

## **The Politicization of Migration and the Rise of Competitive Authoritarianism in Hungary**

Göçün Siyasallaşması ve Macaristan'da Rekabetçi Otoriterliğin Yükselişi

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### **Abstract**

Viktor Orbán, the Prime Minister of Hungary, has made inflammatory statements against asylum seekers and migrants defining them as “poison” and “not needed”. Orbán’s government carried out a public campaign against refugee quota plan introduced by European Commission. The public campaign has served to spark anti-migrant sentiments by circulating misleading messages that associated refugees with terrorism and sexual assault. This article seeks to analyze the role of Orbán’s anti-migrant and anti-refugee discourses on his rising authoritarianism in Hungary. It is argued that the political system of Hungary has been going through a gradual transition from democracy to competitive authoritarianism under Orbán’s rule and his anti-migrant propaganda have contributed to this transformation by dominating the public discourse and raising his political support. As an elected populist Orbán has been eroding the existing democratic institutions by making changes in the judicial, legislative, electoral arenas and pressurizing media through regulatory agencies. The Refugee Crisis of 2015 gave him the opportunity to create the sense of crisis and urgency which has helped him further consolidate his power.

**Keywords:** *Competitive Authoritarianism, Democracy, Political Systems*

### **Özet**

Macaristan Başbakanı Viktor Orbán Avrupa’daki sığınmacı ve mültecileri “zehir” ve “gereksiz” gibi kelimelerle tanımlayarak tahrik edici ifadeler kullanmaktadır. Orbán hükümeti, Avrupa Komisyonu tarafından hazırlanan Avrupa’ya sığınan mültecileri Avrupa Birliği üyesi ülkelere nüfuslarıyla orantılı olarak dağıtmayı amaçlayan mülteci kotası planına karşı bir kampanya yürütmüştür. Bu devlet kampanyası mültecileri terörle ve cinsel tacizle ilişkilendiren yanıltıcı mesajlar içererek halkta göçmen karşıtı hissiyatın yükselmesine hizmet etmiştir. Bu makale Orbán’ın göçmen ve mülteci karşıtı söyleminin Orbán’ın artan otoriterliği üzerindeki etkisini analiz etmeyi amaçlamaktadır. Orbán yönetiminde Macaristan’da rejimin demokrasiden rekabetçi otoriterliğe doğru bir dönüşüm geçirdiği ve Orbán’ın göçmen karşıtı propagandasının bu dönüşüme kamusal söylemi domine ederek ve Orbán’a olan desteği artırarak katkı sağladığı iddia edilmektedir. Seçilmiş bir populist olarak Orbán, demokrasinin kurumlarını yasama, yargı ve seçimlerle ilgili değişiklikler yaparak ve medyayı düzenleme kurumları vasıtasıyla baskı altında tutarak aşındırmaktadır. 2015 Mülteci

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Krizi de Orbán'a iktidarını devam ettirebilmek için gerekli olan kriz ve aciliyet hissini yaratmasında yardımcı olmuştur.

**Anahtar Kelimeler:** *Demokrasi, Rekabetçi Otoriterlik, Siyasal Sistemler*

## **Introduction**

It can be argued that one of the most shocking images of the refugee crisis<sup>2</sup> is the one where Hungarian journalist Petra László is seen kicking and tripping refugees – Picture 1. The incident happened on September 10<sup>th</sup> 2015, as hundreds of people were trying to break through a police line at Röszke, a small village close to the Hungarian-Serbian border (Quinn, 2015). László was fired and given three years of probation as a result of the global outrage sparked by the footage in 2017 (Reuters, 2015). On the same day of László's verdict, the Hungarian government which already had one of the toughest immigration policies in the European Union, introduced a new asylum procedure that would force all asylum seekers into detention camps while their asylum applications were being processed (Mackintosh, 2017).

**Picture 1: Petra Laszlo was filmed tripping a Syrian refugee carrying his child.**



Source: Reuters (2015)

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<sup>2</sup> In this article the term 'refugee crisis' is used in order to denote the situation which started with the increase in the number of refugees trying to enter Hungary in the summer of 2015. The author acknowledges that the term is problematic as it has at times been used to imply that the refugees themselves are to blame for the crisis. In sharp contrast to such stance, and as also noted by Gábor and Messing (2016), the author argues that the current crisis is one for the refugees and for European Institutions to a certain extent but certainly not one for Europe. Despite such polemic associate with the use of the term, in this article, the use of the term 'refugee crisis' will nonetheless be used but only for its generic sense.

Since the refugee crisis erupted in 2015, Viktor Orbán, the Prime-Minister of Hungary, has become the staunchest anti-migrant leader of Europe. His government has been severely criticized for its tough immigration measures such as building razor-wire in order to close the Serbian and Croatian borders. Orbán has carried out an anti-migrant campaign from the beginning of the refugee crisis both at national and international level. This article seeks to analyze the impact of his anti-migrant discourse on his rising authoritarianism. It will be argued that Hungary has been going through a regime change from liberal democracy to ‘competitive authoritarianism’ under Orbán’s rule and his anti-migrant discourse serves to conceal this regime change by dominating the public discourse and creating a sense of crisis and urgency that requires strict measures. The first part of the article makes a brief discussion on why ‘competitive authoritarianism’ is chosen to describe the new regime in Hungary. After briefly explaining the rise of Orbán to power in the second part, the changes made by the Orbán government in the judicial, legislative, electoral arenas and the media will be discussed to demonstrate how the playing field between opposition and governing party is skewed in favor of the incumbent. The last part discusses the politicization of migration by Orbán’s government and the impact of it on the regime transformation.

