DISUNITED ELITES, LEGITIMACY POLITICS, AND CONSTITUTIONAL CHANGE: AN AGENCY-CENTRED ACCOUNT OF DEMOCRATIC DECONSOLIDATION IN HUNGARY

BY

GABOR PAUL HELLYER

Submitted to

Central European University

Department of Political Science

In partial fulfilment of the requirements for the degree of Master of Arts in Political Science

Supervisor: Professor Nenad Dimitrijević

Budapest, Hungary

2014

To my parents, who bestowed upon me
the unrivalled gifts of opportunity and choice,
for which I will forever be grateful.

.

Abstract

Why does Hungary, a former frontrunner of postcommunist democratic consolidation, now have a one-sided constitution which represents disunity over the basic values and institutions of the political system? Utilizing an *elite theory* perspective combined with Herbert Kitschelt's refined approach to causality, this study argues that the agency of political elites, rather than structural factors, has been central to the seemingly anomalous disappointment of consolidation expectations. Rather than seeing the current regime outcome as inevitable, it is argued here that elite disunity followed a traceable process of development. First, the role of agency in frustrating the centripetal tendency of two-party competition is demonstrated through analysis of the party system and cleavage structure of Hungarian politics. Subsequently, the inauguration of questioning the right of opponents to participate in the democratic game as a routine feature of competition, which I term *legitimacy politics*, is located in the discursive strategy of the Fidesz-led right bloc in the 1998-2002 period. Against analyses that place all the explanatory burden on the political crisis of 2006, the argument here stresses the essential continuity between the right's stance at the start of the millennium and in the 2011 Constitution. Through an analysis of the right's combination of anti-communism and nationalism, it is argued that the new constitution represents a project of *political messianism* in which citizens' interest is likely to be limited.

Acknowledgements

At the end of this most intense and intensive of processes, I am grateful to all of those who supported me, encouraged me, and provided what was at times truly essential fortification. Some of this was direct, much of it was indirect. I owe many debts of gratitude to numerous people and in different ways, and I can here only begin to identify some of those to whom I am thankful.

First of all, to my supervisor Nenad Dimitrijević. He has guided rather than directed my thinking, he has offered timely pragmatism as well as inspiring suggestions, and with his always genial approach he has treated the whole process with a sincerity and respect for which I am grateful. None of the above are easy to find in an academic mentor, and I consider myself fortunate.

Also, I would like to thank Béla Greskovits for contributing significantly to the quality of my time at the Central European University by providing a consistently challenging yet unusually supportive and genuine learning environment. My thesis would certainly have turned out differently without the intellectual animation his classes provided in the Fall semester. It is for similar reasons that I am grateful to Bori Kovacs, whose rigorous approach inspired me, particularly though our discussions of path-dependency. Although it bears no trace now, this was the initial conceptual vantage point from which I sought to understand Hungarian politics, and I thank Bori for providing a stimulating learning experience.

To my family, Paps, Mami, and Zsofi, for supporting me from the other side of the world in the ways that only family can. I know for sure that I could not have done this without you.

CONTENTS

Introduction

> "[I]n democratic societies…conflict cannot and should not be eradicated…it should not take the form of a struggle between enemies (antagonism) but between adversaries (agonism)… Adversaries fight against each other because they want their interpretation to become hegemonic, but they do not put into question the legitimacy of their opponents to fight for the victory of their position."[1]

Currently, the Hungarian polity is governed by a constitution which was written and brought into force by a single political party. The rules of the democratic game were changed unilaterally by one of the players without the consent of or even input from the others players. To critique the 2011 Fundamental Law on the grounds that it departs from this most basic tenet of constitutional democracy – that there should be a foundational consensus over the contours of the political system – is already now approaching the status of a platitude. For those concerned with state of affairs in Hungary, whether for reasons personal, normative, or theoretical, it is clear that the analysis has to go further.

What is at stake in the current study is the survival of constitutional democracy in Hungary. Robert Dahl, in what is today considered one of "the most widely accepted criteria for identifying a country as democratic" put forward "civil and political rights plus fair, competitive, and inclusive elections" as the benchmark.[2] Arguably there is cause for concern in Hungary in relation to the fairness and inclusiveness of elections.[3] Moreover, Andrew Arato, in his analysis of the 2011 constitutional changes, refused to rule out the possibility that future interpretations of the new constitution, and by extension the associated realities of

---

[1] Chantal Mouffe, 'Which Public Sphere for a Democratic Society?', *Theoria*, Vol. 49, No. 99, (2002), p. 58.
[2] Andreas Schedler, 'What is Democratic Consolidation?', *Journal of Democracy*, Vol. 9, No. 2, (1998), p. 92.
[3] József Péter Martin, 'Hungary's Upcoming Elections: Free But Not Fair', *Transparency International*, published 4 April 2014, http://www.transparency.hu/Hungary_s_upcoming_elections__free_but_not_fair, accessed 5 May 2014.

governance, would justify the term "semi-authoritarian regime".[4] On a more modest level we can say without a doubt that the 2011 constitutional changes represent an injury to democratic consolidation in Hungary. Elster and his colleagues defined consolidation in terms of an institutionalized social order in which "rules according to which political and distributional conflicts are carried out are relatively immune from becoming themselves the object of such conflict".[5] Phillipe Schmitter similarly sees consolidation as depending on the creation and maintenance of a shared framework for inevitable conflict.[6] When a controversial and one-sided constitution is brought into force, this condition of consolidation cannot be considered satisfied, and we can legitimately speak of deconsolidation.

Why, and how, could such a detour from the principles of constitutional democracy occur in Hungary, in 2011, some 22 years after the transition to democracy began? This is the question that motivates the current investigation. Utilizing the *elite theory* framework developed by John Higley and associated scholars,[7] the main argument presented here is that the key to understanding the constitutional development of Hungary lies in understanding the country's political elites, and specifically their patterns of interaction. Specifically, it is argued that it is impossible to account for the most recent constitutional changes without a close analysis of inter-elite *legitimacy politics*, in which the right of one's opponent to take part in the democratic game is challenged. Precisely in opposition to the above-quoted normative prescription of Chantal Mouffe, in Hungarian politics today the legitimacy of various players' rights to participate in the democratic game are frequently questioned or denied. This is not a historically or culturally driven inevitability, but rests instead on the

---

[4] Andrew Arato, 'Regime Change, Revolution and Legitimacy' in Tóth, Gábor Attila, (ed.), *Constitution for a Disunited Nation: on Hungary's 2011 Fundamental Law*, (Budapest: Central European University Press, 2012), p. 52.
[5] Jon Elster, Claus Offe, and Richard K. Preuss, *Institutional Design in Post-Communist Societies: Rebuilding the Ship at Sea*, (Cambridge: Cambridge University Press, 1998), p. 30.
[6] Jasper de Raadt, 'Contested Constitutions: Legitimacy of Constitution-making and Constitutional Conflict in Central Europe', *East European Politics and Societies*, Vol. 23, No. 3, (2009), p. 318.
[7] The present study draws primarily on John Higley and Michael Burton, *Elite Foundations of Liberal Democracy*, (Lanham: Rowman and Littlefield Publishers, 2006).

2

perceptions and choices of elites. Hungary's disappointment of widely held expectations of democratic consolidation cannot be understood without an emphasis on politicians' agency. This study focuses specifically on the perspective of the right. Although the left undoubtedly played its part in providing raw material for their opponents to work with and cannot be excluded from a comprehensive account of agency in the past 25 years, it is the right that has taken the momentous step of institutionalizing its version of legitimacy politics in the country's supreme legal document.

Naturally, any study of democracy in a postcommunist country must take into account the relative freshness of democracy, and the attendant history of the process of transition and consolidation. Simply put it is insufficient to explain, in snapshot style, why something happened without analyzing how things got to be the way they are. The present study thus seeks to elucidate the development of inter-elite relations in Hungary since the transition to democracy. In addition to the analytic utility of investigating the process of this development, the analysis presented here is stimulated by the inability of Higley and Burton's elite theory to account for Hungary's current situation. To deal with this deficiency of elite theory, the present study examines a fundamental debate within political science regarding causality and the structure versus agency dualism.

The study proceeds in the following manner. In the first chapter, the elite theory framework will be set out, as it is represented in Higley and Burton's 2006 book *Elite Foundations of Liberal Democracy*. Here two main points will be highlighted: the inconsistency of Hungary's experience with the predications of elite theory and the resulting analytical puzzle, and the theory's inability to account for the breakdown of the 1989 elite settlement. The search for a more suitable way to think about why and how Hungary has disappointed expectations leads the second chapter to discuss Kitschelt's exposition of different approaches to causality. The main argument presented in this chapter is that there is

3

a strong theoretical case to be made for considering Hungary as an outlier which diverged from expectations due to processes rooted in agency rather than structure. The third chapter examines the development of the Hungarian party system. It argues that while institutional factors indeed had a strong role to play in creating bipolar competition, agency is needed to explain the character of that competition. Several routes of cleavage development were possible from the 1989 starting point, and the disappointment of Downs' centripetal logic was not inevitable. Expanding on this, the fourth chapter examines the transformation and rise of Fidesz under the leadership of Viktor Orbán, paying particular attention to the importance of Orbán's leadership, the unification a the right bloc under a constructed ideology, and the inauguration of legitimacy politics as a central component of political competition. Chapter five examines the internal logic of the right's anti-communist nationalism, focusing on the role of interpretative agency in the construction of the past. Finally, chapter six demonstrates that the current and somewhat anomalous deconsolidation of democracy in Hungary as represented by the 2011 constitution can logically be connected to the development of legitimacy politics over the past decade and a half. It argues that the constitution should be seen as part of a project that can be described, following J.H.H. Weiler, as *political messianism.* This serves as a culminatory point for one if the central themes of the study, that elites have consistenly been more interested in driving disunity than have the citizens of Hungary, and the current outcome was anything but inevitable. The conclusion situates the study's perspective in a wider context as well as offering some final thoughts on democracy in Hungary.

Chapter 1 – Elite Theory

Introducing the Focus on Elites

Higley and Burton present their theory of elites and the contribution they make to the comprehension of the emergence and stability of democracy in their 2006 book *Elite Foundations of Liberal Democracy* (henceforth *EFLD*). The book is described as the culmination of decades of research,[8] and it is based on an impressive array of historical material which spans across multiple centuries and covers the entire globe. It also builds on a number of previous thinkers. From the twentieth century, the authors identify Joseph Schumpeter as the most important writer to consider the importance of elites for the birth of liberal democracy,[9] with a long list of names following him: Robert Dahl, Giovanni Sartori, Seymour Lipset, Dankwart Rustow, Juan Linz, Robert Putnam and more.[10] Going further back we find the originators – "Gaetano Mosca (1858-1941), Vilfredo Pareto (1848-1923), and Robert Michels (1876—1936)".[11] Higley and Burton make references to these thinkers throughout *EFLD*, often pointing out the classic thinkers' conceptual shortcomings and updating and developing their original thoughts.

Higley and Burton's central claim is simple, yet ambitious: "[t]he sine qua non of liberal democracy is a well-articulated, internally accommodative, and relatively secure political elite... [n]o liberal democracy has ever emerged without the formation of such an elite".[12] While many scholars acknowledge that elites are important, few have gone as far as Higley and Burton. For example, Samuel P. Huntington considers elites to be "'the most

---

[8] Higley and Burton, *Elite Foundations*, back cover.
[9] For a fuller account of Schumpeter's theory than that found in *EFLD*, see Heinrich Best and John Higley, 'Introduction: Democratic Elitism Reappraised, *Comparative Sociology*, Vol. 8, No. 3, (2009), pp. 323-344.
[10] Higley and Burton, *Elite Foundations*, p. 2.
[11] Ibid., p. 4.
[12] Ibid., pp. 1-2.

immediate and significant explanatory variable' for explaining democratization's waves".[13]

Larry Diamond, Juan Linz, and Seymour Lipset similarly see elites as a preeminent variable, concluding that that "[t]ime and again across our cases we find the values, goals, skills, and styles of political leaders and elites making a difference in the fate of democracy".[14] These authors, however, insist on including a wide variety of additional explanatory variables – in the case of Huntington, they number twenty seven to be precise.[15] Higley and Burton, by contrast, argue that we need to focus solely on elites, as "liberal democracy is primarily an elite creation" – they go so far as to call this a "rule of politics".[16] Furthermore, they argue that the stability or instability of a political regime is determined by political elites and their patterns of interaction.[17] In short, "[e]lite interactions are...critical for understanding how and why different political outcomes occur".[18] This is particularly true in postcommunist countries. As András Bózoki reminds us, the transition to democracy in East Central Europe was widely seen to be an elite-driven process, and there was a tacit consensus at the time that "reliable democracy should not be made by the masses but be crafted by elites".[19]

Higley and Burton's Framework

First of all, who are political elites exactly? The definition given by the authors focuses on the ability to influence political outcomes "regularly and substantially" by virtue of "strategic positions in powerful organizations and movements".[20] The potential internal variety within this conception of elites is not actively explored by the authors, but we can

---

[13] Ibid., p. 3

[14] Larry Diamond, Juan Linz, and Seymour Lipset, *Politics in Developing Countries: Comparing Experiences with Democracy*, (Boulder: Lynne Rienner Publishers, 1995), p. 19, cited in András Bozoki, 'Theoretical Interpretations of Elite Change in East Central Europe' in Dogan, Mattei, (ed.), *Elite Configurations at the Apex of Power*, (Leiden and Boston: Brill, 2003), p. 223.

