying the democratic rule of law, removing checks and balances, and pursuing a systematic policy of closing all autonomous institutions, including those of civil society, with the potential to criticise its omnipotence. At no point since the regime change of 1989, when communist dictatorship was crushed, has there been such an intense concentration of power in the region as in present-day Hungary.

Institutions with the authority to hold government activity in check have met a similar fate: Fidesz continuously deprives such institutions of their autonomy, blackmails them for survival, discharges professional management, takes unlawful decisions and moulds these institutions so that they can no longer control and correct government activity. Instead, in sharp contrast to their original function, they serve to augment unbridled autocracy. With the removal of the checks and balances, the whole Hungarian state has become subservient to the government, or rather to the prime minister. The parliament and the president obediently comply with the dictates of the cabinet. The Chief
Prosecutor’s Office, the Court of Justice and the Constitutional Court, their staff having been radically reshuffled and their competence curtailed by new laws, now act as the lengthened arms of the government. While local councils have lost the better part of their clout, semi-autonomous institutions such as the Court of Auditors, the Hungarian Press Agency, the Hungarian Academy of Sciences and the National Cultural Fund might well be regarded today as semi-governmental agencies. Arbitration committees, including the now defunct National Conciliation Council, have been disbanded.

1. Legislative power

Fidesz created a system that put an end to genuine debate in and outside the parliament. By excluding stakeholders, it turned parliament into a virtual one-party powerhouse. It has been stripped of even a semblance of lawful parliamentary protocol. By modifying house rules, Fidesz now has the exclusive right to pass any bill into law and make decisions about any issue concerning parliamentary protocol, thus rendering the existence of opposition parties a mere formality. Bills are rushed through legislation with no debate worthy of mention.

2. Executive power

Now that a considerable proportion of proposals and amendments are submitted by individual members of parliament who make no effort to seek consensus and often ignore relevant ministries, professional and accountable governance have ceased to exist. This is a telling sign of the way power-sharing has become a mere facade, leaving ministries and ministers toothless. The president, who is supposed to act independently of government and political parties, thereby being a living symbol of constitutional order, is a man who promptly signs any document pushed on his desk; by disregarding the constitutional role bestowed on him, he is no more than a puppet of the executive power.

3. Jurisdiction

Numerous changes in legislation have been made that testify the direct political intentions to ignore democratic rules of law.

* The Constitutional Court, the ultimate institution to safeguard legality, has been gradually turned into a weightless body. The number of judges has been increased, with members known to be loyal to the ruling parties (including a former minister and a member of parliament, both Fidesz party members). The scope of the Court has been narrowed, partly by depriving it of arbitration on economic issues.
* Established as part of the judiciary reform, the National Judiciary Office (NJO) is under direct political influence. Instead of being an independent professional body, the chairperson of NJO, who happens to be the wife of a Fidesz MEP, has the exclusive right to appoint, delegate and promote judges, as well as to determine which court deals with which case. The chair of NJO has been elected for nine years by a two-thirds parliamentary majority; short of a qualified majority in the future, the chair may remain in her post indefinitely.
* While retirement age has been raised across the board, a significant proportion of leading judges has been forced into retirement. The judiciary has thus become
existentially dependent.
* The Chief Prosecutor, who has the exclusive right to decide which case may be forwarded to the Court of Justice and which court should hear it, is a politician of the ruling party.
* In the future, suspects and the accused may be deprived of the opportunity to consult their solicitors.

This new system marks the end of independent jurisdiction in Hungary.

4. The media

Fidesz intends to place the entire media under its control and regulation, hindering any form of impartial, analytical and critical judgment of its policy.

* Originally destined to be an impartial forum, the public media have been forced to serve the government parties. Instead of professionalism, the only criterion for its continued existence is political loyalty.
* The news service has been centralised: the same news is broadcast on every channel.
* Recently established and authorised with unprecedented power, the National Media and Telecommunication Agency, chaired by a Fidesz loyalist, is able to exercise wide-ranging regulatory and sanctioning rights.
* Radio frequencies and television broadcasting rights are conferred in an arbitrary fashion.
* Independent press may be levied enormous fines, thus encouraging it to self-censure. Destined to lose state-sponsored advertisers as well as private ones scared of retaliation, disobedient newspapers run the risk of going bankrupt.