## **1. Competitive Authoritarianism**

Political systems can be placed on a scale between authoritarian regimes on the one end and democracies on the other end. Dahl (1971) defined seven requirements for the consolidation of democracy<sup>3</sup>: “elected officials, free and fair elections, inclusive suffrage, the right to run for office, freedom of expression, alternative information, and associational autonomy”. It is almost impossible to find an example that satisfies all of Dahl’s criteria. Even in Western democracies there are major issues related to migration, freedom of religion and expression, minorities. However, the fact that violations are temporary but not systemic still qualifies them as democracies. Since the end of the Cold War there has been an increase in numbers of regimes in between democracy and authoritarianism. Many of the regimes have adopted regular and multi-party elections but they have failed to provide the dimension of “freedom”. It is illustrative to note that “fairness of elections” which depends on the constitutional protection of freedom of expression, press and organization has become very problematic in many democracies.

Scholars have proposed different definitions and classifications in order to explain the regimes that “are neither clearly democratic nor conventionally

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<sup>3</sup> Dahl coined the term “polyarchy” or “political democracy” in order to differentiate liberal pluralist democracy from classical and ideal model where all citizens were directly involved in decision making processes.

authoritarian” (Diamond, 2002, p. 25)<sup>4</sup>. Levitsky and Way (2002) coined the term “competitive authoritarian regime” to refer to such type of “hybrid” regimes. Esen and Gumuscu (2016, 1598) argue that the difference between such regimes and “hegemonic authoritarianism” is that in competitive authoritarian regimes elections are regularly held and they are free of massive fraud whereas in hegemonic authoritarian regimes, elections are manipulated and rigged to insure that the incumbent is elected with a landslide victory. While the opposition parties are oppressed and silenced through legal and illegal measures in hegemonic authoritarianism, in competitive authoritarianism overt form of oppression of opposition such as party closures or criminalization of party members have not been preferred. Instead, Dahl’s requirements for democracy are violated “both frequent enough and serious enough to create an uneven playing field between government and opposition” (Levitsky & Way, 2002, p. 53).

The relationship between competitive authoritarianism and populism is explored by Levitsky and Way (2010) and they argue that when the democratic institutions are already weak, two features of populism, anti-elitism and anti-pluralism, can contribute to the consolidation of competitive authoritarianism. First, coming to power with a mandate to remove the existing elite and confront the establishment, elected populist “often assault institutions of horizontal accountability” (Levitsky&Loxton 2013, p.108). Second, populist claim that “the will of the people” should be realized at all cost can be used as an excuse for oppressing the opposition (Yabanci, 2016, p. 594). As noted by Müller (2016, p.10) “populists do not claim ‘We are the 99 percent.’ What they imply instead is ‘We are the 100 percent.’” By claiming exclusive representation of ‘the people’, elected populists are inclined to label opposition to their governments’ policies as opposition to ‘the people’.

The populist leadership of Orbán has played a significant role in the election victories of Fidesz in 2010 and 2014 and the consolidation of a competitive authoritarian regime under Orbán’s rule. The following section will briefly explain rise of Fidesz in the political landscape of Hungary and the role of Orbán in the success of Fidesz.

## **2. The Rise of Fidesz**

Following the end of the communist rule in 1989, Hungary embarked in a democratic transition which led to the country’s first democratic elections in 1990.<sup>5</sup> Between 1990 and 2010, Hungarian politics were dominated by left

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<sup>4</sup> For “hybrid regime” see (Diamond, 2002); for electoral authoritarianism see (Schedler, 2006). Competitive authoritarian regime can also be considered as a “subset” of electoral authoritarian regimes.

<sup>5</sup> Hungary is a parliamentary republic. The president is the head of state and is indirectly elected by the parliament for a four-year term, with a two-term limit. The president’s duties

liberal parties to the extent that the coalition of the Hungarian Socialist Party and the Hungarian Liberal Party had been in office for 12 out of 20 years (Wilkin, 2016). Fidesz (The Alliance of Young Democrats)<sup>6</sup> was founded in 1988 by Orbán and 36 university students as a completely new formation than the existing parties (Crowcroft, 2017). While at the beginning, the party was characterized as anti-communist, radical and liberal (Oltay, 2012), it has adopted different ideological orientations in later years. Fidesz challenged the Socialist Party in the 1990s elections and changed its orientation towards a more nationalist and conservative path under Orbán's leadership. It came to power in 1998 by building a coalition with smaller center right parties (Oltay, 2012).<sup>7</sup>

Fidesz narrowly lost the 2002 elections to the Socialist Party and this loss became a turning point for Fidesz. From then on, the party has shed all remains of its left-liberal past and has fully converted itself into a right-wing populist party (Oltay, 2012). The Fidesz-Christian Democratic People's Party<sup>8</sup> alliance won a two-thirds majority in parliament in 2010 and subsequently kept its majority in the 2014 elections (44.87 percent of the votes). It is further relevant to note that in 2014 elections while the opposition left-wing alliance received 25.57 percent of the votes, the Jobbik, the extreme-right party which has adopted a racist rhetoric notably against the Roma minority, increased its votes to 20.22 percent and became the second-largest party in parliament after Fidesz (Győri, 2015).

The populist leadership of Orbán has played a major role in getting the support of the constituencies who are ideologically committed to anti-elitism, nationalism and conservatism. As noted by Müller (2016) and Mudde (2004) populist leaders portray their political opponents as corrupt elites while they claim that they but only they can represent “the people” and be the voice of “the man in the street”. In order to build an image of “man of the people”, Orbán emphasized the fact that he grew up in the countryside with an authoritarian father figure, played football professionally and then went to law school. Orbán's personality is portrayed in the media as being one of his greatest political assets (Zalan, 2016). His sense of humor and lack of political correctness served to make him more accessible to the constituency. He described himself as “a village boy” or as being “without culture” in order to

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are ceremonial. The prime minister leads the government and is nominated by the president and elected by the parliament.

<sup>6</sup> Fidesz renamed itself “the Hungarian Civic Alliance” in its 1995 party congress. In the spring of 2003, Fidesz took its current name, “Fidesz – Hungarian Civic Union”.

<sup>7</sup> Hungarian Democratic Forum and the Independent Smallholders' Party.