[15] Higley and Burton, *Elite Foundations*, p. 3.

[16] Ibid., pp. 2-3.

[17] Ibid., p. 19.

[18] Ibid., p. 202.

[19] Bozoki, 'Theoretical Interpretations of Elite Change in East Central Europe', p. 215.

[20] Higley and Burton, *Elite Foundations*, p. 7.

infer that their definition does not refer exclusively to representatives, even though their study focuses on the factions which seek control over the structures of governance. They note, however, that theirs is a specifically *political* definition, leaving aside "all those in a society who enjoy high occupational, educational or cultural statuses".[21] The issue of economic elites is not dealt with specifically in the definition given in this book. This is a potential shortcoming of their framework, given that economic elites may constitute a group who can influence political outcomes regularly and substantially but do not seek direct control of the structures of governance in the way that explicitly political factions do. In any case, the authors follow the classical elite theorists in stating that *political elites are inevitable* in all relatively complex societies.[22] The classical theorists studied "the persistence, transformation, or disintegration of elites conceived as structured and dynamic wholes", and it is this sort of study of the overall structure of inevitable elites which Higley and Burton propose.

The second element raised by the authors is that of *elite variation*. This is a somewhat vague title which essentially denotes the fact that we can observe different kinds of overall structures of elites. This is again a point taken from Mosca and Pareto, although admittedly their characterizations were not particularly scientific. Pareto, for example, distinguished between fox-like and lion-like elites. After the classic theorists but before Higley and Burton, Putnam created his threefold grouping of consensual, competitive, and coalescent elites after reviewing a range of existing studies.[23] Building on these previous analyses but seeking a higher degree of precision, Higley and Burton identify two main dimensions of elite variation: *structural integration* and *value consensus*. They provide the following definition:

---

[21] Ibid., p. 8.
[22] Ibid., p. 5. The authors' emphasis on this point reflects their contention that participatory and direct democracy advocates do not adequately appreciate elite inevitability.
[23] Ibid., pp. 8-9. It is worth noting that Putnam linked his three types of elites to communist, stable democratic, and multiethnic regimes, respectively.

> Structural integration involves the relative inclusiveness of formal and informal networks of communication and influence among the persons and factions making up a political elite. Value consensus involves the relative agreement among all these persons and factions about norms of political behavior and the worth of existing governmental institutions.[24]

The focus of this study is on value consensus. As Thomas Baylis points out, this is a *procedural consensus* in that it involves agreement on the "rules of the game" but leaves room for the legitimate pluralism of worldviews and policy goals.[25] Citing Giuseppe Di Palma's work on the similar concept of *restrained partisanship*, the authors highlight the at the most basic level, elites must "recognize the right of opponents to exist [and] to be heard".[26] If this condition is not fulfilled, then the subsequent items that make up value consensus, such as agreeing to disagree on certain issues, emphasizing "feasibilities rather than ultimate rights and wrongs" in problem solving, and willingness to bargain more generally, cannot be fulfilled.[27] As we will latter see, when political competition contains a significant focus on the illegitimacy of opponents, value consensus is significantly threatened.

Following on from this, the authors propose that there is a fundamental difference between *united* and *disunited* elites. While the former is characterized by "dense and interlocked networks" and agreement over basic political values and behaviour, the latter lack these characteristics. Additionally, there is mutual distrust between rival factions, and Higley and Burton even include that struggles are often unrestrained and violent, resembling "politics at war".[28] The category of united elites is further broken down into two different types: *consensually united elites*, which are the above mentioned sin qua non of liberal

---

[24] Ibid., p. 9.
[25] Thomas A. Baylis, 'Elite Consensus and Political Polarization: Cases from Central Europe', *Historical Social Research / Historische Sozialforschung*, Vol. 37, No. 1, (2012), p. 92.
[26] Ibid., p. 11.
[27] Ibid.
[28] Ibid., p. 14.

democracy, and *ideologically united elites*, in which there is the outward appearance of a monolithic elite united behind a "single ideology, religious doctrine, or ethnic creed".[29] The authors provide several other illustrative descriptions of each type, stating for example that in a consensually united elite, elites have "plausible assurances that even after missteps, scandals, or defeats that weaken them, they will retain their lives, reputations, and at least some socially accepted...status".[30] Finally, they note that these are ideal types, and so while some cases will closely resemble one of three types, others will be borderline cases.

Finally, Higley and Burton note that we must be conscious of the differences between *apparent* and *real* value consensus. They give the examples that an ideologically united elite may only appear to be so, with conflicts beneath the unified exterior, or that politics within a consensually united elite may still be full of accusations of norm violations and depictions of opponents as deviants.[31] They conclude this cautionary note by stating that the real question to ask is whether "the *pattern* of elite behavior indicates a common, though seldom explicitly avowed, desire to keep politics tamed [emphasis in original]".[32] Although they ultimately provide no criteria by which to differentiate between apparent and real phenomena, it is a valuable distinction to keep in mind when attempting to categorize cases.

Elite Types and Regime Types

After explaining the different ways to characterize intra-elite relations, the authors argue that political regime types are determined by elite types. First, the authors distinguish between *stable* and *unstable* regimes on one level and *representative* and *unrepresentative* on another.[33] This conceptualization leads to four possible regime categories, and Higley and

---

[29] Ibid.
[30] Ibid., p. 12.
[31] Ibid., p. 13.
[32] Ibid.
[33] Ibid., pp. 16-7.

Table 1 – Postulated Elite-Regime Relations[34]

Elite Configuration	*Regime Type (and Subtypes)*
Consensually United	Stable representative (liberal oligarchy/democracy)
Ideologically United	Stable unrepresentative (totalitarian/theocracy/ethnocracy)
Disunited	Unstable representative (illiberal democracy)
Disunited	Unstable unrepresentative (monarchical, authoritarian, sultanistic, post-totalitarian/theocratic/ethnocratic)

Burton argue that these largely overlap with the three elite types. The relations are mapped in Table 1, taken directly from *EFLD*. The two types of primary interest for us here are the stable representative and unstable representative categories. The former embodies the networks and norms of restrained political competition that define consensually united elites", with the authors drawing on Przeworski's definition of liberal oligarchy or democracy in which elites know that even if they lose the current electoral round, they can win the next one.[35] In the latter, civil liberties are "truncated and uncertain", electoral competition exists but it is subject to "irregularities and upsets", and we refer to illiberal, electoral, and semidemocracies.[36] Additionally, in describing *instability* the authors focus on seizures of power by force, whether considered likely, attempted or successful.[37] Admittedly, the authors' explication of criteria for identifying the different regime types is not particularly rigorous, particularly if one considers the vast literatures and controversies that exist over how to categorize various kinds of regimes. To some extent the immense number of cases to which the labels are applied in *EFLD* may explain the degree of openness. In any case, it does make it a little more challenging to categorize when a case appears to occupy a space between two of the regime types.

---

[34] Reproduced without alteration from Ibid. It is worth noting the use of term "postulated" in the table's title, which hints towards the fact that despite the relatively confident presentation of the authors, their theory is in some regards still a first step.
[35] Ibid, p. 18.
[36] Ibid., p. 19.
[37] Ibid., p. 16

The purpose of creating elite ideal types and corresponding regime types is that Higley and Burton want to argue that elites are *the* independent variable to the dependent variable of liberal democracy. Elite types usually predate regime type, but in the very least they emerge concomitantly.[38] Thus the central question their book addresses after erecting their theoretical scaffolding is how the various types of elites emerge. Before examining the authors' causal argument, one final theoretical component must be mentioned, which is *elite and non-elite interdependence*. Although the authors posit elites as the number one causal factor, they acknowledge that one cannot ignore the relationship between elites and non-elites. They note two main topics of interest: elite circulation and elite mobilization of non-elite support. The former refers to the sources and social composition of elites. More important for the wider theory, however, is the issue of mobilization. Higley and Burton's position is essentially that while "the necessity for elites to conform their appeals and actions to non-elite interests and orientations limits what elites can do or get away with", these so called "non-elite parameters" leave much scope for elite agency.[39] Perhaps most crucially, in the authors' framework the existence of certain parameters never "trigger[s]" action – "[e]lites must still choose".[40] With this in mind, we turn to their explanatory model.

On the Limited Origins of Elite Types

The authors' argument is straightforward. Simply put, disunited, consensually united, and ideologically united elites each seem to originate through incredibly few "circumstances, events, and processes".[41] Consensually united elites specifically have had their genesis in only three ways: *elite settlements, colonial opportunities*, and *convergences*.[42] Once formed,

---

[38] Ibid., p. 19.
[39] Ibid., p. 27.
[40] Ibid.
[41] Ibid., p. 19.
[42] Ibid., p. 4.

11

elite types have a "strong tendency to persist", and thus movement from one type of elite to another is rare.[43] Moreover, if we look over the whole globe and across the past centuries, consensually united elites are rare, and disunited elites are the norm.[44] The wealth of historical evidence presented in the remainder of the book goes as far back as the 1500s, and it is through examining the origins on elite types across the globe that the authors make their case for the elite foundations of liberal democracy.

According to Higley and Burton, the formation of an independent nation-state has most often produced disunited elites, as in all European nation-states that emerged between 1500-1800.[45] The few examples of nation-state formation leading to consensually united elites can be explained, in their account, only by looking at the experiences of colonial home rule. These are grouped under the label of "foundational origins", along with ideologically united elites originating from revolutionary wars of liberation or succession.[46] The vast majority of political elites throughout history have had foundational origins. Much more common for consensually united elites, which anyhow have been rare, has been "transformational" origin. In Higley and Burton's analysis only roughly 45 political elites have undergone transformation in the last 350 years, and they have done so either through elite settlements or convergence.[47] Elite settlement describes the process in which "warring political elites have deliberately and suddenly negotiated compromises of their core disputes".[48] Although the authors see elite settlement as a "highly contingent" phenomenon,[49] they outline four key conditions: 1) prior experience of prolonged conflict, 2) a sudden crisis which raises the stakes of conflict, 3) elite factions organized and structured in a way that

---

[43] Ibid., p. 19.
[44] Ibid., p. 3.
[45] Ibid., p. 20.
[46] Ibid., p. 24.
[47] Ibid., p. 23.
[48] Ibid., p. 22.
[49] Ibid., p. 4.

12

facilitates negotiation between leaders, and 4) political elites have adequate distance from "mass pressures" to allow for concessions.[50] The authors' best illustration of this is the case of English elites in the wake of the Glorious Revolution of 1688, although there is a whole chapter devoted to settlements.[51] Convergence can only happen in unstable representative regimes. The term refers to the process in which at least two factions of a disunited elite gradually realize that by cooperating rather than fighting, they can win elections repeatedly. This can only occur, however, in polities which enjoy a "relatively high level of economic prosperity" – a somewhat vague formulation – as the basis of the winning electoral formula is the protection of the existing socio-economic and socio-political system.[52] The paradigmatic cases of convergence presented by the authors are France and Italy.[53]

Hungary in Elite Theory Perspective

So where does Hungary fit in? According to Higley and Burton's framework, the majority of countries in Eastern Europe experienced a transformation from disunited elites to ideologically united elites via the Soviet Union's imposition after World War II.[54] After the fall of the Soviet Union, the affected countries experienced a variety of elite transformations. Some countries, such as Romania and Bulgaria, moved to disunited elites and unstable regimes. Others, namely the Czech Republic and Slovakia, experienced gradual elite convergence. Hungary, however, became a stable representative regime through elite settlement, along with Poland and Slovenia.[55] Thus, according to the authors, Hungary's elite transformed from ideologically united to consensually united. One the one hand, the authors state that the fall of the Soviet Union represents an event "of such unprecedented and global

---

[50] Ibid., p. 22.
[51] Ibid., pp. 55-60.
[52] Ibid., p. 22.
[53] Ibid., p. 144-150.
[54] Ibid., p. 83.
[55] Ibid., p. 24.

importance" that it should be treated as a distinct, fourth transformational origin, and one which the authors state they will not pay as much attention to as the other three transformations.[56] This would suggest that the post-communist experience is unique and beyond the scope of Higley and Burton's elite theory. On the other hand, the authors clearly claim that Hungary, Poland and Slovenia saw transformation to consensually united elites through elite settlements.[57] Writing about Hungary in the chapter on settlements, they state that "cascading developments" in the late 1980s led to the national roundtable talks that produced consensus over holding free elections, the rules that would govern the election, and the policy agenda of the new parliament.[58] The first election of the new democratic era was characterized by restrained partisanship and a neutral military, and by 2002 the country had experienced four peaceful transfers of power, "a record that strongly indicated tamed politics".[59] They note that although politics has not been "placid" and some worry about increasing polarization, "the overall picture is of political, business, and other elites engaged in pugnacious but still tacitly restrained competitions in a stable representative regime that is clearly a liberal democracy. The concrete origin of this pattern was the elite settlement struck in 1989".[60]

Thus we face a theoretical puzzle. Consensually united elites, the authors claim, have a strong tendency to persist once established. In fact, the authors claim that only very recently have we seen any cases whatsoever of consensually united elites becoming disunited or ideologically unanimous, and these cases are puzzling anomalies even for Higley and Burton.[61] Yet in the face of the 2011 constitutional changes in Hungary, it is difficult to maintain the claim that elites are united. Elite factions no longer agree upon the basic rules of

---

[56] Ibid., p. 25.
[57] Ibid., p. 83.
[58] Ibid., p. 84.
[59] Ibid., p. 85.
[60] Ibid., pp. 85-6.
[61] Ibid., p. 25.

the democratic game, and do not share a value consensus over the "worth of existing governmental institutions" or the appropriate way for rules or institutions to be altered. Although the Hungarian situation does not display, so far, the more violent hallmarks of Higley and Burton's ideal-type definition of disunited elites, this term is more appropriate for the overall dynamics of elites in Hungary today. This raises two possible ramifications for Higley and Burton's elite theory. Either their assessment of a post-1989 consensually united elite is inaccurate and Hungary has had disunited elites over its whole recent democratic history, or we have a case of consensually united elites becoming disunited. If the former interpretation is more accurate, how can this be reconciled with the relative stability of the representative regime for the majority of the post-1989 period? If the latter fits better, how can we explain the transformation from consensually united to disunited elites?

