

The Impact of Covid-19 on the Move towards Authoritarianism: The Case of Hungary*

Covid-19'un Otoriterliğe Yöneliş Üzerindeki Etkisi: Macaristan Örneği

Müge AKNUR** 

Abstract

As the Freedom House Report 2023 shows, there has been a global trend from democracy to authoritarianism over the past 17 years. This gained further momentum in late 2019 with the outbreak of the coronavirus (COVID-19) pandemic in Wuhan, China. In the fight against this virus, which has resulted in the deaths of millions of people, governments implemented several significant measures, including closures, curfews, and mandatory vaccinations. Under the pretense of combatting the virus, populist politicians, who already had authoritarian inclinations before the pandemic, disregarded important democratic principles, such as free and fair elections, separation of powers, political liberties, and civil rights. The violations of these principles by populist leaders accelerated global democratic backsliding. In this context, in March 2020, in response to the coronavirus pandemic, Hungary's Prime Minister Viktor Orban, who has used every political crisis to find excuses to pursue undemocratic policies and strengthen his hold on power, pushed the Hungarian parliament to grant him extraordinary emergency powers. He used coronavirus precautions to establish one-man rule in Hungary by bypassing parliament. His government devised a legislative framework to suppress critics of its policies in the media, civil society, and the opposition. Orban also implemented restrictions violating judicial independence, minority rights, freedom of expression, and freedom of assembly through constitutional amendments. In other words, Orban utilized the coronavirus outbreak to further weaken Hungary's democratic structures and principles. Human rights organizations and the European Union have criticized Hungary's slow erosion of democracy under Orban's administration. This article analyzes the impact of COVID-19 on the acceleration of democratic backsliding in Hungary, under the rule of Prime Minister Viktor Orban, in terms of Wolfgang Merkel's (2004) four conditions for democratic consolidation: electoral regimes, civil rights, political freedoms, and separation of powers.

Keywords: COVID-19, democratic backsliding in Hungary, Viktor Orban

Öz

Freedom House 2023 Raporu'nun da belirttiği gibi, dünyada son 17 yılda demokrasiden otoriterliğe doğru bir kayış gerçekleşmiştir. Otoriterliğe yönelik bu küresel eğilim 2019 yılının sonlarına doğru

* A shorter version of this article was presented at I. Ulusal Siyaset Bilimi Kongresi, Siyasi İlimler Türk Derneği, İstanbul Bilgi Üniversitesi, 24-25.09.2022.

** Associate Professor, Dokuz Eylül University, Faculty of Business, Department of International Relations, İzmir. muge.aknur@deu.edu.tr, ORCID: 0000-0002-1407-7047

Çin'in Wuhan kentinde ortaya çıkan koronavirüs salgınının (COVID-19) patlak vermesiyle hızlanmıştır. Milyonlarca insanın ölümüne neden olan bu virüsle mücadelede hükümetler, iş yerlerinin kapatılması, sokağa çıkma yasakları ve zorunlu aşılarda dahil olmak üzere bir dizi ciddi tedbiri uygulamaya koymuştur. Pandemi öncesinde de otoriter eğilimleri olan popülist siyasetçiler, virüsle mücadele kisvesi altında özgür ve adil seçimler, kuvvetler ayrılığı, siyasi özgürlükler ve medeni haklar gibi önemli demokratik kavramları göz ardı etmişlerdir. Bu ilkelerin popülist liderler tarafından ihlali dünyada demokrasinin gerilemesini hızlandırmıştır. Bu bağlamda, her siyasi krizde kendi gücünü arttırmak için demokratik olmayan politikalar izleyen Macaristan Başbakanı Viktor Orbán, koronavirüs salgını ile savaşmak amacıyla, Mart 2020'de Macar parlamentosunu kendisine olağanüstü acil durum yetkileri vermeye zorlamıştır. Orbán, koronavirüs önlemlerini bahane edip, Macaristan'da tek adam yönetimi kurarak, parlamentoyu baypas etmiştir. Orbán hükümeti, medya, sivil toplum ve muhalefette kendi politikalarını eleştirenleri bastırmak için yasal bir çerçeve geliştirmiştir. Hükümet ayrıca anayasa değişiklikleri yoluyla yargı bağımsızlığı, azınlık hakları, ifade özgürlüğü ve toplanma özgürlüğünü ihlal eden kısıtlamalar getirmiştir. Bir başka ifadeyle, Orbán, koronavirüs salgınına Macaristan'ın demokratik yapılarını ve ilkelerini daha da zayıflatmak için kullanmıştır. İnsan hakları örgütleri ve Avrupa Birliği, Macaristan'ın Orbán yönetimi altında demokrasiyi yavaş yavaş zayıflatmasını eleştirmiştir. Bu makale, Wolfgang Merkel'in (2004) demokrasinin pekişmesi için gerekli gördüğü dört koşul, seçimler, medeni haklar, siyasi özgürlükler ve kuvvetler ayrılığı bağlamında, COVID-19 salgınının Macaristan'da Başbakan Viktor Orbán yönetiminde demokratik gerilemenin hızlanması üzerindeki etkisini analiz etmeyi amaçlamaktadır.

Anahtar Kelimeler: COVID-19, Macaristan'da demokrasinin gerilemesi, Viktor Orbán

1. Introduction

The coronavirus pandemic (COVID-19) that emerged at the end of 2019 in Wuhan, China, accelerated an ongoing global trend towards authoritarianism over the last 17 years (Freedom House, 2023, p.8). Governments took a series of significant precautions, such as closures, curfews, and compulsory vaccinations, in their fight against this virus that has caused millions of deaths. In particular, populist leaders, who already had authoritarian tendencies before the pandemic, violated significant principles of democracy, such as separation of powers, political rights, and civil liberties, under the pretense of fighting the virus. These violations have accelerated the global democratic backsliding. As coronavirus spread, causing many deaths, even supposedly democratic countries reluctantly violated political rights and civil liberties to prioritize the safety of their citizens. However, some hybrid or authoritarian regimes took advantage of the situation to further their autocratic policies.