<sup>8</sup> Christian Democratic People's Party provides three of twelve ministers in the current Orbán government. It could not get into parliament in 1998 and 2002 elections because of the five percent threshold. It could have gained representation in the last three elections by making an alliance with Fidesz.

differentiate himself from political figures leading the Socialist and Liberal Parties who he claimed as the members of “the elite”.

Before the 2010 elections, Orbán adopted a populist discourse catered to Hungary; here emphasizing the restoration of “real Hungary” based on Christian, conservative values and built around family (Tremlett and Messing 2015). It also presented Hungarians as the victims of Hungary’s left-liberal parties and foreigners – here mainly understood as the European Union bureaucracy (Tremlett and Messing 2015). As an example of the party’s entrenched conservatism – and close ties to what it refers to as ‘Christian values’ – one can note that the party’s program included statements such as: “all good Hungarians should have three children” (Wilkin, 2016, p. 54).

### **3. Regime Transformation**

Beyond Orbán’s populist leadership, there are several other factors that account for Fidesz election in 2014 such as the country’s relative economic growth (2013-2014) and the divided nature of the left-wing opposition (Györi, 2015). However a key contributing factor to Orbán’s re-election in 2014 is directly tied to the regime transformation Hungary has been experiencing since 2010. As discussed in the following section, the Orbán government has made major changes to the legislative, judicial, and electoral landscape of the country, as well as to the media and overall bureaucracy. It will be argued that these changes have systematically violated the criteria of democracy and provided Fidesz with privileged position compared to the opposition parties.

#### **3.1. Legislative and Judicial Changes**

The landslide 2010 electoral victory gave the Party enough parliament seats to change the Constitution and the ruling coalition voted on a new constitution - “the Fundamental Law” – which came into force on 1<sup>st</sup> January 2012 (Dempsey, 2011). In sharp contrast to the process leading to the adoption of the 1989 Constitution, which was the result of an inclusive and consensual process, the adoption of the Fundamental Law was sharply criticized by opposition parties. The latter were excluded from the process and the government did not submit the new Constitution to a public referendum, leading Bozoki (2015) to refer to such process as a “constitutional coup d’état”. The Venice Commission, one of Europe’s leading advisory bodies for legal and constitutional matters, emphasized that the new Constitution weakened the position of the Constitutional Court which has played a vital role in the Hungarian system of checks and balances (2011). The scope of the Constitutional Court’s jurisdiction was limited by the government after the court repealed several controversial laws<sup>9</sup> adopted

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<sup>9</sup> The Court ruled that the law mandating a lower retirement age for judges unconstitutional on July 16, 2012 (Reuters, 2012), found the law criminalizing homelessness against the

by the government. The head of the court used to be chosen by the members of the Court within their own rank but with the new constitution the parliament is now authorized to elect the President of the Court (Bozoki, 2015, p. 18) Additionally, the rules of nomination of the judges were changed; the number of judges in the Court was raised from 11 to 15 and all members of the Court are elected by the Parliament (Constitutional Court, 2012). The fact that 12 out of 15 Constitutional Court members have been nominated by the Fidesz since 2010 raises concerns about the Court's neutrality and independence. Scheppele, an expert on Hungary's Constitutional Court, notes that "the Constitutional Court has been stripped of its critical power and it no longer stands as the guardian of the Constitution against the excesses of majoritarian power" (cited in Novak, 2014).

### **3.2. Electoral Arena**

In addition to the adoption of the new Constitution, the Orbán government has made comprehensive changes to the country's electoral laws.<sup>10</sup> As a result of such electoral changes, and for the first time since Hungary's transition to democracy, the 2014 elections were made in a single round. This prevented the possibility for parties to form coalitions upon knowing the result of the elections. A second major change in the country's election laws brought forth by the Orbán administration was reducing the number of members of parliament from 386 to 199, and the number of constituencies from 176 to 106 (Sadecki, 2014). According to the Organization for Security and Co-operation in Europe (OSCE)<sup>11</sup> election-monitoring delegation's report, these modifications to the country's elections laws<sup>12</sup> were made without any parliamentary discussion involving opposition parties and "negatively affected the electoral process, including the removal of important checks and balances" (OSCE, 2014, p. 8). The changes made in the legal framework for elections constitutes one major indicator of the

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constitution on 12 November 2012 (HRW, 2012), decided that provisions narrowing the definition of family were unconstitutional on 17 December 2012 (HRW, 2013) and struck down the electoral law on 4 January 2013 (BBC, 2013).

<sup>10</sup> The Act on Election of Members of Parliament (Elections Act) was adopted in December 2011, and the Act on Election Procedures (Election Procedures Act) was declared in October 2012.

<sup>11</sup> The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deploys observation missions to assess the compliance of electoral process against OSCE commitments and other international obligations for democratic elections.

<sup>12</sup> The method for the reallocation of the surplus votes was changed which allowed for the Fidesz ruling coalition to gain six additional seats in the 2014 elections (OSCE 2014). Another modification was the redrawing electoral constituencies claiming that they reduced differences between the numbers of voters among electoral districts, (Bozoki, 2015, p. 20). The fact that several constituencies, where left leaning parties were powerful such as the 13. District in Budapest were split raised concern about politically motivated intervention of the incumbent on the election process (Nagy, 2011)

regime transformation from democracy to competitive authoritarianism in Hungary.

Levitsky and Loxton argue that elected populists who succeed in confrontation with the establishment “gain unchecked control over state institutions, which allows them to skew the playing field against opponents.” (2013, p. 108). Orbán has also prevailed in centralizing his power by appointing people who are in Fidesz circle as heads of major state institutions (Faris, 2017). New legislations passed by the Orbán government further allowed him to dismiss public employees without cause<sup>13</sup> (Bozoki, 2015, p. 19). The appointment of Gyorgy Matolcsy, who served as the minister in charge of economic affairs in previous Orbán’s governments,<sup>14</sup> as the head of the Central Bank in 2013, gave rise to criticism, notably given the fact that the latter established six secretive educational foundations in 2014 and endowed them with nearly \$1bn of the bank’s money which was allegedly used to purchase government bonds (Byrne, 2016). The European Central Bank raised its concern about the “direct purchase” of public instruments by Hungary’s central Bank since it was against the EU Treaty<sup>15</sup> (Reuters, 2016).