This is territory that is relatively unchartered in terms of Higley and Burton's framework. Because they identify only two, possibly three, cases of consensually united elites becoming disunited, there is no systematic account of the mechanisms of change in these cases. Another piece missing from the theoretical model is an account of the mechanisms by which consensually unite elites are sustained. Presumably this is because the authors take the causes of persistence to be self-evident, particularly in light of their conclusion that once formed consensually united elite have endured across a variety of contexts.[62] Nonetheless, if we had an account of what sustains consensually united elites, we could search for the erosion of these conditions to identify why elites become disunited.

Although the authors clearly hold the agency of elites in high regard, some of their causal explanations have large doses of structural logic in them. Consider, for example, the case of elite settlements. As described above, the authors state that for these to occur we need a lengthy experience of conflict, a contingent crisis, competing factions organized in a way

---

[62] Ibid., p. 25.

that enables negotiation, and distance from non-elite masses. Are these structural conditions, or are they brought about through contingency and the agency of individual elites? Do we observe cases in which all four conditions are met and no settlement comes about due to elite agency? The tensions between structural and agency based approaches to explanation are particularly interesting in the apparently anomalous case of transformation from consensually united to disunited elites in Hungary, because it is tempting to see the current dynamics of elite interaction as a result of Hungary's history, culture or formal institutions – inescapable forces either impervious to or constitutive of individual elite agency. My proposal is thus to examine the debates over causation, structure, and agency, in order to provide some moorings for analysing the Hungarian case.

16

Chapter 2 – Structure versus Agency: Lessons from Kitschelt

Structure or Agency?

At the heart of thinking about how to explain outcomes there is a tension between explanations which focus on structure and those that prefer agency.[63] Structure can take on a variety of meanings. Here I use the word in a relatively loose sense to refer to long run forces such as history, culture, and institutional factors. While these are clearly complex and distinct forces, they can all be conceptualized as *constraints* on individual autonomy, and I group them together for this reason. For example, accounts that seek to explain current political or economic outcomes by way of pre-communist historical legacies, the political culture that came about during communism, or even the initial institutional choices made at the roundtable talks, qualify as structural. Conversely, if one posits individual decisions, purposive action, and intentionality as significant causes, then one is talking about agency.[64] This distinction is found, in various guises, throughout political science. One could even say that this tension is reflected in the overall history of the discipline. The rise of behaviouralism in the 1950s and 1960s and the subsequent ascendency of rational choice where both based on a belief in individuals' autonomy from the constraints of formal and informal institutions.[65] The new institutionalist perspectives that became prominent from the 1980s onwards, on the other hand, tend to see agency as shaped by structural factors, particularly history and culture, solidified in institutions.[66] Today this tension can even be found within new institutionalism, with some authors advocating a more agency-centred approach in

---

[63] William Roberts Clark, 'Agents and Structures: Two Views of Preferences, Two Views of Institutions', *International Studies Quarterly*, Vol. 42, No. 2, (1998), pp. 245-270.

[64] This description of agency is inspired by Elster et al, *Institutional Design in Post-communist Societies*, pp. 293-4

[65] B. Guy Peters, *Institutional Theory in Political Science: The 'New' Institutionalism*, (London and New York: Pinter, 1999), p. 1.

[66] See Ibid. but also Peter A. Hall and Rosemary C. R. Taylor, 'Political Science and the Three New Institutionalisms', *Political Studies*, Vol. 44, No. 5, (1996), pp. 936-957.

explicitly stated contrast to the structuralism of the other main approaches within new institutionalism.[67] Closer to the present analysis, we can find the structure-agency tension in alternative approaches to explaining the character and diversity of right-wing parties in post-communist societies,[68] the political cleavages in these countries more generally,[69] and the diversity of regime outcomes across the post-communist world.[70] In searching for a way to think about explaining the deterioration of elite relations in Hungary, one faces similar questions. Is the observed disunity the result of political culture, historical legacies, or the shape that institutions took at the roundtable talks? Or is it due to the choices of actors, that is, political agency?

The most insightful consideration of this tension comes from Herbert Kitschelt. He argues that given the variety of explanations for regime diversity in the post-communist world, we need to begin by considering how we think about causality.[71] The very fact that there are "different conceptions of causality" is a point seldom acknowledged explicitly in social science. As Kitschelt shows, however, a discussion of the epistemology and ontology of causality in the social sciences has great relevance for how we think about alternative causal accounts, particularly the differences between structural and agency-based explanations.

---

[67] Vivien A. Schmidt, 'Reconciling Ideas and Institutions through Discursive Institutionalism' in Daniel Béland and Robert Henry Cox (eds.), *Ideas and Politics in Social Science Research*, (Oxford: Oxford University Press, 2011), pp. 47-64. For an interesting response to Schmidt's perspective, which likewise has the structure-agency issue at its core, and calls for an "agency-centred historical institutionalism", see Stephen Bell, 'Do We Really Need a New 'Constructivist Institutionalism' to Explain Institutional Change?', *British Journal of Political Science*, Vol. 41, No. 4, (2011), pp. 883-906.

[68] Aleks Szczerbiak and Seán Hanley. 'Introduction: Understanding the Politics of the Right in Contemporary East–Central Europe', *Journal of Communist Studies and Transition Politics*, Vol. 20, No. 3, (2004), pp. 1-8.

[69] Stephen Whitefield, 'Political Cleavages in Post-Communist Politics', *Annual Review of Political Science*, Vol. 5, (2002), pp. 181-200.

[70] Herbert Kitschelt, 'Accounting for Postcommunist Regime Diversity: What Counts as a Good Cause?' in Grzegorz Ekiert and Stephen E. Hanson, (eds.), *Capitalism and Democracy in Central and Eastern Europe: Assessing the Legacy of Communist Rule*, (Cambridge: Cambridge University Press, 2003), pp. 49-86. See also Elster et al, *Institutional Design in Post-communist Societies*, especially pp. 293-298. See also Juliet Johnson, 'Path Contingency in Postcommunist Transformations', *Comparative Politics*, Vol. 33, No. 3, (2001), pp. 253-255.

[71] Kitschelt, 'Accounting for Postcommunist Regime Diversity', pp. 50-1.

Kitschelt on Causality

Kitschelt, in seeking to counter the "common misunderstanding" that causality in social science is about prediction, states clearly that "sciences of complexity in general, and the social sciences in particular, cannot explain singular events", as singular events are brought about by multiple causal chains.[72] No single factor is necessary or sufficient on its own – it is only "the concatenation and configuration of forces that yield particular historical constellations",[73] as Charles Ragin also pointed out over a decade before with his concept of conjunctural causation.[74] From this we can already see that Kitschelt has in mind a more rigorous account of causality than what one finds in much political science literature. Kitschelt is not saying we can't explain events through "postdiction" – although this too leaves "residual unexplained variance"[75] – but he *does* argue that in order to argue a causal explanation you need to use a comparative method. This is because "the study of particular cases only provides 'data points,' each of which is open to multiple causal inferences".[76] A single case does not satisfy John Gerring's third criteria of causal inference, which states that "all sorts of processes are necessary to bring about a certain outcome, but only few of them covary with the specific outcome *consistently* [emphasis added]"[77] – that is, across cases. This places an inherent limitation on examining causality in a study which looks at one case only, as the present one does. It also serves as a warning to be wary of accounts which claim to be able to authoritatively explain outcomes in one country without a comparative perspective. Analysis of a single case can still generate insight regarding process and the

---

[72] Ibid., pp. 51-2.
[73] Ibid., p. 54.
[74] See Charles Ragin, *The Comparative Method: Moving beyond Qualitative and Quantitative Strategies*, (Berkeley: University of California Press, 1987).
[75] Kitschelt, 'Accounting for Postcommunist Regime Diversity', p. 53.
[76] Ibid., p. 54.
[77] Ibid., p. 58

19

working of mechanisms, but according to Kitschelt's position, it will struggle to identify ultimate causality. There is, however, one major reason to examine single cases, which is *outlier cases*. I will argue that based on several explanatory frameworks Hungary is an outlier case, which justifies the single case study approach. But before elucidating the logic of causation in outlier cases, we must examine Kitschelt's distinction between deep and shallow causality – concepts which are very similar, although not the same, as structure and agency – and how social scientists decide between the two.

On the Distance Between Cause and Effect, and the Need for Mechanisms

Rather than entering this discussion through the structure-agency divide, Kitschelt takes Gerring's first criteria of causal inference, that the cause should have "temporal priority" over the effect, and asks "how much temporal priority?".[78] In other words, how large must the distance in time be between the cause and effect? Kitschelt refers to this issue as *causal depth.* Any causal account in which there is a large gap in time between the cause and the explained outcome is engaged in *deep causality*. Studies that advance pre-communist history as the primary causal factor, such as those that argue that legacies of Ottoman and Hapsburg rule can account for current day outcomes, would be good examples.[79] On the other hand, explanations which focus on temporally close factors are termed causally *shallow*. According to Kitschelt, shallow explanations are common in the study of postcommunist politics,[80] and he attributes their rise in part to the perception that "structuralist and comparative-historical" explanations lost their value in response to the wave of democracy that swept across multiple

---

[78] Ibid., p. 58.

[79] Although Kitschelt discusses this exact argument at Ibid., p. 65, for another recent example that uses the Ottoman and Hapsburg historical legacies see Valentina Dimitrova-Grajzl, 'Trust, Path Dependence and Historical Legacy: The Second Decade after Transition' in Nicolas Hayoz, Leszek Jesien, and Daniela Koleva, (eds.), *20 Years after the Collapse of Communism: Expectations, achievements and disillusions of 1989*, (Bern: Peter Lang, 2011), pp. 143-166.

[80] Kitschelt, 'Accounting for Postcommunist Regime Diversity', p. 72.

continents in the 1980s and early 1990s.[81] The danger with shallow explanations, however, is that because the cause is temporally proximate to the outcome there is a higher risk that the explanatory logic will become tautological, thus decreasing the relative "informational value" of an explanation.[82] Shallow explanations are often focused on agency – Kitschelt's main example, which he subjects to a forceful critique, is Philip Roeder's argument that differing degrees of incumbent power elite fragmentation in 1989 explain postcommunist regime diversity.[83] If we examine Kitschelt's account of the (sometimes underappreciated) need for causal *mechanisms*, the connection between shallow explanations and agency becomes even clearer.

According to Kitschelt, any causal explanation needs to demonstrate "a temporal sequence of events and processes" through which the cause brings about the outcome.[84] Mechanisms are those processes that show the "intelligible linkage" and convince us that the postulated factor really did cause the outcome.[85] According to Kitschelt's position, "the concept of causal mechanism in the social sciences implies *methodological individualism* in the weak sense that causal mechanisms rely on human action, even though each action may be constrained by collective and aggregate phenomena external to the individual actors" such as historical legacies, culture, or institutions.[86] The basic point is that even long-term causal processes have to somehow be made intelligible through human action. Actors are always part of the story, but structural accounts see them as doing the bidding of larger forces, in contrast to an agency-focused perspective that sees their actions as more autonomous from long-run processes. As Kitschelt points out, this poses a logical challenge for explanations

---

[81] Ibid., p. 73.
[82] Ibid., p. 58.
[83] Ibid., pp. 68-72.
[84] Ibid., p. 59. This is also Gerring's third principle of empirical validation of causal relationships.
[85] Ibid.
[86] Ibid. It is worth noting that the concept of causal mechanism is in no way uncontested. Kitschelt highlights the very real difference between his own and Jon Elster's conception of mechanisms in Ibid., p. 60, although this is in no way the limit of debate over what a mechanism is and is not.

focused on deep causality – the longer the distance in time between cause and outcome, the more fragile the chain of mechanisms may appear because more links have to be made.[87] Thus there is a trade-off between causal depth and precision in specifying mechanisms. The deeper the explanation, the more difficult it becomes to construct the successive links in the chain across time. A shallower explanation can richly detail the process by which a factor lead to a particular outcome, but may leave us wanting an explanation for the originally suggested causal factor. One of the key insights of Kitschelt's argument is that this is often simply a matter of what I term *epistemological preference*.[88]

This is particularly apparent in Kitschelt's discussion of causal mechanisms in explanations which focus on precommunist legacies. He describes how such an deep explanation can rest on two non-exclusive but "controversial" mechanisms: the long-run cognitive transmission of culture, or flow-on effects of initial institutional arrangements.[89] After describing how these may work, Kistchelt states that

> "[e]ven this cascade of probabilistic causal linkages between precommunist politics and society, the establishment of communist rule, its post-Stalinist transformation, and its ultimate collapse, however, may not satisfy those who insist on very close spatiotemporal proximity in causal mechanisms (Kiser and Hechter, 1991; 1998). Drawing on the epistemological principle of Ockham's razor, they tend to discard "deeper" explanations as inefficient and causally irrelevant for an outcome. *This epistemological move in the evaluation of alternative causal accounts constitutes the main bone of contention between different camps in the study of postcommunist regime transition.* [emphasis added]".[90]

Those that have not yet reflected on the *epistemologically* contestable nature of causality in the social sciences may be surprised by the limits this would seem to place on the objectivity

---

[87] Ibid., p. 59.
[88] The same point is made in Clark, 'Agents and Structures', p. 246.
[89] See Kitschelt, 'Accounting for Postcommunist Regime Diversity', pp. 61-63 for the description of how these mechanisms work.
[90] Ibid., p. 64.

of "scientific" argumentation. Whether one focuses on structural causes or agency-based explanations is heavily influenced by one's latent conception of how causality works – that is, by one's epistemological preferences. Indeed Kitschelt himself is not free of epistemological bias – he argues strongly for deep causality.[91] The relevant result for us, however, is that the social scientist is faced with four main options for how to think about the relationship between deep and shallow causality.[92] Remember, shallow causality tends to focus on agency, but deep causality needs actors as mechanisms too.