In March 2020, for example, Hungary's Prime Minister Viktor Orbán forced the Hungarian parliament to grant him extraordinary emergency powers. More specifically, it allowed Orbán to rule by decree indefinitely, enabling Orbán to use COVID-19 to further erode Hungary's democratic structures and principles, and establish one-man rule. Under Orbán, the Hungarian government designed a legal mechanism to silence the media, civil society, and the opposition, which were criticizing government policies. Through constitutional amendments, Orbán also implemented restrictions violating judicial independence, minority rights, freedom of expression, and freedom of assembly. Human rights organizations and the EU have criticized this gradual backsliding of democracy in Hungary under Orbán's rule (Helman, 2022).

To analyze this democratic breakdown in Hungary, the article first examines democratic backsliding with a focus on the concepts of democracy and democratic consolidation. It then explains the trend towards authoritarianism during the COVID-19 pandemic in general. The main part of the article analyzes democratic backsliding in Hungary since 2020 using the framework of Wolfgang Merkel's (2004) concept of "embedded democracies".

2. Democracy and Democratic Consolidation

Democracy, which is made up of the words 'demos' (people) and 'kratia' (power or rule), represents ordinary people's self-government. While the minimum definition comprises "free, fair, competitive, and regular elections," a full definition includes political rights and civil liberties. Some scholars have also argued that democratic government requires that unelected bodies like the military or an outside force like a belligerent neighbor cannot interfere with the policy of a popularly elected government (Karl & Schmitter, 1991, p. 81). Democratization involves the transition of a country from authoritarian to democratic rule. According to Samuel Huntington's (1991) classification of three waves of democratization, the first two waves took place before the world wars while the third wave started in 1974, when Portugal completed its transition to democracy by ending the Salazar dictatorship. Spain and Greece then followed Portugal by ending their authoritarian regimes. This third wave also showed itself in Latin America and South Asia throughout the 1980s, before moving to Central and Eastern Europe during the 1990s following the collapse of the Soviet Union. Huntington also analyzes the reversal of the first two waves but not the third one since the book was published in 1991. Perhaps the ongoing decline over the past 17 years in political rights and civil liberties, and the trend from democratic to authoritarian regimes, can be classified as the reversal of the third wave of democratization. Government measures taken during the coronavirus pandemic have also significantly impacted recent transitions from democratic to hybrid or authoritarian regimes.

Although this transition can occur quickly, as in many countries in Eastern Europe and Latin America, it takes a few decades for democracy to become fully established. Indeed, not all nations that transitioned from an authoritarian to a democratic system have been able to consolidate their democracy. Instead, most of these nations eventually develop a hybrid system that falls somewhere between an authoritarian and democratic system. According to Adam Przeworski (1991), democracy can only be consolidated when the vast majority of political actors, including political parties and important social groups, do not consider adopting any regime other than democracy and do not consider resolving any kind of conflict outside the parameters of the constitutional norms.

According to Wolfgang Merkel's (2004) framework of "embedded democracies," a consolidated democracy requires five conditions. The first is free, fair, competitive, and regular elections while Levitsky and Way (2010) also require an even playing ground for competing parties prior to elections. Merkel's second condition is civil rights, particularly protection of life, freedom,

and property, and non-interference in private lives. Merkel's third condition is political liberties regarding all kinds of freedoms (of expression, assembly, demonstration, opposition, protest, petitioning, and the media). His fourth condition is separation of powers, notably the judiciary's independence. The fifth condition is that a popularly elected government faces neither internal nor external interference in its operations.¹ He contends that if even one of these requirements is absent, a country cannot fully achieve democratic consolidation. Drawing on a framework based on the first four of Merkel's conditions, the present study analyzes the impact of COVID-19 on democratic backsliding in Hungary.

3. Global Democratic Backsliding during the COVID-19 Pandemic

The COVID-19 pandemic that broke out in China at the end of 2019 before spreading worldwide during 2020 accelerated the ongoing global democratic deconsolidation seen in declining political rights and civil liberties. In an attempt to provide health security during the pandemic, many governments – even in the most democratic countries in Europe – had to take precautions, such as lockdowns and curfews, that violated political rights and civil liberties.

Meanwhile, certain national leaders and governments tried to increase their authoritarian power by abusing the health security crisis. They took advantage of the pandemic to limit the rule of law, impose restrictions on freedoms and rights, prohibit any criticism of their rule, and weakened or bypassed significant political institutions, including parliaments. Repucci and Slipowitz (2020) highlighted the magnitude of democratic backsliding based on a survey of 398 journalists, civil society workers, activists, and other experts. They concluded that democracy has weakened in 80 countries and become an acute problem in struggling democracies. In particular, they examined how accountability has been weakened in five areas considered in more detail in the following paragraphs: abuse of power, mistreatment of marginalized communities, lack of transparency and anti-corruption efforts, restrictions on the media and free expression, postponement of elections, and lack of safety and security during elections.

Regarding abuse of power, officials and security forces in some countries quite frequently violently attacked and arbitrarily detained civilians, and exceeded their legal authority. Some governments used the pandemic as a rationale to give themselves exceptional rights beyond those actually required to safeguard public health. Such policies were observed in Liberia, Cambodia, Zimbabwe, Bangladesh, the Philippines, Sri Lanka, Singapore, Kazakhstan, Azerbaijan, Georgia, Tunisia, Egypt, Serbia, and Guatemala, among others. Marginalized communities were disproportionately affected in various countries by COVID-19 precautions through the restrictions and discrimination imposed on them. For example, such policies were common in Bulgaria for Roma people, in Kuwait for non-citizens, in Colombia for ethnic minorities, in Costa Rica for Nicaraguan migrants, and in Serbia for immigrants. Some of these communities were

1 Besides electoral regime, civil rights, political liberties, separation of power and effective power to govern, which Merkel calls “partial regimes” he also examines what he calls external embeddedness in which he includes stateness, civil society and social and economic requisites.

falsely accused of spreading the virus. For example, Muslims in India and Sri Lanka were accused of being COVID-19 spreaders (Repucci and Slipowitz, 2020).