### **3.3. Media**

Another key change made by the Orbán government with regard to regime transition is the reorganization of the media environment. A major difference between competitive authoritarian regimes and full authoritarian regimes is the way the incumbent approaches media. In hegemonic authoritarianism the media is either entirely owned by the state, or heavily controlled by the government. The independent newspapers providing means of expression for opposition and critics of government policies are either banned or eliminated (Levitsky & Way, 2002, p. 57). Assassination and disappearance of journalists are common practices in such regimes. By contrast, in competitive authoritarian regimes, the incumbent violates the freedom of media in subtle ways. Accordingly, and as argued in this section of the paper, the Orbán government does not openly violate democratic rules by closing the opposition papers. Rather it legally harasses and persecutes opponent media

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<sup>13</sup> The heads of the Hungarian Financial Supervisory Authority, the Budget Council, the National Media and Info-communications Authority (NMHH), the Elections Committee, the National Audit Office and the Financial regulator were changed and people from Fidesz cadre were appointed (Bozoki, 2015, p. 19).

<sup>14</sup> He served as Minister of Economic Affairs as independent in the first Orbán government from 1999 to 2002 (Bilefsky, 2013). He was elected to National Assembly as Fidesz representative from 2006 to 2010 and became Minister of National Economy from 2010 to 2013 (Central Bank, 2017).

<sup>15</sup> The Prosecutor’s office who has been called to investigate the Central Bank for possible misappropriation rejected the calls (Than & Szakacs, 2016). The bank was also criticized for buying fine art and other items such as 200,000 bullets and 112 handguns which are unrelated to its mandate (Simon, 2016).



channels through state agencies such as the Media Council or state owned television.

Firstly, it appears that the Orbán government undermined the independence of state owned television which is supposed to be politically neutral. According to Human Rights Watch, the head of the state broadcaster, closely linked to the government, fired over 1,600 employees, in five waves of dismissals since 2010 (Gall, 2016). Secondly, the governing party was accused of undermining the pluralism of media and violating press freedom through regulatory agencies (Kelly, 2017). Orbán government passed the Mass Media Act and Press Freedom Act in December 2010 and created the Media Council, National Media and Info-communications Authority, a new regulatory body, whose members have been appointed by the ruling party for a term of nine-years (Freedom House, 2011). The Media Council has wide-ranging powers such as granting licenses, assessing content, even silencing the broadcast not only to radio or television programs but also to print or electronic media and even to bloggers (Bozoki, 2015, p. 20). The Council has the authority to impose large fines on print, online and broadcast media for such vague transgressions for offending “human dignity” which triggers veiled censorship<sup>16</sup> and self-censorship<sup>17</sup>. The radical nature of such legal provisions later triggered severe criticism on the part of the European Commission and as such, the Orbán government had to alter the new legislation. It is highly relevant to note that Hungary ranks 71<sup>st</sup> out of 180 countries in the press freedom index<sup>18</sup> (RSF, 2017).

In addition to these interventions on media through Media Council, the landscape of media outlets ownership has significantly been altered in recent years, most notably in a way that has allowed businesspeople directly or indirectly associated with the governing party to gain ownership of major media corporations. It is illustrative to note that the businessman Gabor Szeles, a close friend of Orbán, purchased Magyar Hírlap, a daily newspaper, in 2005, replaced its liberal editorial staff, and also founded Echo TV, a cable-television station (Štětka, 2013). Both media outlets provided Orbán with

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<sup>16</sup> Another example of the violation of freedom of press is the suspension of Klubradio, a critical independent radio station. It's renewal license application was denied from 2011 to 2013, despite six court rulings in its favor (Puddington and Roylance, 2016, p. 310).

Thousands of people came together in Budapest on October 23<sup>rd</sup>, 2011 in order to protest against the silencing of the Klubradio (Lendvai, 2012, p. 220).

<sup>17</sup> Under this circumstances the country's main leftwing opposition newspaper Népszabadság was suspended not by the government but by its owners (Surk, Herszenhorn and Surk, 2016). Journalists pointed out that the move came days after the paper disclosed corruption allegations against a Fidesz's party minister and a scandal embroiling the governor of the national bank (BBC, 2016).

<sup>18</sup> The Press Freedom Index is an annual ranking of 180 countries according to the level of freedom available to journalists. It is compiled and published by Reporters Without Borders since 2002.

favorable coverage (Simon and Rácz, 2017). Figyelo, a formerly independent business weekly, was bought by another Orbán ally, Maria Schmidt. Although Schmidt promised not to intervene in editorial matters, she appointed three prominent Fidesz figures to head the editorial board – and the totality of the paper’s archives were subsequently deleted (Murphy, 2017). Deutsche Telekom sold Origo, Hungary’s largest news website, to a firm linked to Fidesz in 2014. The editorial staff was replaced and most of the staff either quit or fired. After the arrival of a new editorial team in 2016, the front page of the website has been dominated by pieces on Orbán’s favorite targets: “opposition parties, migrants and the Hungarian-born Soros” (Byrne, 2017).

The Central European University<sup>19</sup> (CEU) has become a target for Orbán since it was founded by George Soros<sup>20</sup> and it has been hosting many sharp critics of the Fidesz government (Walker, 2017). Pro-government media such as Figyelo and Origo have made unsubstantiated news<sup>21</sup> about CEU helping Orbán to start a legislative process which would eventually force CEU out of Hungary. Within a two weeks period, an amendment<sup>22</sup> to the Hungarian Higher Education Act was passed through the National Assembly and approved by the president on April 10<sup>th</sup> 2017 (Than & Szakacs, 2017). Two weeks later, the European Commission began infringement proceedings against Hungary stating that the law was not compatible with the Charter of

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<sup>19</sup> The CEU ranks among world’s top 100 universities with its distinguished academic staff from 30 countries and students from over 100 countries (Stewart, 2017). As a high ranking private university, the latter has received sizeable research grants from the EU and other grant-making organizations so it did not depend on government funding.