Four Options on Causality

First, one can take the position that "*long-term factors actually trump short-term factors*".[93] Kitschelt notes that although ideally the causal chains between the distant cause and the explained outcome would be neat and tidy, external shocks may result in deceptive short-term fluctuations.[94] Although Kitschelt does not expand on this in depth, it would seem that explanations of short-term processes are either wholly irrelevant to this first option, thus suggesting a high degree of determinism. To make this kind of argument regarding the disunity of Hungarian elites would involve suggesting that some deep structural force, for example the cumulative history of the past centuries, or the societal culture bred by communism, is responsible, or that current developments represent a temporary blip in the determined path. Kitschelt's second option is where the connection between structure and agency is clearest. He states that "one can argue that *short-term factors serve as proximate links in the chain of causation*. In this view, deeper structural and shallower, agency-related explanations are mutually complementary".[95] In this version shallow accounts of process are

---

[91] Ibid., p. 69.
[92] These four options are described in Ibid. at pp. 74-6.
[93] Ibid., p. 74.
[94] Ibid.
[95] Ibid.

necessary to show the operation of the long-term factor. This represents his earlier claim that all causal accounts need clear mechanisms. To make this sort of argument would require an examination of the short-term process by which elites became disunited in Hungary, and a linking of this process to larger structural forces. Third, one can go with short-term factors winning out over long-term ones. Kitschelt states that this may be particularly plausible when a single case does not fit the expectations of structural explanations derived from comparative study, that is, in the case of outliers.[96] Kitschelt warns us to be cognizant of the difference between a temporary departure from the outcome expected from long-term forces and the "locking-in" of outlier status through "a new institutional and political-economic compact".[97] The fourth and final option is that neither short- nor long-term factors are satisfactory and the outcome appears random – what Kitschelt terms "pure outliers".[98]

Kitschelt's stakes his position in the structure-agency debate by explaining that his "defense of 'structuralism'... does not suggest that political actors and strategic action play no role. However, what affects deliberate, calculated political action works often through longer chains of causal determination than short-term mechanisms".[99] He admits, however, that there are "limitations to structural arguments". These include: the uncertainty in times of crisis, the "rapid learning processes" of actors in new political regimes which are prompted by the success and failure of initially chosen strategies, and exogenous shocks. Furthermore, Kitschelt states that actors are faced with the "ambiguities of past and present" and thus have to *interpret* the "prospective yield of alternative courses of action", and this interpretation is part structural-systematic through political culture, and part agency-random. Specifically, "[h]ow individual and collective actors define a particular historical situation may depend a great deal on contingent social networks (who gets to know what) and idiosyncratic

---

[96] Ibid., p. 75.
[97] Ibid.
[98] Ibid.
[99] Ibid., p. 78.

24

psychological processes (the personality of actors in high-impact positions)"[100] – what he later refers to as the "idiosyncrasies of political leadership".[101] He also notes that these factors may be exacerbated by the fact that postcommunist countries are typically middle-income countries, which in general display a "high level of regime volatility" not attributable to structural factors.[102]

Hungary as Outlier and the Case for Agency

As we have already seen, Hungary's situation appears anomalous from the perspective of elite theory – we would not expect the occurrence of disunited elites. Moreover, this is not the only theory that current developments in Hungary do not conform to. Kitschelt's own preferred explanation for the variety of regime outcomes in postcommunist countries rests on precommunist legacies, but again this perspective would not, for Hungary, expect the disunion over the basic institutional structures of democracy that we currently observe.[103] Similarly, the seminal 1998 comparative study by Elster, Offe and Preuss, which examined the conditions for and state of democratic consolidation in Hungary, the Czech Republic, Bulgaria and Slovakia, is today confounded. That study explicitly classed Hungary as the most "favourable" case in terms of the cleavages of ideology and identity, as well as classifying the country as the most advanced in the group in terms of consolidation of the rules of political competition.[104] Indeed Hungary was considered by many to be the most consolidated democracy in the region, at least in the early 2000s.[105] It is now, according to

---

[100] Ibid., p. 52.
[101] Ibid., p. 55.
[102] Ibid., p. 79.
[103] Ibid., p. 61.
[104] Elster, Offe, and Preuss, *Institutional Design in Post-Communist Societies*, pp. 266-270. Note that Hungary was ranked second in terms of *overall* consolidation, which covered multiple domains in the study. See Ibid., p. 305.
[105] For specific statements of this fact see Attila Ágh, 'Early Democratic Consolidation in Hungary and the Europeanisation of the Hungarian Polity' in Geoffrey Pridham and Attila Ágh, (eds.), *Prospects for Democratic*

Janos Kis, the only postcommunist country with a constitution which is not backed by a "reasonably wide" consensus.[106] I argue that rather than judging these perspectives to have been wrong, we should opt for Kitschelt's third option and see Hungary as an outlier that has diverged from expectations because of short-term causal processes which have political agency at their heart. Although there is element of "time will tell" when analysing recent phenomena, arguably the fact that disunion has been institutionalized in the constitutional arrangements of the country suggests that there is, to use Kitschelt's terms, a new compact in Hungary. We are not dealing with a random glitch in the structurally suggested path. Conversely, to the extent that disunion is a temporally proximate cause of the deconsolidation of democracy, the current regime outcome should not be seen as the unmediated, irrepressible result of historical or cultural forces. While this argument is derived in large part from lessons in causality from Kitschelt, it also reflects a degree of epistemological preference. Specifically, this argument rests on the proposition that *politics matters*. Accounts that stress communist or precomunist factors ultimately end up sacrificing the significance of much of post-1989 politics in their causal accounts, as Szczerbiak and Hanley have noted.[107] Thus they are underpinned by an atmosphere of *inevitability*, which Stark and Bruszt have termed "past dependency".[108] Here, I argue that post-1989 developments in the political landscape are crucial to understanding current outcomes. The approach here is thus similar to that of Dorothee Bohle and Bela Greskovits, who focus explicitly on the "transformative agency" of elites in the post-1989 period in explaining the diversity of political economy regimes in

Consolidation in East-Central Europe, (Manchester and New York: Manchester University Press, 2001), p. 176, and Gyorgy Lengyel and Gabriella Ilonszki, 'Hungary: Between Consolidated and Simulated Democracy' in Heinrich Best and John Higley, (eds.), *Democratic Elitism: New Theoretical and Comparative Perspectives*, (Leiden: Brill, 2010) p. 153.

[106] Janos Kis, 'Introduction: From 1989 Constitution to the 2011 Fundamental Law' in Tóth, Gábor Attila, (ed.), *Constitution for a Disunited Nation: on Hungary's 2011 Fundamental Law*, (Budapest: Central European University Press, 2012), p. 4.

[107] Szczerbiak and Hanley. 'Introduction: Understanding the Politics of the Right in Contemporary East–Central Europe', p. 3.

[108] David Stark and Laszlo Bruszt, *Postsocialist Pathways: Transforming Politics and Property in East Central Europe*, (Cambridge: Cambridge University Press, 1998), p. 7.

postcommunist countries.[109] As they state, "like other 'objective' constraints, legacies do not act on political outcomes directly. Rather, their impact is mediated by how policymakers and citizens perceive them" – an approach they trace back to Peter Katzenstein's seminal work on small states.[110] Thus we could say that Bohle and Greskovits' *transformative agency* is similar to Kitschelt's *interpretative agency*. The *perceptions* of elites matter. This is also in keeping with the trend identified by Bózoki, who states that the transition literature has generally "shifted from structures to actors, from social determinism to political choice".[111] In the following sections I will demonstrate that the limitations to structural processes outlined by Kitschelt, namely actor learning processes, interpretation of historical legacies, and the idiosyncrasies of political leadership, all played roles in the process of elites become disunited and support the claim that the state of democracy in Hungary is best explained by agency rather than history, culture, or institutions.

---

[109] Dorothee Bohle and Bela Greskovits, *Capitalist Diversity on Europe's Periphery*, (Ithaca: Cornell University Press, 2012), p. 55.
[110] Ibid., p. 66.
[111] Bozoki, 'Theoretical Interpretations of Elite Change in East Central Europe', p. 233.

Chapter 3 – Development of the Hungarian Party System

Refuting the No Consensus Claim

Before proceeding, it is necessary to address a question raised at the end of chapter one, namely, was there ever an elite consensus in Hungary after 1989? This question is important because according to the elite theory paradigm, if Hungary has had disunited elites all along, then we should not be surprised by current developments and there would be little to explain. In light of recent developments, some authors writing from an elite theory perspective have taken to questioning whether the consensus ever existed.[112] Some authors claim that the elite settlement achieved at the Roundtable talks represented a "temporary compromise" rather than an elite consensus.[113] Others, such as Baylis, claim that "[c]onflict over the character of Hungary's new democratic system dates from its founding in 1989, and is rooted in still longer cultural patterns and historical experience".[114] Baylis is right to point out the ambiguity inherent in the concept of consensus – how much agreement is needed, over what matters, and how enduring must the agreement be, before we can speak of consensus?[115] The argument that there never was an elite consensus, however, tends to judge the nature of the original elite settlement through the lens of the current manifest absence of consensually united elite, and claims the absence of elite consensus in 1989 with a kind of retroactive logic. We should not, however, confuse the incompleteness of constitutional and democratic consolidation with the lack of an original value consensus. It is clear that the participants of the Roundtable talks were aware of the provisional nature of their agreement,

---

[112] Baylis, 'Elite Consensus and Political Polarization', pp. 90-106. See also András Körösényi, 'Political Polarization and its Consequences on Democratic Accountability' *Corvinus Journal Of Sociology And Social Policy*, Vol. 4, No. 2, (2013), p. 5.
[113] Lengyel and Ilonszki, 'Hungary: Between Consolidated and Simulated Democracy', p. 156.
[114] Baylis, 'Elite Consensus and Political Polarization', p. 95. Baylis' invocation of history and culture represents a typical example of a structural argument that lacks any elaboration of mechanisms.
[115] Ibid., pp. 91-2.

and that additional transformations would be needed.[116] To suggest that consensus over a pluralist democratic framework being the best system for the country was purely illusory is a mistake that can only mystify the actual mechanisms of disunion. It is more accurate to describe the consensus as genuine but fragile. In this vein Gábor Tóka and Sebastian Popa have recently argued that there was an elite consensus, "imperfect and qualified, but no less real until around 2006".[117] The emerging left-right dimension excluded "major constitutional issues...from being consistently and persistently linked to this emerging...divide", and all major players continued to endorse the democratic rules of the game.[118] Similarly, Kis states that while no political actor was willing to actively "own" the constitutional arrangements established in 1989, "no significant political agent could explicitly disown it" because "[n]obody could claim that it was imposed on the country against their will. Nor could anybody claim that it excludes them from the political community or treats them as dispreferred competitors for public power".[119] As evidence to support the claim that there was a genuine, if never deeply embedded commitment to a pluralist democratic framework in which the right of all factions to participate in the contest for power was accepted, consider the 1994-1996 episode of constitutional politics, during which the Hungarian Socialist Party-led government established a consensually-oriented multi-party constitution-drafting committee.[120] As Arato points out, it was agreed by all five participating parties that when they could not reach consensus over a provision, the relevant part of the text produced at the Roundtable would remain in force, because they all agreed that the basic structure established

---

[116] Kis, 'Introduction: From 1989 Constitution to the 2011 Fundamental Law', p. 3.

[117] Gábor Tóka and Sebastian Popa, 'Hungary' in Berglund, Sten, Ekman, Joakim, Deegan-Krause, Kevin, and Knutsen, Terje, (eds.), *Handbook of Political Change in Eastern Europe*, (Northampton and Cheltemham: Edward Elgar, 2013), p. 319.

[118] Ibid.

[119] Kis, 'Introduction: From 1989 Constitution to the 2011 Fundamental Law', p. 20.