Lack of transparency and anti-corruption efforts was quite common among various governments, with most governments not providing precise information on the numbers of people affected by or killed by COVID-19. Media freedoms were curtailed worldwide, from the most democratic countries in Western Europe to the least democratic countries in Africa and Asia. Many governments blocked the websites, removed social media posts, and targeted and arrested journalists covering the crisis while themselves spreading fake news. Finally, more than 20 African countries postponed elections (Cooper, 2020). Other countries, including Sri Lanka, Burundi, and Bolivia, set a new date that favored the incumbent, while others, such as Ethiopia, postponed elections indefinitely (Repucci and Slipowitz, 2020).

These five perspectives can be identified with Merkel's conditions for democratic consolidation. While government abuse of power, mistreatment of marginal groups, and restrictions on the media and free expression violate political rights and civil liberties, lack of transparency and anti-corruption efforts harm rights and liberties, and weaken the separation of powers. Finally, postponement of elections and problems with election security violate the most significant characteristics of a consolidated democracy: free, fair, competitive, and regular elections.

4. Historical Background of Fidesz Party under Victor Orban

Fidesz was founded in 1988 as a student organization called *Fiatal Demokraták Szövetsége* (Alliance of Young Democrats), with the name 'Fidesz' formed from the first two letters of each word. The movement has promoted free markets, anti-communism, and European integration. Under Viktor Orban's leadership, it was transformed into a political party in 1990. Initially, a middle-left and liberal party, Fidesz has evolved into a center-right conservative nationalist and populist radical right party. Under Orban's leadership, it first won seats in the legislature in the 1990 and 1994 elections before joining the government following the 1998 elections. Orban then implemented austerity measures to lower taxes and social security levies, and backed Hungary's EU membership bid (Britannica, 2023; OSCE, 2022; TUIC AKADEMÍ, 2021).

During the 2000s, Fidesz lost popularity and its place in government until 2006 due to its involvement in corruption scandals. After the 2010 elections and continuing with the 2014, 2018, and 2022 elections, Fidesz became the senior partner in a coalition government with the Christian Democratic People's Party (*Kereszténydemokrata Néppárt*, KDNP), which remained a satellite that complied with Fidesz's decisions rather than acting as an equal coalition partner (OSCE, 2022; TUIC AKADEMÍ, 2021).

When Orban returned to power in 2010, it was the peak of the financial and economic crisis, which he used to further his so-called fight for economic freedom. For example, he imposed special heavy taxes on foreign investors to drive them out of the country (Hegedus, 2020).

Now Hungary's absolute leader, Orbán pursued policies that created an authoritarian regime by concentrating power in the government and quickly and radically changing the country's constitutional order. He also forged close ties with China and Russia's authoritarian leaders while defying EU democratic norms and values and looking for alternative regimes to Western democracy (Çiçekdağ, 2022).

One of the first steps Fidesz took in 2010 was to restrict media freedoms to strengthen state control over media outlets. Under the new media law, Orbán established a media council of five members elected for nine-year terms with a responsibility to determine if newspaper articles adhered to Hungarian family values. However, the task was ambiguous since these values were not defined. Using this ambiguity, the Fidesz government has been able to arbitrarily punish and manipulate the media. Having amended the Constitution many times since coming to power, Fidesz has finally set about rewriting the Constitution. Opposition parties, finding themselves unable to influence the process, have refused to participate, which has left the government in absolute control of the amendments with no national debate or opposition input. The new Constitution has jeopardized judicial independence by forcing hundreds of judges to retire and limiting the Constitutional Court's capacity to evaluate legislation (Wilson Center, 2011; Helman, 2022).

Since the last truly democratic elections in 2010, Prime Minister Orbán has used each political crisis to find excuses to pursue undemocratic policies and strengthen his hold on power. As part of his populist policies, Orbán made political friends and enemies to create a perpetual crisis. The invention of these so-called enemies gives Orbán a pretext to wage political war against investors like George Soros, the EU and pro-refugee NGOs, and refugees themselves (Kovács, 2021).

In 2015, Orbán's particular enemy was refugees. In addition to North African refugees, millions of refugees from the Middle East entered Europe in 2015 due to the civil war in Syria. Although Hungary faced considerably less immigration during this refugee crisis than other European countries, Orbán used it to pursue undemocratic policies. In September 2015, for example, the government introduced a state of emergency due to mass migration.

In 2020, Orbán's particular enemy was the coronavirus pandemic, in which he followed extreme authoritarian policies to combat the pandemic. He even linked the two crises by claiming that the coronavirus came from immigrants. In a March 2020 radio address, for example, he claimed he was fighting for his people on "two fronts": refugees and the coronavirus. He said that he was taking all necessary precautions to combat these crises (Borbath, 2022). During the pandemic, the government declared a "state of danger" to gain excessive emergency powers to pass laws in unrelated to the pandemic, such as restricting freedom of speech and assembly and the activities of civil society organizations.

In May 2022, taking advantage of the war in Ukraine, the government declared another state of danger, applicable in the event of an armed conflict or humanitarian disaster in a neighboring

country. This declaration gives Orban the power to rule by decree, bypass parliamentary debate, and suspend laws at short notice with little consultation with the judiciary (Gall, 2022).

In short, apart from a few months, Orban's government has maintained rule by decree since the early days of the pandemic in March 2020, and used the war in Ukraine as an excuse to maintain this extensive power, which has now been extended until May 2023 to become part of Hungary's political landscape.

5. Democratic Backsliding in Hungary During the Coronavirus Pandemic

Democratic backsliding in Hungary started long before the emergence of the coronavirus. More specifically, the transition to authoritarianism began in 2010, when Orban's Hungarian Civic Alliance (*Magyar Polgári Szövetség* – Fidesz²) became the senior partner in a coalition government with the Christian Democratic People's Party, KDNP. Since then, the independence of the judiciary, media freedoms, the rule of law, the preservation of civil liberties and political rights, and other legal, political, and institutional advances established in Hungary over the past 13 years, have all been compromised. These modifications have also criminalized the operations of non-governmental organizations, targeted independent journalists, and demonized minorities and other vulnerable groups (Human Rights Watch, 2002). By diminishing the capability of the judges to maintain the rule of law and act as a check on legislative and executive power, Fidesz has also weakened the separation of powers in Hungary.