<sup>20</sup> Soros has become major part of Orbán’s anti-migrant propaganda after he declared that the EU should take in at least a million migrants annually in 2015 (DW, 2017). Orbán’s vilifying discourse against Soros reached such an extent that he launched a nationwide television and billboard campaign in July 2017 accusing Soros of devising Europe’s refugee crisis. In response to public campaign against him, Soros accused Orbán’s government for portraying him as “an outside enemy” in order to distract citizens from “health care and education systems in distress” and “rife” corruption (Meredith, 2017).

<sup>21</sup> An article titled “Can the Soros School Stay” was published by Figyelo claiming that Hungarian professors were not hired and Hungarian students were not accepted to CEU. Those claims were falsified by the rector of CEU who stated that Hungarian students were the largest group among their students and 40 percent of the faculty is Hungarian. Figyelo’s claim that Soros was very much in charge of university was also rejected by the rector who argued that academic independence from the founder is required for international recognition (Ignatieff, 2017). Origo claimed that CEU did not have program accreditation, did not provide necessary documents for official public registry and engaged in “concrete fraud”. The CEU rejected all those claims and demanded corrections from Origo on falsehoods in Article on March 28, 2017 (CEU, 2017).

<sup>22</sup> The new law obliges foreign universities to have campuses both in Hungary and their home countries. The problem with the CEU is that it has a campus in Budapest but not in New York and it is not planning to open one in any other place. A detailed legal analysis of the amendments to Hungary’s Act on National Education can be found at <https://www.ceu.edu/sites/default/files/attachment/article/17987/ceumemotopresidentade r4.5.2o17.pdf>

Fundamental Rights of the European Union (European Commission, 2017)  
On May 25<sup>th</sup>, the Hungarian government rejected the request of the European Commission to repeal or modify the law.<sup>23</sup>

Orbán's politics is defined as "the politics of battle" which requires construction of 'the enemies' whether be it the International Monetary Fund, the EU elite, or the refugees against 'the people' (Zalan 2016). The pro-government Hungarian press has contributed to rising authoritarianism of Orbán by perpetrating defamatory information about certain groups and institutions marginalized and demonized by Orbán (Gurau, 2017). By referring to unsubstantiated news from these media outlets, Orbán's government legitimizes taking extraordinary measures against the "enemies" of "the people". Refugees and migrants have been presented as the last enemies of "the people" by the Orbán government since the Refugee Crisis erupted in 2015 and the government's anti-migrant propaganda has dominated the media coverage of the refugee issue (Bernath & Messing, 2016) In the following section, Orbán's anti-migrant discourse will be examined in order to explore the impact of the politicization of migration on the ongoing regime transformation.

#### **4. Refugees: the Last Enemies**

In November 2014, a relatively short period after Orbán's election victory, Orbán government faced tens of thousands of Hungarians staging anti-government protests all around Hungary. The demonstrators accused Orbán government of corruption, moving away from the EU towards Russia and rising authoritarianism (BBC, 2014). According to the public survey conducted by TARKI, a prominent social research institute, the ruling coalition lost 12 percent of popularity in the month of protests (Balog, 2017). The Refugee Crisis erupted in such a political context and provided Orbán with the chance to change the public agenda from government protest to government's response to the crisis. In 2015, due to its geographical location as the first Schengen country on the Western Balkan route, Hungary received 177,000 asylum applications (Dunai, 2017). Hungary has never experienced a refugee flow on this scale before (Juhasz, Hunyadi and Zgut 2015, p.10). Although the vast majority of asylum seekers left Hungary very quickly towards the West<sup>24</sup>, the Orbán government has politicized migration by carrying out public campaigns against the refugees and presenting refugees as

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<sup>23</sup> On July 13<sup>th</sup>, the European Commission sent a reasoned opinion to Hungary stating that it maintains its legal assessment about the amendment and asked the Hungarian government to notify measures taken to remedy the situation in one month. The EC mentioned that it may decide to refer the case to the Court of Justice of the EU (European Commission, 2017).

<sup>24</sup> It is significant to note that Hungary has not been a destination but a transit country for refugees who were willing to reach Germany or Austria. Only around 900 people stayed in the country by the end of 2015 (Juhasz, Hunyadi and Zgut 2015, p.10).

an existential threat to the economy, culture and security of ‘the Hungarian people’.

Populists marginalize certain groups; it can be members of opposition parties, minorities or migrants depending on the social and political context, and present them as “divisive” to the majority (Yabancı, 2016, p. 594). In order to stay in power, populist parties have to “construct a sense of crisis” and “inject urgency and an importance to their message” (Yabancı, 2016, p. 607). The Refugee Crisis gave Orbán the opportunity to marginalize migrants, construct sense of emergency and dominate public discussion. Orbán chose the day of the commemoration of the attack on Charlie Hebdo to start his anti-immigrant campaign by declaring “the Hungarian position” as “migration only brings trouble and dangers to the European people, therefore it has to be stopped” (Nagy 2017). On 20<sup>th</sup> February 2015, amidst the first parliamentary debate on the refugee issue, Fidesz members of parliament referred to refugees as ‘thieves’, ‘arsonists’, the ‘source of diseases’ and ‘criminals’ (Juhsz, Hunyadi and Zgut, 2015, p.24). It is significant to note that at this stage the anti-immigrant discourse of Fidesz was severely criticized by the members of the opposition parties such as the Socialist Party and the Green Party. (Juhász 2017).