[120] Andrew Arato, 'The Constitution-Making Endgame in Hungary', *East European Constitutional Review*, Vol. 31, (1996), pp. 31-39.

in 1989 should be preserved.[121] In the end, the committee managed to produce a constitutional text which made it to a vote in Parliament. That the various parties were actually able to consensually devise a new constitutional document, regardless of the underlying political dynamics of each faction's participation, suggests that indeed there was at least a willingness, if not always ardent conviction, to embed the principles of the new democratic regime. All parties even agreed to make popular ratification by referendum a constitutional requirement for altering the constitution. This text came very close to becoming the new constitution of Hungary in 1996. It is a significant indication of a level of agreement which warrants the term elite consensus. It fell short of the 4/5th threshold by five votes out of 386 delegates. This defeat came about in a manner that was "nothing short of spectacular" – the leadership of the governing party voted (or in some cases abstained) against their own party.[122] This is something which according to Arato "has never happened before anywhere in the world so far as anyone can remember".[123] While this may demonstrate the role that agency or the *idiosyncrasies of leadership* has played in Hungary's recent constitutional history, the main point is that there was still in 1996 a relatively widespread consensus, if not unanimity, over the basic institutional features of the democratic regime and the right of everyone to participate in establishing those features. That the consensus subsequently dissolved is not proof that it never existed. We should be more interested in investigating explicitly the mechanisms by which the consensus was eroded. It is in service of this that we now turn to the development of the Hungarian party system and cleavage structure.

---

[121] Ibid.
[122] Ibid., p. 33. They voted against both the parliamentary wing and the extra-parliamentary wing of their party.
[123] Ibid.

Party Politics in Hungary

If one is interested in the process by which consensually united elites become disunited, and specifically in determining whether structural factors or agency does a better job of accounting for the process, party politics seems like a logical place to start. Parties are, after all, the groupings of elites into factions with some degree of differentiated identity which then compete for power within the democratic framework. They have also been described as "the most important players in the political process" in Hungary.[124] As party competition takes places within an electoral system and is connected to the institutional structures of government as established in the country's constitution, it might also be expected that institutional forces can account for the nature of competition. The central argument of this chapter, however, is that an institutional perspective cannot account for the divided nature of party politics in Hungary. As we will see, the majoritarian-inclined electoral system and the parliamentary constructive vote of no confidence have been advanced as decisive factors in the emergence of two-party or two-bloc competition in Hungary. However, these factors cannot account for the *character* and *intensity* of two-party competition. Maurice Duverger long ago claimed that the fact that majoritarian electoral systems produce two-party systems is one of the closest things we have to a "true sociological law".[125] Although Duverger was talking about pure majoritarian systems and Hungary has had in its formative years a mixed system with a relatively strong majoritarian bias,[126] it is not so surprising that institutional incentives facilitated the development of bipolar competition. On the other hand, it has also long been suggested that "where the rules make

---

[124] Zsolt Enyedi and Gábor Tóka, 'The Only Game in Town: Party Politics in Hungary' in Webb, Paul, and White, Stephen, (eds.), *Party Politics in New Democracies*, (Oxford: Oxford University Press, 2007), [manuscript, http://www.personal.ceu.hu/staff/Gábor_Tóka/Papers/EnyediTóka07.pdf, accessed 7 May 2014], p. 3.

[125] G. Bingham Powell, *Contemporary Democracies: Participation, Stability and Violence*, (Cambridge: Harvard University Press, 1982), p. 82.

[126] Enyedi and Tóka, 'The Only Game in Town', p. 5.

31

pure majorities likely, strong pressure exists to move to a 'centrist' median position to try to win the election".[127] Again one might respond that in the Hungarian system it was not pure majorities that were likely but rather bloc majorities in which parties seeking to dominate one side of the spectrum would need to stategically court the more radical or extreme segments of their side too, mitigating the centripetal tendency. Even taking this into account, however, we would still expect the Downsian logic to discourage divisive competition.[128] As Powell notes, a majoritarian system's centralizing logic may be curtailed by, amongst others, "the need to mobilize activists [and] the degree of polarization of opinion".[129] Thus we may expect the cleavage structure underlying party competition to restrict the centripetal logic of two-party systems induced by institutional factors. As the analysis here will demonstrate, however, elites' representations of society's divisions show a remarkable degree of agency in cleavage structure formation. Thus the disunity of elites, to the degree that this is inseperable from divisive party competition, cannot be explained by institutional factors or by the divisions found in the country's citizenry. Disunity came about due to political elites' agency.

Turbulent Early Years

As Tóka and Popa state at the beginning of their analysis of party politics in Hungary, the "most striking feature of the Hungarian party system was the spectacular and secular decline in party fragmentation that took place gradually after the first free election in 1990".[130] By 2002 there was an "nearly perfect" two-party system.[131] Although party

---

[127] Powell, *Contemporary Democracies*, p. 92.

[128] For a similar point see Nick Sitter, 'Absolute Power? Hungary Twenty Years after the Fall of Communism' in Bakke, Elisabeth, (ed.), *Twenty Years after the Fall of the Berlin Wall: Transitions, State Break-Up and Democratic Politics in Central Europe and Germany* (Berlin: Berliner Wissenschafts-Verlag, 2011). [manuscript, http://publicpolicy.ceu.hu/sites/default/files/publications/nick-sitter-absolute-power-final-draft-may-2011_0.pdf, accessed 15 May 2014], p. 3.

[129] Powell, *Contemporary Democracies*, p. 98.

[130] Tóka and Popa, 'Hungary', p. 292.

[131] Ibid., p. 308.

identities and alliances eventually stablizied, in the early days of the democratic transition things appeared much more open, complicated, and fluid. The six parties represnted in the first democratically elected parliament can be organized into three groups: the Hungarian Socialist Party (MSZP), a succesor to the Hungarian Socialist Workers' Party (MSZMP) of the communist era, and two opposition groupings: the liberals and the right.[132] The Hungarian Democratic Forum (MDF) was joined on the right by two parties revivied from the short post-war era of party competition, the Christain Democratic People's Party (KDNP) and the Independent Smallholder's Party (FKGP). On the liberal side was the Alliance of Free Democrats (SZDSZ) and the Federation of Young Democrats (Fidesz[133]). Much could be written about the origins and specificities of each of these parties, but the key point is that the complexity of ideological divisions represneted by these parties "would presumably have allowed several different routes of cleavage development in the 1990s".[134] The relationship between parties' stances on gradualism v. radicalism (the anti-communism factor), pro-market v. social protectionism, nationalist v. cosmopolitan and a host of other dimensions, was complicated if not completely unpatterned.[135] Furthermore, the issue agenda was likely to change as the transition developed, further obscuring the situation. Reflecting this, Tóka and Popa point out that before the 1990 election, the main "emotional divide" in the citizenry was between the successor Socialists and the "radical opposition" – SZDSZ, Fidesz and FKGP – whereas after Joszef Antall of the MDF formed a Christain-National coalition with KDNP and FKGP, the major divide shifted to become between the governing right's

---

[132] Sitter, 'Absolute Power?', pp. 4-5.

[133] Fidesz has had three names over the past 25 years. First it was Fidesz, which was an acronym of "Federation of Young Democrats". In 1995 it became Fidesz-MPP, the latter part an acronym for "Hungarian Civic Party". In 2003, it changed to Fidesz-MPSZ, opting for "Hungarian Civic Union". Although these re-brandings do symbolize substantive developments, for the sake of simplicity the party is referred to simply as Fidesz throughout this study. See Zsolt Enyedi, 'The Survival of the Fittest: Party System Concentration in Hungary' in Jungerstam-Mulders, Susanne, (ed.), *Post-communist EU Member States: Parties and Party Systems*, (Burlington: Ashgate, 2006), p. 179.

[134] Tóka and Popa, 'Hungary', p. 297.

[135] Ibid., p. 295-7.

Christain-national rhetoric and the liberals' and socialists' opposition to this.[136] In the process the liberals abandoned their anti-communist rhetoric as it was gradually taken up by the governing coalition of the right. The Christain-National bloc started to lose cohesion for a number of reasons, with the most salient being internal splits between moderates and extremists, economic recession, and the unpopularity of the MDF's new Christain-National rhetoric. Tóka and Popa point out, for example, that MDF lost more secular voters than anti-market voters, suggesting that it was their shift in rhetoric that affected their popularity more than their handling of the transitional recession.[137] Amongst the opposition, MSZP and SZDSZ organized a "loose framework for protest action" called the Democratic Charter, which was a response to the perception of "authoritarian predilictions" on the governing right.[138] Things had certainly shifted quickly – originally it was the MDF that sought cooperation with the reformist wing of the MSZMP in 1989, and SZDSZ was built on anti-communist dissident networks from the 1970s.[139] According to Tóka and Popa, the Democratic Charter's most significant effect was on a segment of Fidesz leadership, particularly Victor Orbán. He "definitely felt more anti-communist than liberal",[140] despite Fidesz having been been one of only two parties at the Roundtable talks that "stood up without reservations for the liberal-democratic conception" of regime change.[141] Following this, Orbán won an internal party election in 1993, and the official party strategy became stopping SZDSZ from cooperating with the Socialists.[142] Meanwhile, Fidesz also stopped articulating a liberal position on religion and national issues, and the party began to shift away from its founding position. The early years of the party system were turbulent indeed.

---

[136] Enyedi, 'The Survival of the Fittest', p. 195.
[137] Tóka and Popa, 'Hungary', p. 300.
[138] Ibid., p. 301. See also Zoltan Lakner, 'Anti-communist policy in Hungary – the rightist character of Fidesz', *The Analyst: Central and Eastern European Review*, Vol. 3, No. 2, (2007), p. 94.
[139] Tóka and Popa, 'Hungary', p. 294.
[140] Ibid., p. 301
[141] Kis, 'Introduction: From 1989 Constitution to the 2011 Fundamental Law', p. 7.
[142] Tóka and Popa, 'Hungary', p. 301.

Summing up the 1990-1994 period, Tóka and Popa state that by the time of the 1994 election it was clear that a clear "socio-cultural divide" dominated Hungarian party politics rather than a socio-economic cleavage.[143] Through to 1998, the main development was the transformation of Fidesz, in which the party, under the leadership of Viktor Orbán, crossed the socio-cultural cleavage.[144] Fidesz gradually came to dominate the right, and by the time of the 1998 election, had a pre-arranged electoral alliance with MDF and KDNP. So too did MSZP and SZDSZ, who had formed a 2/3rds majority coalition government after the 1994 elections, despite MSZP winning an outright majority. Thus by the 1998 election the Hungarian party system was well on its way to becoming a two-bloc system. As Nick Sitter argues, these "enduring alliances" were to become a key feature of Hungary's polarized politics.[145] Already by 1998 there was a "remarkably deep" divide between Fidesz and SZDSZ, with both parties ruling out forming a coalition with one another.[146] From 1998 onwards, the two blocs that had developed over the first eight years only solidified, the cleavage structure deepened, and disunity gradually replaced the underlying consensus.

One can find many institutional reasons for the story told above. The parties learned that winning the single-member districts was central to success and that coalitional moves made between the first and second rounds of voting would do little to affect voters' second round preferences. Thus, pre-election coalitional preferences were crucial.[147] The five percent threshold worked in favour of the larger parties.[148] The constructive vote of no confidence made unseating the Prime Minister exceptionally difficult as it required Parliament to agree on a replacement, virtually guaranteeing a fixed term for the leader of the largest governing party. This "winner-take-all logic" similarly worked against the small parties, and the

---

[143] Ibid., p. 302.
[144] Enyedi, 'The Survival of the Fittest', p. 179.
[145] Sitter, 'Absolute Power?', pp. 5-6.
[146] Enyedi, 'The Survival of the Fittest', p. 197.
[147] Tóka and Popa, 'Hungary', p. 305.
[148] Sitter, 'Absolute Power?', p. 4.

pressure led to internal conflicts which further strengthened the larger parties.[149] All in all, the electoral system and the strength of the prime minister are considered by Tóka and Popa to be the best explanatory factors for the concentration of Hungarian politics into two opposing sides.[150] Enyedi and Tóka also conclude that "the gradual return to a bipolar system of alliances after 1993 is best interpreted as a natural adaptation, in the absence of deep cleavages cross-cutting each other, to institutional variables".[151] To the extent that there are limitations to institutional explanations, Tóka and Popa suggest at the very end of their analysis that the one-dimensional socio-cultural cleavage structure "can plausibly be explained by *structural factors and historical path dependence* (e.g. the reformist heritage of the Hungarian ex-communists as an obstacle to policy polarisation) [emphasis added]", which neutralized the ability of parties to focus on developing the socio-economic cleavage.[152] If we were to extend this argument to the development of disunity amongst elites, the logic would be that institutional factors pushed Hungarian parties into two separate camps, and that various historical constraints limited the political space of competition, eventually breeding conflict which could not be contained within the existing framework of competition, leading to the emergence of disunity. This would be a structural account. This account, however, would ignore the fact that parties and their elites systematically manipulated the cleavage structure, ignored voters' core concerns, and adopted explicitly divisive strategies for their own purposes. While institutional factors may explain the development of a two-party system, they cannot explain the *content* of that system, that is, the character of competition.