Regarding the COVID-19 pandemic, Orban's government acted earlier than other European countries. For example, universities and schools were closed when there were only 19 confirmed cases in the country. Orban justified closing universities specifically because they host foreign students. When the number of confirmed cases rose to 39, the government restricted entry into the country only to Hungarian citizens. Compared to other Eastern European countries, this slowed the spread of the virus in Hungary. Meanwhile, he ensured that the country was in an indefinite state of emergency (Borbath, 2022).

The government also passed mandatory quarantine and social distancing regulations as soon as the outbreak began. In order to enforce these regulations, it increased the number of police and military personnel on the streets. Court hearings were conducted remotely. The staff at several hospitals received assistance from Hungarian military personnel. Despite these measures, Hungary was identified as the worst-performing country in the EU for administering coronavirus vaccination doses in February 2021.

In March 2021, parliament declared a state of danger and passed legislation to safeguard Hungarian citizens' health. On March 30, 2020, it also passed a bill known as the Authorization Act³ with a two-thirds majority, which gave the Fidesz government the right to rule by decree

2 Although Fidesz is not the abbreviation of Magyar Polgári Szövetség, it is commonly used as an acronym.

3 Some scholars also call it the "Enabling Act".

indefinitely. The act added new crimes to the criminal code. Anyone who claimed or spread distorted information concerning COVID-19 or obstructed prevention measures would face imprisonment. This law gave enormous discretionary power to prosecute anyone critical of the government policies concerning the pandemic. However, unless government decrees made by special order are extended by parliament, they are only valid for fifteen days. In addition to the powers granted by the Disaster Management Act, the Authorization Act gave the government the ability to conduct emergency actions on its own. This enabled it to rule the country using extraordinary powers that sidelined parliament and widened the scope of decrees that the government could pursue (Hegedus, 2020, p. 1; Varga, 2022).

The Authorization Act shows that the government has abused its power during the state of emergency. Using this act, it issued more than 150 decrees between March and June 2020 that mostly violated human rights and the rule of law. Rather than having a legitimate purpose to combat the pandemic, most of these decrees were aimed at serving the government's political goals of, directly or indirectly. In June 2020, the government replaced the State of Danger and Authorization Act with the Transition Act, which again allowed it to rule by decree indefinitely (International Commission of Jurists, 2022). The Medical Emergency Act also expanded government responsibilities.

The next section analyzes democratic reversal in Hungary during the COVID-19 pandemic using the framework of Merkel's embedded democracy, particularly the criteria of electoral regime, civil liberties, political rights, and separation of powers.

5.1. Electoral Regime: Issues of Free, Fair, Regular, and Competitive Elections

The most basic and significant condition for democratic consolidation is the holding of free, fair, regular, and competitive elections. People should be free to choose the political party they prefer to vote for. This requires that the electoral playing field is equal for all political parties, whether ruling or in opposition, before and during elections (Levitsky & Way, 2010).

Under the Authorization Act, all local, national, and by-elections and referendums have been suspended in Hungary until the State of Danger" is lifted.⁴ Furthermore, in December 2020, the electoral law was amended to introduce stricter rules registering national lists in parliamentary elections. The Orban government's aim was to introduce a system that would make it more difficult for opposition parties to unite and challenge the ruling party in elections. The government claimed that this was necessary to prevent bogus political parties from misusing government funds received for election campaigns, although the change actually reduced the power of the opposition. In response, several opposition parties formed alliances to increase their chances of defeating the Fidezs-KDNP coalition (Euronews, 2020).

4 Only two cities held by-elections were out of necessity: first, Dunaujvaros, when a member of parliament resigned to become mayor; second, Tiszaujvaros/Szerencs, when a member of parliament died in a traffic accident (Végh, 2021).

Another decree reduced the funding allocated to municipalities to further centralize power in Hungary and weaken the opposition, which won many municipalities in the elections of fall 2019.⁵ A constitutional amendment passed in November 2019 and implemented in March 2020 transferred construction oversight powers from municipalities to the central government. To cope with the economic impact of the pandemic, a government decree issued in April 2020 authorized the establishment in an emergency of special economic zones for projects exceeding 100 billion Hungarian forints within the borders of the municipality. By using the pandemic to its own advantage, Hungarian government tried to centralize the municipalities by preventing them from raising revenue. Urban municipalities became the target of the central government's financial reductions. Municipalities have also been adversely affected by declining tourism revenues and reduced business taxes paid by local businesses. Additionally, the government diverted 50% of state funding from all parties in 2020 into a fund to help the economy recover from the pandemic. This hurt the opposition but not Fidesz, which easily appropriated state resources for its own benefit while most government subsidies to municipalities went to those run by pro-government parties (Hoffmann, 2021, p. 151; Vegh, 2021).

In the 2022 parliamentary election campaign, there was a huge resource gap between the Fidesz, and the opposition parties. Fidesz benefited from all the resources of the government and pro-government media while the opposition campaigned for elections with limited resources.

5.2. Political Liberties: Issues of Freedom of Media, Assembly, Academia, and Access to Information

According to Merkel's (2003) framework, political liberties include freedoms of expression, the media, assembly, demonstrations, and petitioning. It is also important that there are both public and private media and no politically motivated media censorship.

During the coronavirus pandemic, parliament amended the criminal law to prevent access to information and enacted provisions criminalizing the dissemination of fabricated or distorted information about the coronavirus in order to intimidate and silence critics of government measures during the pandemic. As a result, journalists were forced to self-censor their articles. By accusing the independent media of publishing so-called fake news, the government aimed to undermine the value of the free media news in the public eye. In its daily online press conferences on pandemic management, the government often refused to answer questions from Hungary's independent media. In April 2020, the Ministry of Health also banned hospitals from providing information to the media so that only pro-government media could sometimes access news from hospitals. In short, the government failed to allow transparent communication on the pandemic (Kreko, 2020; Vegh, 2021).

5 For example, a Samsung project in Göd was designated a special economic zone by decree, with revenues going to the Fidesz-led provincial council rather than the opposition-run municipality.