Following the parliamentary debate, the Fidesz government launched the initiative “National Consultation on Immigration and Terrorism”. The latter, via the Prime Minister’s Office, involved a questionnaire sent by post to every citizen of the country over 18 years of age<sup>25</sup>. In the letter attached to the questionnaire, citizens are reminded of the Paris terror attacks and how such events could be linked to the EU’s mismanagement of the immigration issue. In the letter, refugees are defined as “economic immigrants” who “cross the border illegally pretending to be refugees while, in reality, they seek social allowances and jobs”. Such migrants, adds the letter, represent a threat to Hungarian “people’s jobs and livelihoods”. In light of such take on migrants, the letter invites citizens to share their opinions on “how Hungary should defend itself against illegal bordering”. All of the 12 questions in the questionnaire on migration published by the Prime Minister’s office were formulated within an obvious anti-immigrant bias. For instance, the first question surveyed citizens’ views on how relevant the “bloodshed in France” or “shocking acts of ISIS” to their lives. The second question bluntly asks if citizens think “Hungary could be the target of an act of terror”. Additionally, one should note that the title of the survey and the first three questions in the survey defined ‘refugees’ as “profiteering immigrants” and linked them to the increasing acts of terror. The formulation of questions raised criticism both

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<sup>25</sup> The full letter and questionnaire are available at Simonovits and Bernat (2015)

within and outside Hungary.<sup>26</sup> Unsurprisingly, the vast majority of the one million respondents<sup>27</sup> who have returned the questionnaire, answered in a way that confirmed the government's bias views on the issue<sup>28</sup>. The National Consultation is a manifestation of Orbán's populist claim that he takes political action according to the wishes of 'the people'. The claim to give expression to the fears of the people on migration through public survey serves to legitimize harsher migration policies and skews the playing field against the opponents. Referring to the outcome of the National Consultation Orbán declared: "The people have decided: Hungary must be protected" (Orbán, 2017).

Building on the results of the survey, the government began to escalate its policies towards refugees. In June 2015, a series of posters "ordering" newcomers to respect Hungary's culture and not to take away Hungarian's jobs were placarded around the country (Wyatt 2015)<sup>29</sup>. Crucially, the government began to further restrict the refugees' mobility. One must recall that Hungary is overwhelmingly viewed as a transit country for the refugees who rather intend to reach Germany and Austria. Given its geographical location, by the end of August 2015, the daily border crossings had increased to an average of 1,500 migrants (Reuters, 2017) and by then, thousands of asylum seekers had gathered in Budapest railway stations, particularly at the Keleti station, and were waiting for the opportunity to go to Germany by train. However, the Hungarian authorities hampered their departure - even the ones who had valid tickets could not board their trains - and as a result, on September 4<sup>th</sup>, refugees began the "March of Hope" by walking towards Vienna on the motorway (Graham-Harrison and Henley, 2017). In order to prevent the escalation of the situation Austria and Germany announced that they would receive migrants from Hungary and 4,500 the refugees were later transported overnight to the Austrian border (Harding, 2017).

While possible clashes between refugees and security forces were prevented in Budapest, the situation got worse in the southern border. Orbán had just returned from the EU summit where he claimed that he was

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<sup>26</sup> The UNHCR raised concerns over the questionnaire vilifying refugees who have fled from war zones (Simon, 2015). Frans Timmermans, first vice-president of the European Commission, criticized the national consultation for feeding misconceptions and prejudice (Juhaz, 2015).

<sup>27</sup> Out of eight million eligible respondents.

<sup>28</sup> Hungary's leading sociologists argued that the method of "self-selection" would increase the probability that the voice of the people who have strong opinion and emotions about the issue will be over-represented and therefore such survey would produce politically one-sided results (Balogh, 2017).

<sup>29</sup> Billboards were covered with messages such as "When you come to Hungary, you can't take Hungarians' workplaces"; "When you come to Hungary, you must respect our culture!"; "We don't want illegal immigrants!"

defending European Christianity against a Muslim influx (Traynor, 2017). By defining the refugee issue in security terms Orbán succeeded in creating an emergency situation, a matter of “supreme priority” that requires the implementation of “extraordinary measures beyond the routines and norms of everyday politics” (Williams, 2003, p. 514). In order to prevent the entrance of refugees in Hungary from the Serbian border, on 15<sup>th</sup> September 2015 the government formally closed the border by completing the long-promised border fence (BBC, 2015). The government declared a state of emergency and announced that anyone crossing the razor-wire fence would face jail term and/or be returned to Serbia (Kingsley and Traynor, 2017). Refugees interviewed by the organization Human Rights Watch, stated that Hungarian border officials pummeled them with their fists, kicked them, used pepper spray, beat them with batons, and then push them back to the border (Human Rights Watch, 2017). The most violent clashes occurred on September 16<sup>th</sup> between refugees and riot police at the Röszke border crossing when refugees tore down the gate and the riot police reacted with force. Given the wide media coverage of refugees seen fighting Hungarian police officers during the event, it became, from this point on, more difficult for journalists and members of the opposition parties to criticize anti-refugee government practices. The clash at Röszke was defined by Gábor and Messing (2016) as the event that silenced the humanitarian narrative in the media channels critical of the government and strengthened the securitization narrative that has been used by pro-government media.

Although by mid-October the Hungarian-Croatian border was also closed, the discussions on border closure soon ended because of the 13<sup>th</sup> November terror attacks in Paris that left 130 people dead and hundreds wounded. The attacks led Orbán to state that: ‘all the terrorists are basically migrants’ and its government began a third anti-immigrant campaign against the EU’s mandatory refugee quota, claiming that it would spread terrorism in Europe (Mortimer, 2015). The EU’s Emergency Response Mechanism, which was adopted in September 2015, mandated all member states to share 160,000 of the migrants under a quota system<sup>30</sup> (European Commission, 2015). Hungary was asked to find a home for 1,294 people who have fled war (The Economist, 2016). While the EU’s Council of Ministers’ decision passed with the majority of votes, four countries voted against: The Czech Republic, Slovakia, Romania and Hungary. Orbán stated that the EU’s scheme “poses a serious threat to every European nation, and to the Hungarian nation in particular” (Kroet, 2017). In December 2015, Hungary and Slovakia appealed to the Court of Justice of the European Union against the EU’s relocation

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<sup>30</sup> The quota would be determined according to objective and quantifiable criteria (40% of the size of the population, 40% of the GDP, 10% of the average number of past asylum applications, 10% of the unemployment rate) (European Commission, 2015).

scheme (ECRE, 2017) and Orbán government called for a referendum on whether to accept or reject the scheme.

