

NECE WORKSHOP

“Fragility and Resilience of Democracies in Europe. Where now for Citizenship Education and Civil Societies?”

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Contribution to the session “*Illiberal Democracies II: The Case of Hungary*”

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In my intervention, I would like to raise three main points which are generally overlooked at the benefit of more legal points which can be more objectively judged against articles and provisions of European or International Treaties.

As opposed to this, I would prefer proposing the audience three softer areas to reflect on which in my opinion play a fundamental role in Viktor Orbán’s success in Hungary and the difficulty of liberal forces to counter him. These are the following:

- Cosmetic checks and balances,
- Self-censorship,
- Permanent campaigning.

Cosmetic checks and balances.

Many reports exist from watchdog NGOs as well as European institutions (both from the Council of Europe and the European Union) on the various measures of the Orbán government aimed at weakening the rule of law or the system of checks and balances in the country.

It is therefore probably enough to rapidly name some of them: various unilateral reforms of the constitution, modification of the electoral system, modification of the functioning and jurisdiction of the constitutional court, significant extension of the powers of the prosecutor general, modification of the country’s media governance, etc.

However, what is a fundamental common aspect of these measures is that none of them have actually fully abolished any of these institutions. Their key characteristic is that they are ambivalent: they manage to strike the right balance between weakening the checks and balances function of these institutions without getting above a certain threshold that would trigger long-lasting and wide popular discontent.

The nature of these measures forces opposition parties, NGOs or international institutions into technocratic and legalistic language when they try to denounce their perverse effects. This in turn is easily used in the political arena to ridicule these dissenting voices, minimize the relevance of their claims and portray them as agents of foreign forces pushing a secret agenda. It also allows to refute claims that freedom of expression is under threat in Hungary.

As a result, the institutions put in place to safeguard the constitutional order of the country were emptied of their substance and while they exist on paper, their effect is either fading or most of the time even reversed when the executive power appoints loyal friends to lead them.

Self-censorship.

Self-censorship is a phenomenon which is not discussed enough despite the fact that it has a profound chilling effect on public debate and on the emergence of dissenting voices around which masses could aggregate. Self-censorship is directly linked to intimidation which - by its nature - is very difficult to measure and to counter in legal terms.

In Hungary, there are at least three kinds of self-censorship that seem relevant to mention: self-censorship by citizens, by civil society and by the business sector.

In the case of citizens, there are a number of stories of people who prefer not to be seen at a demonstration or who do not dare sign a petition or even like a Facebook post because they are afraid that they will be fired the next day (even in the private sector which is wary of potential political retribution in case no strong action is taken to discipline a dissident employee).

In the case of civil society, a 2013-2015 very mediatized series of administrative and criminal investigations on a number of NGOs in Hungary resulted in small NGOs increasingly refraining from making dissenting declarations. This effect is strengthened by a recent law (and the accompanying rhetoric) requiring any NGO receiving more than € 24.000 to undergo a special registration procedure and add a disclaimer to all of its communications tools stating that it is “an NGO funded from abroad”.

In the case of the private sector, one symptom of self-censorship is seen in the fact that many opposing commercial media outlets (newspapers, blogs, radios, etc.) have seen their advertisement revenues shrink in the last years as the private sector stopped advertising on these platforms due to the wariness of political retribution by companies who prefer to avoid being seen as supporting these media outlets.

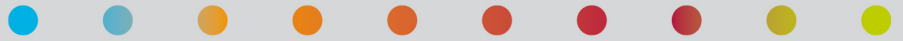
Permanent campaigning.

Another important strategy of the Hungarian government is the fact that it keeps the public opinion in a permanent state of alert via successive campaigns calling to resist some kind of external force that is trying to exert negative influence over the country or to harm the nation.

This kind of campaigning finds a very fertile ground in a collective conscience which, given Hungary's history, is partially based on the myth of resistance against external oppressors.

Especially since early 2015 and the Charlie Hebdo attacks, the Hungarian government has carried out increasingly aggressive campaigns geared against successive external enemies such as migrants, Brussels or George Soros.

Such campaigns provide an impression of unity and allow the government to appear as a protector of the people. This, combined with the government's influence on public and private media, results in the opposition being portrayed as a marginal critical voice. Opposition parties are left with the choice of either opposing the government's rhetoric and thereby risk being seen



as supporters of an external enemy of the country or remaining mute on the subject thereby losing any chance of differentiating themselves in the public opinion.

The tools of such campaigns comprise but are not limited to billboard and advertisement campaigns, so-called national consultations and a referendum that took place on 2 October 2016.