One example of government restrictions on the independent media concerns the independent radio station Klubradio. Citing technical violations of the media law, the National Media Council announced that Klubradio's license would not be renewed when it expired in February 2021 and that its frequency would be auctioned (Vegh, 2021).

The Hungarian media is now dominated by pro-government media outlets operating under the umbrella of the Central European Press and Media Foundation (*Közép-Európai Sajtó és Média Alapítvány*, KESMA). Established in 2018, KESMA includes at least 476 pro-Orban media outlets that consistently report pro-Orban news. KESMA's three board members are close to Orban although its website states that it is a non-partisan organization aiming to raise national consciousness and encourage young Hungarians to embrace national values (The Atlantic, 2019). The government has put a lot of pressure on the independent media. For example, following political interference, one of Hungary's most widely read news portals, Index.hu, shut down its website in July 2020. In response, the public supported its staff's decision to establish a new independent news website, Telex.hu (BBC, 2020).

During 2020, the government continued to restrict academic freedom. About eight universities were partially privatized and the functions of others were placed under review. Meanwhile, universities were put under the control of asset management foundations run by boards of Fidesz politicians and government-backed entrepreneurs appointed by the Ministry of Innovation and Technology. In May 2020, the Law on Higher Education was amended to allow these foundations to end academics' role in university management. This amendment ended university autonomy. In August 2020, the Ministry of Innovation and Technology interfered in one of the most important grant programs of the National Office for Research, Development and Innovation by changing the list of winning projects, thereby ignoring the Scientific Committee's assessment. Despite the pandemic, students and faculty at the University of Theater and Film Art (*Színház – es Filmművészeti Egyetem – SZFE*) held protests for months to criticize the governments institutional reforms, which have damaged the universities' independence and autonomy (Gorondi, 2020; European Alliance of Academies, 2021).

Regarding freedom of assembly, the government took advantage of the pandemic to impose various restrictions. A decree was announced banning public assemblies and gatherings of 10 or more people, even in private outdoor locations. Those who broke the rules faced heavy fines. In February 2020, before COVID-19 reached Hungary, thousands of people gathered in Budapest to demand an independent judiciary and protest Prime Minister Orban's negative rhetoric towards Hungary's Roma citizens. During the pandemic, whereas such anti-government demonstrations were banned, the police did not stop anti-Roma protests by far-right groups in May 2020. Similarly, during April and May 2020, citizens were heavily fined for participating in protests against the government's pandemic measures by sitting in their cars and hooting (France 24, 2019; Atlatszo, 2020). Restrictions imposed on the freedom of assembly prevented Hungarians from expressing their opposition to the government's decisions. However, they were able to put up some resistance in June 2021, during protests against government plans to open a campus

of China's Fudan University, particularly over concerns about Chinese communist propaganda. Others argued that the budget allocated for this campus could be used to improve Hungarian universities (Kovacs, 2021; BBC, 2021).

In November 2020, the government declared another State of Danger. The Authorization Act reintroduced a total ban on outdoor gatherings in public places and gave police powers to stop and arrest any groups or protesters who gathered, and impose heavy fines of up to €1,400 for participating in prohibited activities (International Commission of Jurists, 2022). Parliament also voted to abolish the country's equality body, the Equal Treatment Authority, and transfer its duties and powers to the Hungarian Ombudsman, the Commission on Fundamental Rights, effective January 1, 2021, which generally ignores human rights violations (Vegh, 2021).

5.3. Civil Rights

According to Merkel (2004), civil rights include individual rights of protection of life, freedom, and property, protection against illegitimate arrest, exile, terror, torture, or unjustifiable interference with citizens' private lives, and equal access to the law and equal treatment under the law.

The Orban government often intervenes in the private lives of Hungary's citizens. Government discourse promotes family-friendly Christian living and wages an ideological war against LGBT+ people. In November 2020, the government proposed a constitutional amendment restricting the definition of a family to include the clause "the mother is a woman and the father is a man". It subsequently passed a law restricting adoption by same-sex couples and declared that legally, a child's parents must be a man and a woman. Finally, constitutional changes were made to 'protect' a child's identity regarding gender at birth and to ensure that they are raised according to so-called Christian values (Davies, 2020).

Another significant intrusion into civil liberties during the pandemic was the government's use of the military. For example, soldiers patrolled the streets of Hungarian cities to enforce curfews while the military got involved in the businesses of key companies in telecommunications, transportation, and healthcare to secure their operations. In hospitals, the military assigned "hospital commanders" who were put in charge of medical decisions (Kovacs, 2021). Involving the military rather than civilian security forces like the police in these procedures breached Hungarian citizens' civil rights.

The government frequently discriminates against Roma citizens, immigrants, and non-Hungarians living in the country. For example, the latter group were only allowed to apply for coronavirus vaccine after Hungarian citizens while immigrants were denied the right completely because the government required residence permits, ID numbers, or passport numbers to get vaccinations. This policy was a clear example of discrimination implemented by the government (France 24, 2019; Atlatzso, 2020). Human rights activists have also highlighted Orban's campaigns against marginalized minorities, particularly his calls for violence against the country's Roma

community. In February 2020, 2,000 activists marched to the Hungarian parliament building in Budapest to protest his refusal to compensate Roma children illegally segregated in a school in the town of Gyongyospata (Brennan, 2020).

In May 2020, after Hungary had implemented more restrictive refugee policies, the European Court of Justice (ECJ) ruled that the automatic rejection of asylum requests from safe transit countries violated EU law. It also stated that the detention of asylum seekers in so-called transit zones at the border constitutes illegal custody and should be restricted to 28 days. It called for asylum claimants to be relocated to reception facilities after 28 days, pending the result of their claims. In December 2020, the ECJ concluded that the Hungarian government's deportation of anyone determined to be unlawful in Hungary without granting them access to the asylum procedure violates EU law. However, these decisions had little influence on the Hungarian government's policies (Court of Justice of the European Union, 2020).