The government carried out a four-month long campaign and spent 16 million Euros for renting thousands of billboards nationwide and sending 4 million booklets to individual households (Gall, 2016). The campaign, which began with the catch phrase “Did you know?” and ended with “Referendum, October 2, 2016” was designed around questions such as: “Did you know that since the beginning of the immigration crisis the harassment of women has risen sharply in Europe?” and “Did you know that the Parisian terror attacks were committed by immigrants?” (Balogh, 2016). Although referendum is a device of direct democracy which could promote the political participation and check the power of elected government, it can be used by a populist leader to manipulate the political agenda and distort complex issues such as migration by reducing them to yes/no questions (Heywood, 2013). It is significant to note that no information was given to the public about the EU’s relocation scheme, the refugee crisis or the number of refugees who were to move to Hungary if the scheme was accepted.

By making unsubstantiated claims the questions are formulated in a certain way that asylum seekers, migrants and refugees are directly associated with terrorism and sexual assault. From the beginning of the refugee crisis Orbán associated migration with terrorism but during the first two government-led campaigns the refugees were defined as economic migrants trying to exploit the opportunities of the EU countries and the emphasis was more on the threat claimed to be posed by refugees to the country’s economy in particular Hungarians jobs. In the last campaign though the sole focus was on the alleged link between terrorism and immigration. The government broadcasted the campaign both in state and private media channels leading it to be displayed 10,481 times which accounts for 20 percent of total advertising exposure (Barlai& Sik, 2017, p.159).

On October 2<sup>nd</sup> Hungarians were asked the following question in the referendum: “Do you want the European Union to be entitled to prescribe the mandatory settlement of non-Hungarian citizens in Hungary without the consent of parliament?” (The Conversation, 2017) With only 40.4 percent valid ballots, the participatory rate fell short of the required 50 percent threshold and therefore, the referendum was invalidated (Kingsley, 2016). Nonetheless, Orbán insisted that the referendum had achieved its goal since 3.28 million people had cast a vote ‘against’ and as such, that he was obliged to amend the constitution to reflect “the will of the people” (Foeger, 2016). It appears that Orbán has succeeded in halting the criticism raised against his anti-migrant discourse by the opposition parties in the parliament almost a year ago. Although the Socialist Party asked their constituencies to boycott the referendum arguing that it was unnecessary, it announced that it intends

to cooperate with the government on efforts to prevent the EU from “settling illegal immigrants” in Hungary (Szego, 2017).

Following the referendum the government has taken more restrictive legal measures which made accessing asylum status very difficult<sup>31</sup> and virtually eliminated the state support for recognized refugees. On 7 March 2017, the parliament passed the legislation mentioned at the beginning of this contribution by a vote of 138 to 6. It allowed the government to detain asylum seekers<sup>32</sup>, including children, in containers in camps around the transit zones<sup>33</sup> and to return them to the Serbian border from anywhere in Hungary (Dearden, 2017). There have been severe allegations about the poor conditions of the camps and harsh treatment by the border police while deporting people back to the border. The Hungarian government has been called to investigate and take action against such violent practices by different International Organizations<sup>34</sup>. On 12 September 2017 after his visit to transit zones, Filippo Grandi, the UN High Commissioner for Refugees, stated that the entire system was designed to prevent asylum seekers to make legitimate asylum claim (UNHCR 2017).

As a result of the closure of the Serbian and Croatian border and amendments to the Asylum Act, there was a sharp decrease in the number of asylum applications in Hungary and correlately, it became even harder to obtain refugee status. In 2015, out of 177,135 registered asylum seekers in Hungary, only 146 people were recognized as refugees and in 2016 out of 29,432 applications 154 were granted refugee status<sup>35</sup>. As of September 1<sup>st</sup> 2017 out of 2,491 applications, 68 were granted refugee status (HHC, 2017).

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<sup>31</sup> Applications for asylum when entering Hungary from the Serbian boarder were already inadmissible under the July 2015 Hungarian Asylum Act. Unlike any other EU country, Hungary put all Balkan states including Serbia in the “National List of Safe Countries of Origin and Safe Third Countries”. The English translation of the amendment is available at [http://helsinki.hu/wp-content/uploads/Asylum\\_Act\\_updated\\_14-September2015.pdf](http://helsinki.hu/wp-content/uploads/Asylum_Act_updated_14-September2015.pdf) On 5<sup>th</sup> July 2016, amendments were made to the Hungarian Asylum Act allowing the Hungarian authorities to push back asylum seekers who were caught within 8 km from the Serbian-Hungarian or the Croatian-Hungarian border. The Hungarian Helsinki Committee (HHC) severely criticized the amendment for breaking international and EU laws (HHC, 2017b).

<sup>32</sup> 2,843 people were convicted for the “prohibited crossing of the border closure” between 15 September 2015 and 31 December 2016 (HHC, 2017b).

<sup>33</sup> After the closure of borders and the 2016 amendment to the Asylum Act, asylum seekers could apply for asylum only through the Röszke and Tompa “transit zones” at the Hungary-Serbia border.