5. Election law

Democracy is posited on the condition that anyone may be voted out of office through peaceful measures. The new election law significantly restricts the opportunity to satisfy the will of citizens and realise a democratic change in the power structure. Instead of seeking consensus and a harmonisation of interests, Fidesz is intent on destroying rival political forces with the purpose of perpetuating its own power.

* Motivated by political considerations, the new election law has redrafted constituencies, thus creating a system which favours candidates of the ruling parties. Undeserving of constitutional democracies, no independent body has the right to veto the new distribution of constituencies.
* Fidesz has taken the unprecedented step to ensure that all the votes from the compensatory list go to the winning party; ignoring the will of the electorate, this clause will distort the final outcome of the election.
* The new single-round system will force rival opposition parties into a coalition.

Fidesz does its best to criminalise its rivals: twenty-one years after the fall of the communist regime, a new law has been passed in which the Hungarian Socialist Party, a democratic party of the Hungarian Parliament, has been deemed to be the legal successor of the former communist party.
In Hungary, liberal democracy as interpreted in the West has come to an end; the autonomy of power centres has become a formality. The government is thoroughly anti-democratic, according no respect to the sanctity of private property, eliminating local councils, and placing all channels of social mobility and public and higher education under its political control. It is obvious that the aim of the present government is to overhaul the entire society and, with recourse to threats and blackmail, to create a country incapable and too cowardly to defy its dictatorial rule. Under such conditions, Hungary would have stood no chance in 2004 of join the European Union, the community of the Western democracies. Regretfully, Hungary can only expect further isolation, impoverishment and hopelessness in the future.

Instead of searching for an alternative to replace this constitutional dictatorship, we had better consider ways in which we can get rid of it within the bounds of legality. The question is whether there is any chance at all to break out and reinstate the rule of law under the legal constraints imposed by Fidesz.

The advocates of democracy and the rule of law within and outside Hungary must not acquiesce in allowing the government of a member state of the European Union to crush these universal values. Nor should the European Union sit back and watch as it is held hostage by an outdated, provincial tyrant. It is in the interest both of Hungary and the European Union to make a stand against the prime minister of Hungary. The leaders of the European Union are right in their decision to tighten integration, but this step should be taken not only to combat the financial crisis. Closer integration should also be the response to political crises and risks. The European Union may not only disintegrate for economic reasons but also because its members pursue disparate and anti-democratic policies.

Because we regard ourselves as citizens both of Hungary and of Europe, we wish to avoid a clash of identities. We reject any political command that we give up our “dual citizenship”. If choose we need, our choice will be between the values of democracy and dictatorship – just as we did at the time of communist dictatorship. We are aware that the idea of a common Europe was born as an economic project, but this project is no more than wishful thinking unless its value system is accounted for and enforced, and unless lack of democratic values gets punished.

We are convinced that Hungary can become a country where the rule of law is reinstated. However, we must not forget that Fidesz, busy building a one-party dictatorship at an ever-growing speed, will never surrender unless compelled by the political representatives of Hungarian democrats, in compliance with the legal norms of democracy on which the European Union is founded.

The dictatorial rule has reached a point of no return; under the present circumstances, our country is unlikely to be able to find its way back to the rule of law. However, a debate along these lines is untimely when democratic forces are faced with the daunting task of uniting – in and outside the Parliament, with one another. We cannot afford the luxury of learning the lesson after a lost election.

Unity for the time being – and for a long time hence – implies obtaining mass support. The size of this support will determine the means available for the reinstatement of
democracy and the rule of law. Beyond raising its voice against the economic adventurism pursued by Orbán, Europe and the whole world will offer help for Hungarian democracy only after unity has been achieved with mass support to back it up.

Europe is at a crossroads too. Hungary is a sad example of what can happen wherever there is the attempts to resolve problems caused by economic and social crisis through authoritarian means and a policy of nationalist isolation. Instead of prosperity and stability, such a policy can only lead to suppression, conflict and turmoil. The desperate situation of present-day Hungary should be a warning for all of us: if Europe is prepared to help Hungary, it will also help itself.

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