Regarding corruption, Hungary was rated 69th out of 180 nations in the Transparency International 2020 Corruption Perception Index (Transparency International, 2020). This corruption had prevented equal access to the law and government-provided opportunities for all citizens. While some citizens get special treatment and protection, others do not. For example, 41% of state tenders are non-competitive, with corruption as an accepted element of the process. In general, pro-government entrepreneurs win these bids (Vegh, 2021).

In 2020, during the coronavirus pandemic, corruption in Hungary reached an all-time high. In March 2020, a government decree authorized emergency purchases by state institutions relevant to the pandemic to be carried out without the use of state tenders. In several cases, the government paid far more than other EU members.⁶ In Hungary, there has always been a close relationship between politicians and business representatives. One of the clearest examples of this was Foreign Minister Peter Szijjarto's vacation aboard the luxury yacht of Hungarian billionaire Laszlo Szijj, one of the major beneficiaries of the Fidesz regime's public procurement policies. Despite the obvious ethical violation, Szijjarto was not punished (Hungary Today, 2020).

5.4. Separation of Powers and Issues with Judicial Independence

According to the principle of separation of powers, the legislative, executive, and judiciary should be both independent from each other and also mutually accountable. In a parliamentary system, the party leader who garners the most votes automatically becomes prime minister and assembles the government. In a parliament dominated by a single party rather than a multiparty coalition, this single party can dominate both the legislative and executive branches of government through a council of ministers headed by the party's leader. In this case, the only remaining independent power is the judicial branch. The separation of powers is violated in a nation if the ruling party and its administration appoint partisan judges and disregard the independence of the judiciary.

6 For example, the Hungarian government paid more than 300 billion Hungarian forints for 16,000 ventilators. (Kaszaz, 2022).

In the Hungarian context, the Authorization Act that was passed to combat the coronavirus abolished the checks and balances on Orbán's power and allowed the government to bypass parliament to make decisions. In fact, the Fidesz government, with a majority of parliamentarians, could force parliament to make arbitrary decisions even without the Authorization Act, indicating that there was already inadequate separation of powers in Hungary. However, with the act, the legislature and executive started to act as one power, with Fidesz members of parliament acting as civil servants under Orbán's command. Since the opposition does not have one third of the seats in parliament and the Constitutional Court, it has little impact in either parliament or the court. Moreover, Orbán packed the Constitutional Court with his supporters, leading to another intervention in the independence of the judiciary (Kreko, 2020).

The Fidesz government's 2019 reforms also severely curtailed judicial independence. The Administrative and Labor Courts were abolished, and their cases were transferred to regular courts. If the regular courts fail to reach a verdict in these cases, they are referred to the Supreme Court of Hungary, the Curia. However, by strengthening the Curia's position and appointing a pro-government attorney general, the government brought the judiciary under state control. The government has also eroded judicial independence by requiring a two-thirds majority in parliament to remove the chief prosecutor of the Curia (Vegh, 2021).

In 2020, Prime Minister Orbán intervened several times in the judiciary, stating that he did not find the decisions of the Hungarian Courts fair. For example, he once reacted to a court decision to pay compensation to Roma-origin students who had been segregated from other students (Jovanovic, 2020). Orbán also opposed a decision to compensate prisoners who had sued the government over poor detention conditions in Hungarian prisons. He even instructed the Minister of Justice not to provide such compensation. Such reactions have undermined the independence of the Hungarian judiciary (Balkan Insight, 2020).

6. Concluding Remarks

Hungary's democratic decline and authoritarian shift began in 2010 when Viktor Orbán and his party Fidesz took power in a coalition with the KDNP. This authoritarianism gained further momentum in 2015 with the influx of refugees from the Middle East and Africa to Europe. The coronavirus outbreak at the end of 2019 and its rapid spread across Europe in the early months of 2020 marked the height of Orbán's transition from democracy to authoritarianism. During this period, he declared a type of state of emergency called a "state of danger" and bypassed parliament by passing several hundred decrees. Under the guise of tackling the pandemic, the government strengthened the executive power and weakened the political opposition. Even when the pandemic started to slow down, Orbán's authoritarianism persisted. He has started seeking new excuses to violate democracy and create a new government to rally all power to himself. One such example is the war in Ukraine that started in February 2022. On May 25, 2022, Orbán declared a new state of emergency, citing the energy crisis resulting from the war while parliament

passed a constitutional amendment allowing the government to declare a state of danger in the event of an armed conflict or humanitarian disaster in a neighboring country. Using this latest state of emergency, Orban has continued to rule the country by decree, avoiding parliamentary debate, enacting new laws with very limited judicial review, and temporarily suspending others.

This study examined the increase in Hungary's authoritarianism during the coronavirus pandemic using Merkel's theoretical framework on embedded democracies. Merkel's first condition, a democratic electoral system, is not working well in Hungary. The electoral law was amended to make it more difficult for opposition parties to stand in elections while opposition-run municipalities have been weakened by depriving them of municipal revenues. In contrast, Fidesz-run municipalities have had no problem getting government funding.

Political freedoms, Merkel's second condition, have suffered the most in Hungary. First, the government prevented information from spreading during the peak of the pandemic. Furthermore, because businesses and individuals who support Orban and Fidesz control the majority of the media, the general public scarcely receive unbiased news. Recently, government pressure on the independent media has increased significantly, with a growing number of journalists regularly paying substantial fines or living in danger. Freedom of speech is severely compromised while the Orban government is likewise attempting to restrict academic freedom in universities by changing university administrations. The government respects meetings that are in accordance with its own ideas, but bans gatherings on subjects it opposes.

Merkel's third condition, civil rights, has likewise become a profoundly tricky issue in Hungary. In particular, the government's emphasis on Christianity and family values has meant that individuals who are not Christians or form families that do not comprise a man and a woman have been excluded from the general public. Similarly, non-Hungarian citizens have been excluded, particularly prior to the introduction of the first coronavirus vaccine. Roma immigrants and citizens, who make up 7.5% of the population and have lived in Hungary for centuries, are discriminated against. Citizens generally are denied equal access to the law and resources due to corruption. Businesses and individuals who support the government are more likely to win tenders than those who do not.