<sup>34</sup> Doctors Without Borders stated that from January 2016 to February 2017, the organization in Belgrade treated 106 cases of intentional injuries allegedly perpetrated by Hungarian border patrols. Similar patterns of violence such as beating, dog bites and tear gas were observed among the injuries (MSF, 2017)

<sup>35</sup> The numbers are taken from the website of Hungarian Central Statistical Office available at [https://www.ksh.hu/stadat\\_annual\\_1](https://www.ksh.hu/stadat_annual_1)



Despite the decreasing number of refugees, the Hungarian government extended the state of emergency until March 2018 due to the “dangers” presented by mass migration and expanded the application of it to whole country (Köves, 2017).

The anti-immigrant discourse of Orbán has contributed to his rising authoritarianism by making it more difficult for his opponents to challenge him both at the domestic and international level. He has been the staunchest anti-immigrant leader who has taken the floor at every opportunity to present refugee crisis as a religious issue and present himself as the defender of the Christian Europe against the Muslim “invaders”. While he has been supported by the Eastern European leaders in his opposition to the EU’s refugee relocation policy and border closures since from the beginning, his “preference for interdiction over integration” began to be echoed by EU leaders such as the French President Macron who proposed the establishment of migration centers in Niger and Chad (Barigazzi, Vinocur and Kaminski, 2017).

At the domestic level the approval ratings demonstrated that public support for the government has been on the rise since 2015. Although Fidesz-Christian Democratic People’s Party coalition won the 2014 elections, its revealing to note that their votes decreased by 7.88 percent since 2010 elections (Gyóri, 2015). While the polls suggested a significant loss of support for Orbán’s government in the end of 2014, the downward trend in support was reversed since 2015. According to the public opinion polls conducted by the Nezipont Institute, support for the ruling coalition has risen five points in 2015 to 34 percent and 44 percent in 2017 (Nézipont Intézet, 2017). The Socialist party is polling below 15 percent (Reuters, 2017). Orbán has managed to divide the political arena into the ‘pro-national’ and ‘anti-national’ fields and present any opposition to the migration policies of the government as ‘anti-national’ or ‘pro-foreigner’ (Juhász, Hunyadi and Zgut 2015, p.10). While the far-right Jobbik party supports Orbán’s anti-immigrant policies, the divided left has not raised much voice against it. In light of all public opinion polls Hungarian author and journalist Paul Lendvai who wrote a biography of Orbán, Orbán: Europe’s New Strongman, defines Orbán’s position as “impregnable” that is not challenged within the country or by the EU (Lendvai, 2017).

## **Conclusion**

Orbán has been taking bold steps for centralizing his power by restricting the independence of democratic institutions such as the Constitutional Court which had a significant role of democratic oversight of the government. The new Constitution promulgated by his government has been severely criticized for damaging checks and balances over the government required for a

functioning democracy. The freedom of press has been under threat since people close to Orbán have gained the ownership of a substantial part of the media landscape and the government has been implementing covert forms of intervention on media through the Media Council. All these steps taken by the government have skewed the playing field between the incumbent and the opposition in favor of Orbán and moved the regime towards competitive authoritarianism. While such regime transformation has been happening, Orbán has managed to direct the public attention to the 'Refugee Crisis'.

After four years of government there was significant drop in his approval ratings in 2014. The refugee crisis gave Orbán the opportunity to reverse that trend. By presenting the refugees and migrants as threat to "the Hungarian people" he constructs himself as the ultimate "hero" who can protect the people from such threat. Despite of the low turnout of the referendum, the impact of the state-sponsored disinformation on the perception of Hungarian people is unsettling. Public opinion polls of TARKI, which has been measuring xenophobic attitudes in Hungary since 1992, demonstrated the increase in the percentage of Xenophobes (41 percent in 2015, 56 percent in 2016, 60 percent in 2017). According to Spring 2016 Global Attitudes Survey conducted by PEW Research Center, 76 percent of the respondents in Hungary thinks that refugees increase the risk of terrorism and 82 percent considers refugees as a burden since they take away jobs. When asked about their feelings towards Muslims in their country, 72 percent of the respondents declared unfavorable view (Wike, Stokes, & Simmons, 2016). Negative attitude towards refugees and migrants have always been high in Hungary but it has never been this high compared to the other European respondents in PEW's survey.

By referring to migration as "poison" and calling asylum seekers, migrants and refugees as "intruders" and "potential terrorists," Orbán marginalizes refugees, constructs antagonism between "the people" and the other, present himself as the defender of "the people" (Guardian, 2016). Orbán has claimed to give expression to the fears of the people on migration by taking populist measures such as the National Consultation and October 2<sup>nd</sup> Referendum. By claiming to act on the wishes of 'the people', Orban has dominated the public discourse on migration with his anti-migrant narrative and he has skewed the playing field between opposition and incumbent against the opposition. The anti-migrant public campaigns have helped the government to set the public agenda, construct a sense crisis and justify taking the extraordinary measures such as the harsh treatment of refugees who were trapped in transit zones, closing borders by building razor wire fence or repeated declaration of state of emergencies despite of the "zero refugee" strategy. Orbán's anti-refugee war contributes to the consolidation of competitive authoritarianism by promoting the image of the strong leader who could protect "the people"

from the threat of terrorism and Europe from the “invasion” of Islam in the minds of the supporters.

Levitsky and Way (2002) emphasizes that in competitive authoritarian regimes it is still possible for the opposition forces to defeat the autocratic incumbent since democratic institutions are weakened but still exist. In that sense parliamentary elections which will be held on April 8<sup>th</sup>, 2018 is vital for Hungary’s democracy. The opposition has recently gained an unexpected victory against Fidesz when the candidate supported by an alliance of opposition parties was elected mayor in the southern city of Hodmezovasarhely, a stronghold of Fidesz (Karasz, 2018). Following the defeat, Orbán stepped up anti-immigrant discourse by claiming that opposition parties would turn Hungary into a haven for immigrants which would bring “terror” (Reuters, 2018). If Orbán wins the parliamentary elections third time in a row with such anti-migrant discourse, he might not refrain from taking further steps for centralizing his power which is threatening for democracy in Hungary.

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