On a general level, political parties and their leaders are decisively in control of the national political agenda in Hungary despite accounting for a smaller proportion of interest

---

[149] Tóka and Popa, 'Hungary', p. 305.
[150] Ibid., p. 322-3.
[151] Enyedi and Tóka, 'The Only Game in Town', p. 5.
[152] Tóka and Popa, 'Hungary', p. 323.

articulation.[153] Interestingly, however, they have not done so in a way that mirrors the trends found amongst voters themselves. Given that there were multiple routes for cleavage structure development at the beginning of the 1990s, this is a point of great significance. As noted above, the centripetal logic of two-party systems can be curtailed if there is polarization of opinion – but whose? In the Hungarian case, party elites became polarized over issues that were of secondary importance to voters, and they became more severely polarized too.[154] In a telling summary of this phenomenon, Enyedi and Tóka write that

> [t]he highly elitist and centralized structure of Hungarian parties contributes to the gap that exists between the agenda of the political elite and the primary concerns of the voters. In opinion polls citizens regularly rank issues related to religion, communism and nationhood as marginally important, while the parties continue to base their political identities on the very same issues.[155]

Voters have often been more interested in economic issues. Indeed the long-term trends relating to trust in political parties closely follow economic expectations.[156] In 2006, before the notorious leaked speech, the popularity of the recently elected MSZP plummeted for "no other apparent reason" than the government's austerity measures.[157] Moreover, although the dominant divide in Hungary combines anti-communism with nationalism, there is no empirical correlation between these two factors amongst the citizenry[158] – a point taken up in greater detail in Chapter 6. This leads Tóka and Popa to conclude that "neither the one-dimensional structure of the party system...nor its disconnection from the socio-economic left/right cleavage can be explained in terms of an underlying cleavage structure".[159] The disappointment of Downs' expectation that two-party systems should foster centrist appeals is

---

[153] Enyedi and Tóka, 'The Only Game in Town', p. 28.
[154] Körösényi, 'Political Polarization', p. 18.
[155] Enyedi and Tóka, 'The Only Game in Town', p. 29.
[156] Ibid., p. 9.
[157] Tóka and Popa, 'Hungary', p. 311.
[158] Ibid., pp. 318-9.
[159] Ibid., p. 319.

not the result of polarized opinion in the citizenry. Veteran scholar of Hungarian politics András Körösényi concludes that "the cause of the ideological polarization of Hungarian politics is endogenous, meaning it relates to the strategies and actions of political actors".[160] This mirrors the conclusion of Enyedi several years earlier that "the conscious actions of the parties themselves [are] the most decisive factors" in high polarization.[161] To fully appreciate that the gulf between societal cleavages and elite cleavages is the result not of structural forces but rather the agency of elites, we must look at the way in which Fidesz crossed the emerging cleavage line during the 1990s.

Agency in Cleavage Formation

Enyedi begins his analysis of agency in the development of Hungary's cleavage structure by stating that although theoreticians such as Sartori and Di Palma – familiar names from the discussion of elite theory in Chapter 1 – advocate an elite-centred and "voluntaristic" approach, few empirical researchers focus on the role of political entrepreneurship.[162] Even those that do often end up veering towards "the structuralist side".[163] For him, however, the role of Fidesz under Orbán in the development of cleavage politics in Hungary has been decisive. Pointing to the centrality of the *interpretative agency* outlined in Chapter 2, Enyedi states that "the interpretative frameworks of the political elites decisively influence whether differences of interests are perceived as social conflicts... [c]leavages would not exist without elites conceptualizing the conflict situation".[164] Naturally this should not be read as a claim to elite omnipotence. As Higley and Burton stated, elites face constraints from below, and Enyedi too emphasizes at the end of his study that elites

---

[160] Körösényi, 'Political Polarization', p. 16.
[161] Enyedi, 'The Survival of the Fittest: Party System Concentration in Hungary', p. 198.
[162] Zsolt Enyedi, 'The role of agency in cleavage formation', *European Journal of Political Research*, Vol. 44, No. 5, (2005), p. 698
[163] Ibid., p. 699.
[164] Ibid.

operate within boundaries.[165] Nonetheless, Fidesz not only radically transformed itself from its originally left-liberal orientation to the "standard-bearer" of the Christian-National right,[166] with its MPs coming to like all of the right wing parties including the extreme right MIÉP (Party of Hungarian Life and Justice) more than both MSZP and SZDSZ by 1998.[167] It re-conceptualized and discursively transformed the cleavage structure of Hungarian politics as it "spliced the various ideological dimensions tightly together, merged the right-wing segments into one single bloc and consolidated the principal divide by creating more impermeable boundaries between the two sides".[168] Thus it is not only that Fidesz switched from left to right, losing its former supporters and gaining new ones,[169] it altered how the two sides were divided. As Enyedi argues, under Orbán the party engaged in significant combinatory work to create an "all-encompassing right-wing platform" out of divisions that had originally been separate.[170] This all occurred within the broader and already existing tendency for politics to emphasize cultural issues and thus we should not take away that elites face no constraints or incentives, or that the they hypodermically determine citizens' political convictions. Yet Enyedi's analysis does provide a strong argument for appreciating the role of agency. There is even evidence to suggest that Fidesz's shift also led to a rise in authoritarian attitudes amongst young voters. This is supported by the change in the correlation between age and authoritarian attitudes as measured in three waves of voter surveys, with the correlation declining from 0.46 ($p < 0.0001$) in 1994 to just 0.12 ($p < 0.002$) in 2002.[171] This is quite astounding, as the positive correlation between these two factors is "one of the most stable

---

[165] Ibid., p. 717.
[166] Tóka and Popa, 'Hungary', p. 302.
[167] Enyedi, 'The role of agency in cleavage formation', p. 706.
[168] Ibid., pp. 716-7.
[169] Enyedi sees Fidesz's drop from roughly 40% to 10% in the 1993-4 period as a result of this shift. The party gradually started to recovered around 1996-7 as it convinced voters on the right that it was a credible right-wing force. Ibid., p. 716.
[170] Ibid., p. 715.
[171] Ibid., p. 714.

findings in attitude research across many countries and cultures".[172] Moreover, there is evidence that Fidesz deepened the existing cleavage – after it established itself as the leader of the right, the proportion of voters with a second party preference declined, turnout increased, and electoral volatility dropped significantly.[173]

The above provides a strong foundation for the claim that agency has been central to the development of disunited elites in Hungary, but it is incomplete. The indicators of the deepening of the cleavage structure, for example, are not negative developments in and of themselves, but take on more significance when connected to the strategy of the right under Fidesz. The following section provides a more thorough account of how the cleavage development analysed above was achieved. Additional aspects of the rise of Fidesz provide a compelling picture of how agency, rather than the electoral system, has been central to the party's total dominance of the right, and how important a divisive strategy based on undermining the legitimacy of opponents was to the development of disunited elites in Hungary.

---

[172] Ibid., pp. 713-4.

[173] Ibid., p. 706. Electoral volatility refers to the proportion of voters that switch from one party to another.

Chapter 4 – The Rise of Orbán's Fidesz

The central argument of this chapter is that the disunity of political elites in Hungary can in large part be traced back to Fidesz's development and intensification of a divisive rhetorical strategy during the 1998-2002 period, which was centred on the illegitimacy of the Socialist party. This strategy was the first major step in the growth of what I term *legitimacy politics*, in which questioning, dismissing, or outright attacking the right of your opponent to participate in the pursuit of governmental power becomes a routine feature of political competition. Legitimacy politics may range from simple *ad hominem* arguments, to accusations of rule or norm violation, to deep attacks on the identity of opponents. While there has always been a dose of this in Hungarian politics, as there no doubt has been in all postcommunist politics, the flourishing of legitimacy politics was an intentional discursive move on the right, with its roots in interpretative agency and the idiosyncrasies of the leadership, particularly Orbán. In order to understand this developmental process, several additional developments need to be considered. First, an appreciation of the unusually important role of Orbán in Fidesz strengthens the argument that the idiosyncrasies of leadership have played a role in the disappointment of consolidation expectations. Second, this chapter argues that the development of this divisive strategy was used to consolidate Fidesz's concentration of the right bloc. Moreover, the strategy was enabled and strengthened by the bloc cohesion that resulted from Fidesz's power consolidation, which in turn ensured the continuation of this strategy even after electoral defeat in 2002. Third, the 2002 election campaign should be seen as a crucial moment in the intensification of legitimacy politics, as will be demonstrated by analysis of a key Orbán speech. It is argued that the need to mobilize supporters contributed to the perceived utility of the divisive strategy, in line with Powell's theoretical expectations regarding factors that mitigate centripetal politics. This account thus contrasts with those which emphasize the 2006 leaked speech of the Socialists' Prime

41

Minister Gyurcsány as the decisive moment in the polarization of postcommunist Hungarian politics by demonstrating that the key features of legitimacy politics were in place several years earlier. All in all the chapter demonstrates that agency in the 1998-2002 period must take responsibility for interpreting legacies in such a way that put the country on a path of political competition which could never strengthen democratic consolidation.

A Charismatic Leader

One of the key components of the argument that agency is the cause of Hungary's departure from expectations regarding the stability of the framework for democratic power contests is that the *idiosyncrasies of political leadership* can substantially affect outcomes, particularly through the personality, interpretations, and strategic learning of influential actors. Viktor Orbán, who has been the leader of Fidesz since 1993, is such an influential actor. It is widely agreed that he is a charismatic leader and a skilful orator. The argument here is that he has been central to key developments in the division of elites through his unquestionable dominance of Fidesz.

Orbán's role in Fidesz is a relatively uncontroversial fact. As one of his biographers describes it, "'[i]n political terms, [Fidesz central office] did not exist; with Fidesz, there [was] no separate party, government and parliamentary group – they dissolved into one, with a single elite at their head'".[174] Fidesz's development, particularly in the 1990s, has been marked by an increasing focus on the talents of Orbán. Although Fidesz started as a decentralized party similar in structure to traditional Green parties, it "became the most centralized, most homogeneous and most disciplined party in the country under the firm

---

[174] József Debreczeni, *Orbán Viktor*, (Budapest: Osiris, 2002), p. 487, quoted in Brigid Fowler, 'Concentrated orange: Fidesz and the remaking of the Hungarian centre-right, 1994–2002', *Journal of Communist Studies and Transition Politics*, Vol. 20, No. 3, p. 109.

leadership of its charismatic leader".[175] While this high level of centralization was found in all right-wing parties as a result of internal conflicts, it was in the three parties that had so-called charismatic leaders in which "unconditional loyalty...became a fundamental norm",[176] and thus it is plausible to suggest that Orbán eventually came out on top in part because he had a inspiring personal style. While this should not be seen as an attempt to place the explanatory burden on the personality traits of a single individual, one finds throughout the literature on Hungarian politics an underlying consensus that Orbán is an unusually gifted politicians. As Brigid Fowler points out, Orbán's leadership went unchallenged throughout the nineties, even after the disastrous 1994 election, and the party was marked by a strong image of internal unity.[177] This unity itself was the result of both Orbán's particular personality and strategic learning.

This was evident already at the 1993 party conference where he defeated his main rival Gábor Fodor. Fodor, who had long advocated aligning with SZDSZ and emphasizing socio-economic issues over cultural ones,[178] had made an offer to Orbán which effectively aimed at the institutionalization of internal diversity in the party.[179] According to Fowler, Orbán's rejection of Fodor's offer and eventual ousting of Fodor was an explicit victory for Orbán's preference for a single party line. This preference was partially based on learning from the effects that party diversity had on the MDF,[180] but also reflected Orbán's leadership style. Subsequently the party organized a "series of closed door meetings where the intellectual and spiritual elite of the right was persuaded to close ranks behind Orbán",

---

[175] Enyedi, 'The role of agency in cleavage formation', p. 708.
[176] Enyedi and Tóka, 'The Only Game in Town', p. 19. The other two parties where unconditional leader loyalty became a fundamental norm was the FKGP and MIÉP. For the latter point see Enyedi, 'The Survival of the Fittest', p. 192.
[177] Fowler, 'Concentrated orange', p. 107.
[178] Myra A. Waterbury, 'Internal Exclusion, External Inclusion: Diaspora Politics and Party-Building Strategies in Post-Communist Hungary', *East European Politics and Societies*, Vol. 20, No. 3, (2006), p. 492.
[179] Fowler, 'Concentrated orange', p. 108.
[180] Ibid., p. 109.

solidifying Orbán's position.[181] By the time Orbán resigned from the position of party

president in 2000, observers agreed that this was a sign of his unusually strong influence.[182]

Orbán displayed his sophisticated yet ruthless tactical abilities in his dealings with

factions on the right,[183] accompanied by his characteristic leadership style – an "offensive

attitude" combined with a "combative, revolutionary mentality".[184] Yet as Fowler points out,

it was not Orbán's fixed set of assets that alone determined the consolidation of his

dominance, but the agility of his strategic orientation combined with his increasingly

unmediated control over the party's direction. Fowler calls this Fidesz's "peculiar micro-

institutional norms and make-up" and argues that this organisational format "inclined it

especially strongly to learning and strategic action",[185] such as a willingness to work with or

cut deals with a wide range of actors in pursuit of votes and the testing of coalitional

formations at local elections rather than the national level.[186] Furthermore, there exists a

consensus that Orbán's "unusually firm leadership" was a decisive factor in unifying and

concentrating the right side of the political spectrum under the Fidesz banner.[187] The internal

unity of Fidesz under Orbán was electorally attractive after in-fighting undermined the

smaller right parties, it made the party's comprehensive ideological transformation possible

by avoiding costly internal struggles, and it allowed the party to integrate incoming elites

from other right parties.[188] Orbán played a further role in this when he strengthened the

powers of the Prime Minister's office in Fidesz's first term in government from 1998-2002,

which facilitated a "hub and spoke" style of coalition management which further consolidated

---

[181] Enyedi, 'The role of agency in cleavage formation', p. 704.
[182] Enyedi and Tóka, 'The Only Game in Town', p. 16.
[183] Fowler, 'Concentrated orange', p. 96.
[184] András Bozoki, 'Consolidation or Second Revolution? The Emergence of the New Right in Hungary', *Journal of Communist Studies and Transition Politics*, Vol. 24, No. 2, (2008), p. 218.
[185] Fowler, 'Concentrated orange', p. 111.
[186] Ibid., p. 96.
[187] Tóka and Popa, 'Hungary', p. 306.
[188] Fowler, 'Concentrated orange', p. 107.