Regarding Merkel's fourth and most important condition, the Hungarian government's declaration of a state of emergency, the so-called State of Danger, which began with the coronavirus pandemic, has completely eliminated the separation of powers. The executive and legislature are currently under Orban's control. Interference in the judiciary by Orban and Fidesz has damaged the judiciary's independence. As a result, Hungary lacks checks and balances such that it cannot meet any of Merkel's requirements for the consolidation of democracy, demonstrating the flaws in the country's democracy.

In this context, the EU, which demands that member states ensure stable institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities, is not doing its job properly. The EU has a sanctioning mechanism for non-compliance with its laws.

Therefore, comprehensive action must be taken immediately to counter the serious threat posed by the Hungarian government to the rule of law and democratic institutions. In fact, the EU has already started responding to Hungary's democratic decline. In March 2019, the European Peoples Party (EPP), which represents conservative and center-right parties in the European Parliament suspended Fidesz's membership. In response, Fidesz left the EPP group in March 2021. In May 2021, the EU refused to pay Hungary's portion of the Recovery Fund, which is EU's largest-ever stimulus plan that provided financial aid to member states in the aftermath of the COVID-19 pandemic. In September 2021, the EU utilized the Conditionality Mechanism to withhold an extra 7.5 billion euros due to worries about the country's commitment to the rule of law (Gornl, 2021). Finally, in September 2022, the European Parliament criticized the Hungarian government's deliberate and systematic efforts to undermine European values.

On April 3, 2022, Viktor Orban won his fourth election with 53.1% of the vote in a highly unfair general election in which the opposition received little media and television coverage. Fidesz's large majority in parliament (135 out of 199 seats) gives Orban the chance to change the constitution. During the election campaign, as a pretext for his authoritarian policies, Orban skillfully turned the war in Ukraine in his favor. Hence, Orban is likely to remain in power indefinitely as long as he retains full control over the rules governing elections.

References

- A Facade of Legality: COVID-19 and the Exploitation of Emergency Powers in Hungary. (2022, February). *International Commission of Jurists*. Retrieved from <https://www.icj.org/wp-content/uploads/2022/02/Hungary-A-Facade-of-Legality-legal-briefing-2022-ENG.pdf>
- Borbath, E. (2021, April 15). How does the Coronavirus Strengthen Authoritarianism in Hungary? *Berlin Social Science Center, WZB*. Retrieved from <https://wzb.eu/en/research/corona-und-die-folgen/how-does-the-corona-virus-strengthen-authoritarianism-in-hungary>
- Brem, H. (2022, May, 25). Hungarian PM declares state of emergency, prompts concerns of authoritarianism from rights groups. *Jurist, Legal News & Commentary*. Retrieved from <https://www.jurist.org/news/2022/05/hungary-pm-declares-state-of-emergency-prompts-concerns-of-authoritariansim-from-rights-groups/>
- Brennan, D. (2020, March 6). Victor Orban's Anti-Roma Campaign in Hungary Is Being Legitimized by Trump and Western Leaders, Activists Warns. *Newsweek*. Retrieved from <https://www.newsweek.com/viktor-orban-anti-roma-campaign-hungary-legitimized-donald-trump-western-leaders-activist-1490920>
- Budapest Protests against China's Fudan University Campus. (2021, June 5). *BBC*. Retrieved from <https://www.bbc.com/news/world-europe-57372653>
- Car honking protests cancelled due to astronomical fines handed out by Budapest Police. (2020, May 5). *Atlatzo*. Retrieved from 25.05.2020. <https://english.atlatzo.hu/2020/05/25/car-honking-protests-cancelled-due-to-astronomical-fines-handed-out-by-budapest-police/>
- Cooper, J. (2020, July 13). To go ahead with the vote or to postpone? Elections in Africa in the time of COVID-19. *UN Africa Renewal*. Retrieved from <https://www.un.org/africarenewal/magazine/july-2020/vote-or-postpone-elections-africa-time-covid-19>

- Corruption Perceptions Index. *Transparency International* 2020. Retrieved from <https://www.transparency.org/en/cpi/2020>
- Çiçekdağ, M. A. (2022, June 12). Viktor Orban: Macaristan'ın Tek Adamı. *T24*. Retrieved from <https://t24.com.tr/yazarlar/mehmet-ali-cicekdag/viktor-orban-macaristan-in-tek-adami,35562>
- Davies, J. (2020, 16 December). Hungary writes 'the mother is a woman, the father is a man' into its constitution as it bans gay couples from adopting children. *Daily Mail*. Retrieved from <https://www.dailymail.co.uk/news/article-9059211/Hungary-writes-mother-woman-father-man-constitution.html>
- Democracy Digest: Hungary's 'Jail Business' Gambit. (2020, March 6). *Balkan Insight*. Retrieved from <https://balkaninsight.com/2020/03/06/democracy-digest-hungarys-jail-business-gambit/>
- Elections in Hungary. (2022, 3 April). *Organization for Security and Co-operation in Europe*. Retrieved from <https://www.osce.org/odihr/elections/hungary>
- European Alliance of Academies*. (2021, February, 15). Retrieved from <https://allianceofacademies.eu/news/hungary-appropriation-of-universities/>
- Europe's Failure to protect liberty in Hungary. (2019, December 29). *The Atlantic*. Retrieved from <https://www.theatlantic.com/international/archive/2019/12/eu-hungary-press-freedom/603985/>
- Fidesz, Political Party, Hungary. (2023, 23 March). *Britannica*. Retrieved from <https://www.britannica.com/topic/Fidesz>
- Foreign Minister Caught Vacationing on Pro-Govt Businessman's Yacht While Posting Office Photos. (2020, August 18). *Hungary Today*. Retrieved from <https://hungarytoday.hu/szijjarto-foreign-minister-vacation-yacht/>
- Freedom in the World 2023. (2023). *Freedom House*. Retrieved from https://freedomhouse.org/sites/default/files/2023-03/FIW_World_2023_DigitalPDF.pdf
- Gall, L. (2022, June 8). Hungary's New 'State of Danger'. *Human Rights Watch*. Retrieved from <https://www.hrw.org/news/2022/06/08/hungarys-new-state-danger>
- Gornl, S. A. (2021, December 15). Protecting Hungary from Itself. The Limitations of Forcing Compliance. *Idea*. Retrieved from <https://www.idea.int/blog/protecting-hungary-itself-limitations-forcing-compliance>
- Gorondi, P. (2022, September 6). Hungary's Theater & film college protests a loss of autonomy. *The Washington Post*. Retrieved from https://www.washingtonpost.com/entertainment/hungarys-theater-and-film-college-protests-a-loss-of-autonomy/2020/09/06/16b11204-f059-11ea-8025-5d3489768ac8_story.html
- Hegedus, D. (2020, 26 March). Orban uses Coronavirus to put Hungary's Democracy in a State of Danger. *German Marshall Fund*. Retrieved from <https://www.gmfus.org/news/orban-uses-coronavirus-put-hungarys-democracy-state-danger>
- Helman, C. (2022, February 18). Hungarian Democratic Backsliding during COVID-19. *Democratic Erosion*. Retrieved from <https://www.democratic-erosion.com/2022/02/18/hungarian-democratic-backsliding-during-covid-19/>
- Hoffman, I. (2021). The Challenges of COVID-19 Pandemic in Large Hungarian Municipalities –A Short Overview of the Legal Background. In I. Hoffman, K. F. Rozsnyani & M. Nagy (Eds.), *Urbanisation and Local Government(s)* (pp. 151-163). Maribor: Lex Localis.
- Hungary has failed to fulfil its obligations under EU law in the area of procedures for granting international protection and returning illegally staying third-country. (2020, 17 December). *Court of Justice of the European Union*. Press Release No 161/20. Luxembourg. Retrieved from <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-12/cp200161en.pdf>