Fidesz's centrality on the right.[189] By keeping the FKGP and MDF apart through separate

coalition agreements, for example, Fidesz was able to manage the tension between these two

parties.[190] That this style of coalition management under the centralized auspices of Orbán's

"chancellery"[191] was the result not only of Orbán's leadership style but strategic learning is

evidenced by the fact that executive centralization was one of the key recommendations of a

report commissioned by the party in 1996 in which members of the Antall government were

asked about their experiences in government.[192]

Ideology Construction and Divisive Rhetoric

The key theme in the above section, apart from Orbán's leadership, is the unification

of the right. This was mentioned earlier in the discussion of the role of agency in cleavage

structure formation, but it was not demonstrated how it was achieved. In fact, the unification

of the right under Orbán's leadership is inseparable from the divisive rhetorical strategy of

Fidesz, and both are encapsulated in the construction of the *polgár* ideology in the mid and

late 1990s. According to Fowler, the construction of the *polgár* ideology was a key

development in the consolidation of the right as it represented both something new for the

electorate and combined many elements of the traditional right platform,[193] thereby beginning

the process of "the simplification of political alternatives to a single cleavage line".[194] Even

the process of developing the umbrella ideology facilitated rightwing concentration. As one

of the most senior Fidesz leaders put it, co-operation between the intellectual bases and

---

189 Bozoki, 'Consolidation or Second Revolution?', p. 202.
190 Fowler, 'Concentrated orange', p. 110.
191 Enyedi and Tóka, 'The Only Game in Town', p. 33. The authors note that the centralization of power in the Prime Minister's office combined with Orbán's position in Fidesz meant that he had "close control over all policy areas"
192 Fowler, 'Concentrated orange', pp. 109-10.
193 Ibid., p. 105-6. A similar point is made in Lakner, 'Anti-communist policy in Hungary – the rightist character of Fidesz', p. 95.
194 Tóka and Popa, 'Hungary', p. 309.

personnel of Fidesz, MDF and KDNP became "so close that party affiliations...lost their significance".[195] However, the constructed ideology also sowed the seeds of disunion, by placing an uncompromising rejection of the Socialist-led bloc and the transition process thus far at the centre of the "common ideological denominator" which united the right.[196]

The meaning of *polgár* has been translated by Fidesz as citizen, with the associated *polgári* meaning civic, but as Fowler points out, "'bourgeois' is a legitimate and perhaps more helpful rendering".[197] The ideology had several key characteristics. First of all, as noted above, the "central stable element...was its exclusion of the Socialists".[198] Second, although it was defined by this anti-communist narrative, or perhaps because of this, it was an incredibly flexible discursive device – Zoltán Lakner describes this "modernized anti-communism" as a "flexible concept that continuously acquires fresh content".[199] Its plasticity was a key asset in unifying the right, by allowing the disparate elements to be connected up.[200] Third, the modernized aspect of the concept was hugely important. Rather than simply reviving old anti-communist narratives from the past, the *polgár* discourse located specifically *postcommunist* phenomena as the main problem facing the country.[201] It connected the past expropriations and exploitations of the communists to the present narrative regarding the 1994 Socialist-led government, with a significant focus on blaming the Socialists' neoliberal economics, symbolically represented by the austerity measures of the Bokros package, for the disappointing economic results of transition.[202] According to the *polgár* narrative, the problem was not only the failure of the policies, but that the Socialists enriched themselves at

---

[195] Fowler, 'Concentrated orange', p. 106.
[196] Enyedi, 'The role of agency in cleavage formation', p. 715.
[197] Fowler, 'Concentrated orange', p. 104.
[198] Ibid., p. 106.
[199] Lakner, 'Anti-communist policy in Hungary ', p. 95.
[200] Fowler, 'Concentrated orange', p. 106.
[201] Ibid., p. 105.
[202] Ibid.

the expense of the people.[203] Thus the socio-economic concerns of voters were connected up to the dominant socio-cultural divide, which was centred on the illegitimacy of the Socialists in a wider anti-communist narrative. Fourth, with its rhetorical championing of the "sinking middle" as the rightful alternative to the illegitimate comprador elite, it managed to connect up the conservative socio-cultural morals and values relating to family and hard work to the economic strand of the argument, and even managed to include an emphasis on small-scale enterprise, tapping into the Smallholders' (FKGP) support base.[204] Fifth, Fowler argues that the *polgár* ideology was relatively successful in dealing with the right's preoccupation with Antall's legacy, which also facilitated the right's unification.[205] Sixth, by its couching of all of the above under the *polgár* terminology, Fidesz gave the constructed ideology a liberal connotation,[206] which voters apparently preferred to the labels of right-wing and conservative.[207] Seventh, it contained a significant emphasis on the nation as an internally unifying concept, which is dealt with more thoroughly in the next section. Eight, and to round out the ideology, it entailed a rejection of the transition process altogether, and represented the first significant rejection of the elite consensus reached in 1989. From the perspective of analysing the development of disunity, this was the most significant development.

While arguably the economic dimension of the *polgár* discourse was, as noted more generally in Chapter 3, more important to voters – in 2000, Fidesz's most popular policies were "promising to raise the minimum wage, stopping large price rises, and increasing state support for large families"[208] – for elites on the right it was a different story. The ideology developed by Fidesz contained "a critique [of the transition] and promise of change, rather

---

[203] Lakner, 'Anti-communist policy in Hungary ', p. 95.
[204] Fowler, 'Concentrated orange', p. 105.
[205] Ibid., pp. 106-7.
[206] Ibid.
[207] Ibid., endnote 46 at p. 114
[208] Ibid., endnote 45 at p. 114.

than a commitment to complete an existing process".[209] Bózoki identifies that Orbán rejected the legitimacy of the settlement reached in 1989, seeing the participants of the Roundtable as "preservers" of the regime rather than its changers.[210] Because ex-communists "retained significant economic, cultural and media positions", the transition had been a failure in the eyes of Fidesz's leadership.[211] At this stage it is worth keeping in mind that according to survey data, the citizenry did not prioritize anti-communism as much as the elites.[212] Yet Fidesz managed to ensure that "the attitude taken towards the successor party [was] the fundamental issue of division between the political left and right".[213] While the right's promotion and relatively effective pursuit of a "comprehensive change of guard in every sphere of life"[214] certainly provided some clues that disunity was developing amongst the elite, it was not immediately clear that this would eventually result in a rejection of the fundamental norm of consensus over the basic institutional set-up. It was, however, suggested by the fact that the above described ideology, which represented the successful transformation of the party that was originally most critical of the postcommunist right-wing in Hungary[215] into the leader of the right, was based on undermining the legitimacy of the Socialists, effectively denying that it was acceptable for them to compete in the democratic competition for power.

It is worth noting that the ideological position of Fidesz was accompanied by a divisive rhetorical style that was certainly much more intense than anything the country's transitioning democracy had experienced so far. Enyedi states that Fidesz "succeeded in making the masses understand that the elite conflicts are relevant for their personal lives and

---

[209] Ibid., p. 104.
[210] Bozoki, 'Consolidation or Second Revolution?', p. 213.
[211] Lakner, 'Anti-communist policy in Hungary ', p. 97.
[212] Enyedi, 'The role of agency in cleavage formation', p. 715.
[213] Lakner, 'Anti-communist policy in Hungary ', p. 95.
[214] Tóka and Popa, 'Hungary', p. 307.
[215] Enyedi, 'The role of agency in cleavage formation', p. 705.

taught them to see politics as a struggle between mutually exclusive camps" which did not really exist in society.[216] Bózoki too notes that politics in the 1998-2002 period during which Fidesz was in government could be described as a "national cold war".[217] Others note that the "culture of confrontation" practiced by the government served to differentiate them from other political actors,[218] while some prefer to term the phenomenon the "strategy of polarization".[219] In any case it would seem that there is a consensus that division was a specific strategy of a party which was dominated by a single individual to a degree that, in line with the argument that Hungary is an outlier case, is often described as unusual. That this strategy was advanced via the construction of an ideological platform that was successfully all-encompassing of one side of the spectrum, thereby unifying the respective camps and reducing the supply of (and likely demand for) political alternatives, would seem to warrant the description of interpretative or transformative agency. In order to understand how the developments of the 1998-2002 period were sustained throughout the first decade of the new millennium and eventually culminated in the deconsolidation of democracy, this chapter finishes with a brief analysis of the further intensification of the divisive strategy in the 2002 national election.

The 2002 Campaign: Intensification of Division

Most of the above analysis focused on the period leading up to the 1998 election and the Fidesz-led government's 1998-2002 term. It should be noted that the above analysis does not preclude acknowledgement of the Fidesz-led government's positive achievements during

---

[216] Ibid., p. 704.
[217] Bozoki, 'Consolidation or Second Revolution?', p. 203.
[218] Gyorgy Lengyel and Gabriella Ilonszki, 'Simulated Democracy and Pseudo-Transformational Leadership in Hungary' in *Historical Social Research / Historische Sozialforschung*, Vol. 37, No. 1, (2012), p. 111.
[219] Sitter, 'Absolute Power?', p. 8. Sitter locates 2000 as the beginning point of the highly polarized competition between Fidesz and MSZP.

their time in office,[220] and nor does it involve denying that there may exist empirical justification for some of the arguments against the Socialists and their time in office or of the 1989 elite settlement.[221] However, from the perspective of analysing the development of disunion amongst Hungary's political elite in the context of its classification as an outlier case, the actions of elites on the right during this period arguably inaugurated this development by building the foundations of a discourse that at its core was held together by stigmatizing the Socialist party as illegitimate.[222] Although these foundations were already in place during the 1998-2002 term, developments during the 2002 national election warrant our attention for two key reasons. First of all, the 2002 election saw an intensification of the anti-communist narrative amidst highly polarized competition. Second, this intensification was part of a wider mobilization effort, which fits with Powell's suggestions for why centripetal politics can be disappointed even in two-party systems. Moreover, while the strategy of mobilization did not bring electoral victory to the right, it did benefit Fidesz substantially in terms of organizational resources.[223] This helps to explain why a divisive and anti-centrist strategy could be sustained across two electoral defeats, for nearly a decade, before bearing any fruit for its progenitors.

To be sure, both sides of the political spectrum engaged in legitimacy politics in the 2002 campaign. The left focused their campaign on the Fidesz-led government's "incompetence, corruption, abuse of power and damage to democracy",[224] although this did

---

[220] Bozoki, 'Consolidation or Second Revolution?', pp. 206, 225.
[221] Arato, for example, notes that "there were well-founded rumors of private deals between leaders of the old, ruling party, and new party leaders that violated the consensual nature of the [Roundtable] agreements. Subsequently, the process allowed a relatively large scale conversion of the previous political power to new economic ones." See Arato, 'Regime Change, Revolution and Legitimacy', p. 45.
[222] The normative question of whether this can be justified by appeals to concepts such as truth or justice is beyond the scope of this project.
[223] Eventual incorporation of the Civic Circles into the party proper resulted in an increase in party membership from 10,000 to 25,000. See Enyedi, 'The role of agency in cleavage formation', p. 709.
[224] Sitter, 'Absolute Power?', p.4.

not translate into attempts to exclude the right.[225] Thus the analysis put forward here should not be read as unduly absolving the left from participation in the dangerous game of legitimacy politics. The right's role in the 2002 campaign interests us in particular, however, because of its connection to the rhetorical developments displayed in the 1998-2002 period, and because as we will see, it will lead us to a discussion of the logic underlying the post-2010 attitude of the right to constitutionalism and thus will aid our understanding of the deconsolidation of democracy.

The key to understanding the significance of the 2002 campaign lies in events between the two rounds of voting. As Enyedi and Tóka note, it was after Fidesz lost the first round of voting that Orbán "turned directly to voters and mobilized them with a powerful anti-Communist rhetoric".[226] In line with the collapsing of cleavage dimensions into a single platform for the right, this anti-communism was combined with a narrative that focused on the nation. As Bózoki notes, although both sides had been conducting relatively symbolic campaigns, what set Fidesz's campaign apart from the rest was the "practice of monopolizing the usage of essentially unifying national symbols for dividing and party purposes".[227] The Hungarian flag, the shield, and the national anthem were used heavily by Fidesz, and Orbán's narrative stressed the need to "defend the nation" against communist enemies/traitors.[228] This was particularly emphasized in one of the capstone events of the Fidesz's campaign, a major mobilization rally held between the two rounds of voting. Orbán's speech was centred on battle themes throughout, proclaiming not only that there is a need to defend, but that that he will lead many attacks or offensives. That particular passage even included a reference to Leonadis, the ancient warrior king of Sparta. The enemy was clearly the Socialist party, and the war mythology was complete with a call to defend not only the nation – "our homeland" –

---

[225] Kis, 'Introduction: From 1989 Constitution to the 2011 Fundamental Law', p. 19.
[226] Enyedi and Tóka, 'The Only Game in Town', p. 10.
[227] Bozoki, 'Consolidation or Second Revolution?', p. 211.
[228] Ibid., p. 224.

51

but everything that "really makes life beautiful and important: our family, our children, our human dignity, our freedom, our faith...All of this must now be defended!".[229] This is why Fidesz's strategy became known for its "us versus them" logic.[230] In and of itself, us versus them logic is not unusual in political competition. In this case, however, the underlying narrative was built on the illegitimacy of the opponent's participation in the contest for power.