- Hungary's Index Journalists walk out over sacking. (2020, 24 July), *BBC*, Retrieved from <https://www.bbc.com/news/world-europe-53531948>
- Hungarian journalists say state conceals impact of world's deadliest COVID-19 outbreak. (2021, March 21). *Reuters*. Retrieved from <https://www.reuters.com/article/us-health-coronavirus-hungary-media-idUSKBN2BN0XI>
- Hungary: Ruling Party's Lock On Power Threatens EU. (2022, April 4). *Human Rights Watch*. Retrieved from <https://www.hrw.org/news/2022/04/05/hungary-ruling-partys-lock-power-threatens-eu>
- Hungary far-right protest stokes fears of anti-Roma violence. (2019, May 21). *FRANCE 24*. Retrieved from <https://www.france24.com/en/20190521-hungary-far-right-protest-stokes-fears-anti-roma-violence>
- Hungary under Fidesz: A Retreat from Democracy. (2011, January 25). *Wilson Center*. 25.01.2011. Retrieved from <https://www.wilsoncenter.org/event/hungary-under-fidesz-retreat-democracy>
- Huntington, S. (1991). *The Third Wave, Democratization in the late Twentieth Century*. Norman: University of Oklahoma Press.
- Jovanovic, Z. (2020, February 28). Orban's Next Move: Overpowering the Courts. *Politico*. Retrieved from <https://www.politico.eu/article/orbans-next-move-overpowering-the-courts-roma-hungary/>
- Karl T. L. & Schmitter P. (1991). What Democracy Is ... And Is Not?. *Journal of Democracy*, 2(3), 71-88. DOI:10.1353/jod.1991.0033
- Kaszaz, F. (2022, July 27). Ventilator Purchases: Potential Police Investigation in Hungary after Scandal in Slovenia. *Hungary Today*. Retrieved from <https://hungarytoday.hu/ventilator-purchases-hungary-investigation/>
- Kovacs, K. (2021, March 11). Hungary and the Pandemic: A Pretext for Expanding Power. *Verfassungsblog*. Retrieved from <https://verfassungsblog.de/hungary-and-the-pandemic-a-pretext-for-expanding-power/>
- Kreko, P. (2020, April 28). Orban'in Otoriter Salgın Kapkacı. *Heinrich Böll Stiftung Derneği Türkiye Temsilciği*. Retrieved from <https://tr.boell.org/tr/2020/04/28/orbanin-otoriter-salgin-kapkaci>
- Levitsky, S. & Way, L. (2010). *Competitive Authoritarianism: Hybrid Regimes After the Cold War*. Cambridge: Cambridge University Press.
- Orban Hükümeti'nden muhalefete yeni seçim yasasıyla ittifak engeli. (2020, November 24). *Euronews*. Retrieved from <https://tr.euronews.com/2020/11/24/orban-hukumeti-nden-muhalefete-yeni-secim-yasas-yla-ittifak-engeli>
- Przeworski, A. (1991). *Democracy and the Market, Political and Economic Reforms in Eastern Europe and Latin America*. Cambridge: Cambridge University Press.
- Merkel, W. (2004). "Embedded and Defective Democracies," *Democratization*, 11(5), 33-58. DOI:10.1080/135.103.4041233.130.4598
- Repucci, S. & Slipowitz, A. (2020). The Impact of COVID-19 on the Global Struggle for Freedom. *Freedom House 2020 Report*. Retrieved from <https://freedomhouse.org/report/special-report/2020/democracy-under-lockdown>
- Repucci, S. & Slipowitz A. (2022). "The Global Expansion of Authoritarian Rule." *Freedom House 2022 Report*. Retrieved from <https://freedomhouse.org/report/freedom-world/2022/global-expansion-authoritarian-rule>
- The Face of the Rising Right-Wing in Hungary: Fidezs. (2021, December, 07). *TUIC AKADEMİ*. Retrieved from <https://www.tuicakademi.org/the-face-of-the-rising-right-wing-populism-in-hungary-fidezs/>

- Végh, Z. (2021). Nations in Transit 2021: Hungary. *Freedom House*. Retrieved from <https://freedomhouse.org/country/hungary/nations-transit/2021>
- Varga, M. (2020, April 15). Hungary's Rule by Decree again defies the EU. *ZOIS, Center for East European and International Studies*. Retrieved from <https://www.zois-berlin.de/en/publications/hungarys-rule-by-decree-again-defies-the-eu>