It is well known in the political psychology literature that the salience of intergroup distinctions is an important pre-condition for inter-group hostility, and that this is aided significantly by "convergent boundaries".[231] This essentially means the "coincidence of many possible distinctions", which in the parlance of electoral politics may be called overlapping cleavages. As already demonstrated above, Fidesz's consolidation of the right involved merging disparate elements of the right into one platform which included all the existing cleavages. This on its own is not considered by political psychologists sufficient for hostility.[232] The two other conditions which contribute are intergroup competition and intergroup threat. Naturally in the context of electoral politics, competition is given. When one side interprets and communicates that the opponent is a threat, however, the chances of hostility and thus in this case partisan polarisation greatly increase. John Duckitt states that there are three main categories of threat – real threats to resources and power, symbolic threats to values, and threats to valued identities.[233] In Fidesz's rhetorical strategy and in Orbán's speech in particular, the opposition represents a threat in all three categories. They threaten the Hungarian economy, they threaten our family and faith values, and they threaten

---

[229] Author's translation of the original speech, Viktor Orbán, 'Speech delivered at the University of Physical Education in Budapest on 9 April 2002', http://miskolc.fidelitas.hu/index.php?Cikk=1557, accessed 25 May 2014.
[230] Waterbury, 'Internal Exclusion, External Inclusion', p. 507.
[231] John Duckitt, 'Prejudice and Intergroup Hostility' in Sears, David O., Huddy, Leonie, and Jervis, Robert, (eds.), *Oxford Handbook of Political Psychology* (Oxford, New York: Oxford University Press, 2003), pp. 581-2.

[232] Ibid., p. 583.
[233] Ibid., p. 585.

our identity as Hungarians. The final threat will be dealt with more thoroughly in the next chapter.

Of this period, Tóka and Popa note that Fidesz "changed little in terms of ideological profile but quite substantially in terms of rhetorics, organisation and personnel".[234] Indeed it was the organisational benefits of the impressive "Civic Circles" mass mobilization that were the major legacy of the 2002 campaign for Fidesz. While the "loud refusal of accepting electoral defeat as fully legitimate" backfired for the party's ratings in 2002 and 2003, the incorporation of the Civic Circles into the party structure "stabilised Orbán's position as undisputed party leader and robustly increased Fidesz' organisational strength".[235] On Enyedi's account, while the party's radical change from its original strongly left-liberal orientation was made possible by the above mentioned centralisation under Orbán's brand of leadership, this was not in and of itself sufficient to consolidate his position at the apex of the right bloc, and nor was it enough to ensure the long-term integration of the right's disparate segments.[236] The Civic Circles and the associated media outlets "(including a new private television channel) helped to establish a higher degree of social closure between left and right. The integration of the right entered a new, society-centered phase".[237] Moreover, the internal structure of Fidesz deepened, with sections for "workers, women, pensioners, smallholders, intellectuals, and so on", integrating the organisations that sprung up in response to Orbán's rousing calls to take to the streets. This helps to explain why, despite the fact that Orbán's divisive style was seen by some as the cause of electoral defeat,[238] he continued to dominate the right for eight years in opposition until finally returning to power.

---

[234] Tóka and Popa, 'Hungary', p. 310.
[235] Ibid.
[236] Enyedi, 'The role of agency in cleavage formation', p. 709.
[237] Ibid.
[238] Lakner, 'Anti-communist policy in Hungary ', p. 100, Bozoki, 'Consolidation or Second Revolution?', p. 210,

The need to mobilize supporters proved a key development in the division of elites in Hungary and the development of a polarized rather than a centripetal two party system. This mobilization was based on a multilayered construction of threat that expressed the illegitimacy of the Socialist bloc. With regards to the importance of agency in mobilization, the social movement scholar Sidney Tarrow reminds us that "there is no such thing as objective opportunities – they must be perceived and attributed in order to become the source of mobilization...[t]his means that communication and learning are important mechanisms in mobilization around opportunities".[239] That Orbán managed to mobilize what was effectively a partisan social movement that subsequently aided the consolidation of the right-wing bloc, his position as its uncontested leader, and his divisive brand of legitimacy politics, would thus certainly appear to be a case of interpretative agency. The final piece of the puzzle which can facilitate understanding of the post-2010 political landscape also focuses on interpretative agency. At the heart of the right's legitimacy politics there is the combination of anti-communism with nationalism. This combination, not found in the citizenry, relies on a specific interpretation of historical legacies. This interpretation is a crucial element of how agency cut Hungary off its path to consolidation.

---

[239] Sidney Tarrow, *Power in Movement*, (Cambridge: Cambridge University Press, 2011), p. 280.

Chapter 5 – The Politics of Memory

In the previous chapter it was demonstrated that the nation was an important part of Orbán's rhetorical strategy, and that the communist successor party was constructed as a major threat to the "homeland". In fact, this narrative rests on a particular interpretation of history with great depth and significance for the political community. This chapter utilizes the concept of *politics of memory* to argue that political elites exert a significant, if not all-powerful, influence on the manner in which the past is relevant for the present and future in Hungary.

Following Richard Ned Lebow, memory is understood here as that type of knowledge that "mediates between the present and the past. It lays the past to rest or keeps it alive; it binds communities together or keeps them from forming or tears them apart".[240] Memory, therefore, involves constructing a particular interpretation of the past by refracting it through the lens of the present, including current concerns. Lebow notes that there are three distinct levels of analysis in the literature on memory: collective memory, individual memory, and institutional memory. This chapter focuses on the latter, which is defined by Lebow as describing "efforts by political elites, their supporters, and their opponents to construct meanings of the past and propagate them more widely or impose them on other members of society".[241] The development of disunity amongst elites has been driven, I argue, by a particular interpretation of the past by elites on the political right. This interpretation posits that the period of communism is essentially alien to the genuine history of the Hungarian nation, and can therefore be legitimately excluded in the construction of the political community.

---

[240] Richard Ned Lebow, 'The Memory of Politics in Postwar Europe', in Richard Ned Lebow, Wulf Kansteiner, and Claudio Fogu, (eds.), *The Politics of Memory in Postwar Europe*, (Durham: Duke University Press, 2006), p. 8.
[241] Ibid., p. 13.

To be clear, the point is not to provide empirical evidence to support the claim that elites successfully inculcated pliant individuals with their preferred reading of past events. As Lebow notes, although most analyses of institutional memory treat the top-down shaping of memory as unproblematic, it is in fact "notoriously difficult to determine the actual effects" of elites' discursive strategies.[242] Rather than seeing elite discourses as strictly *determining* what people think, we can instead opt for Lebow's more limited position which states that "individual memories are shaped through interactions with other people and reflect, and often reinforce, dominant discourses of society".[243] The fact that transition has largely been seen as an elite-led process and parties subsequently emerged as the most significant political agenda-setters in Hungary reinforces the relevance of this statement for the present study.

The point of this chapter therefore is to demonstrate the logic of the right's particular interpretation. Ultimately it is this interpretation that is at the centre of their practice of divisive legitimacy politics. As we will see, hallmarks of a consensually united elite such as procedural consensus and restrained partisanship lose much of their relevance when one side interprets their opponents as illegitimate. In spite of this, citizens may not actually share elites' convictions to the same degree of intensity. This is suggested by the fact that although the dominant feature of the right's politics of memory is the exclusion of communism from the legitimate history of the nation, there is little empirical correlation between anti-communism and nationalism amongst the citizenry.[244] It could be suggested, therefore, that elites' interpretations do not necessarily need to be comprehensively accepted even by their own supporters in order to have animate the underlying mechanics of political conflict and division. After all, a vote for a political party cannot be taken as straightforward evidence of

---

[242] Ibid., p. 10.
[243] Ibid., p. 4.
[244] See note no. 169.

the support for everything that party stands for.[245] In keeping with the arguments made in previous chapters, this chapter thus argues that contestation over the definition of the political community would appear to be a largely elite-driven phenomenon in which everyday citizens have shown limited interest.

The politics of memory approach fits with the concepts of interpretative and transformative agency advanced so far in that legacies are not inalterable givens. As István Rév reminds us, historical arguments have always been integral to political battles in Hungary, and the country "is just a particular and particularly suitable case that reveals not the deep structures of history but the possible available relations to the (perpetually remade) past".[246]

Exclusion from Legitimate History in the Construction of the Political Community

The central point of relevance in legitimacy politics is the argument that one's opponents do not have a right to participate in the democratic game. In Hungary, legitimacy politics often goes beyond mere accusations of recent wrongdoings – what we might term *shallow* illegitimacy, to borrow from Kitschelt – to attacks which focus on meta-narratives of history and nation – what we may term *deep* illegitimacy. As Gábor Egry's insightful analysis of the role competing interpretations of the past in present day political conflict in Hungary demonstrates, "the entire rightist political spectrum is dominated by an organic, integral nationalism that enhances the will to use history and memory as the ultimate political

---

[245] As Jacques Thomassen states, "[p]olitical parties offer a package deal to the voter. By voting for a particular party, voters are forced to vote for the whole package". This issue is even more salient in a two-party systems such as Hungary's. Jacques Thomassen, 'Empirical Research into Political Representation: Failing Democracy or Failing Models?' in Jennings, M. Kent, and Mann., Thomas E., (eds.), *Elections at Home and Abroad*, (Ann Arbor: University of Michigan Press, 1994), p. 253.

[246] Istvan Rev, *Retroactive Justice*, (Standford: Standford University Press, 2005), p. 7.

weapon".[247] The key interpretative contest surrounds whether the period of communism can be thought of a legitimate part of the nation's history. Egry rightfully points out that this may sound bizarre or even nonsensical to a professional historian, but that it has great relevance for the postcommunist polity.[248] The nation is a community of membership based on shared language, values, history and more, and imagined as it may be, it has great practical force when the nation is seen as the appropriate manner in which to define the political community. If the communist period can be thought of as a "time outside history", i.e. that "communist rule actually sent [the nation] off its natural rails and bound it to an alien civilisation",[249] then all those that can be identified with the illegitimate period are themselves disqualified from possessing a legitimate right to participate in the competition for power. In Egry's description, "if responsibility for a catastrophe can be attributed to a specific political current its representatives are legitimately excluded from political positions...if an era [is] not perceived as part of the national history its complete overturn [is] seen as legitimate".[250] If the political community is synonymous with the nation, and if the communist period is interpreted as outside the legitimate history of the nation, and if the communist successor party is identified as the heir to that legacy, then they are not a legitimate part of the political community. It logically follows that procedural consensus and restrained partisanship are irrelevant when it comes to the dealing with the Socialists, because these are norms that regulate behaviour only towards actors with a legitimate claim to membership in the political community. In the strictest reading, the Socialists are simultaneously outside the nation's past and future, as well as the political community. This is what Bózoki refers to when he states that "Fidesz created

---

[247] Gábor Egry, 'Strangers of Our Own: "Nation", "Republic" and "Ordinary People" in Hungary After 1989' in Nyyssönen, Heino, and Vares, Mari, *Nations and Their Others: Finland and Hungary in Comparison*, (Helsinki: East-West Books, 2012), p. 206.
[248] Ibid., p. 185.
[249] Katalin Miklóssy, 'Shadows of the Communist Past: The Consolidation Project of the Hungarian Left – Transitional Identity and the Demarcation of History' in Aunesluoma, Juhana, and Kettunen, Pauli, (eds.), *The Cold War and the Politics of History*, (Helsinki: Edita Prima, 2008), p. 71.
[250] Egry, 'Strangers of Our Own', p. 186.

a second political culture, an alternative polity".[251] This also explains why it is easy to maintain a rhetorically democratic position. There is democracy for the political community – it's just that a significant segment are outside that community.

In Temporal Perspective

The above gradually became the dominant interpretation of the right in Hungary, which subsequently fought for this interpretation of the country's history to become dominant.[252] Although the juxtaposition of the national conception of the political community against the republican notion was present already at the beginning of the democratic transition,[253] it was not, according to Egry, until the beginning of the new millennium that the opposing visions crystallized and became central to political competition.[254] This is in line with the analysis of Fidesz's rise in Chapter 4 – in fact Egry states that this interpretation of the nation was the one utilized by Orbán to "preserve popular support and unity in his party and permanently mobilize his followers after his surprise defeat at the 2002 parliamentary elections".[255] Three points are of crucial relevance here. The first concerns the role of interpretative agency. Given that the above interpretation of the nation and the political community was already in existence in the early years of transition but only became a central component of elites' discursive strategies a decade later, I argue that rather than seeing this interpretation as a natural truth or an inevitable constant of right-wing political culture, it is better conceptualized as a discursive resource that politicians can choose to emphasize, defuse, or ignore, based on their own beliefs and goals. Thus its striking centrality can be traced back to agency through both the need to interpret the ambiguities of past and present,

---

[251] Bozoki, 'Consolidation or Second Revolution?', p. 191.
[252] Egry, 'Strangers of Our Own', pp. 177-8, 186. See also Miklóssy, 'Shadows of the Communist Past', pp. 69-73.
[253] Egry, 'Strangers of Our Own', p. 183.
[254] Ibid., pp. 179-80.
[255] Ibid., p. 191.

and the idiosyncrasies of the leadership on the right. Second, by locating the rise to prominence of this interpretation around the year 2000, we can see why it is that although these concepts were around before 2000, most analysts saw Hungary as having excellent potential for democratic consolidation in the first decade of transition. Conflict over the definition of the political community was not big on the agenda, and there was apparently little reason to suspect a dramatic increase in its salience. Third, this account solidifies the claim that events cannot be understood in isolation. It is a popular reading of Hungarian political development to emphasize the 2006 leaked speech of the Socialist Prime Minister Gyurcsány as a singular decisive moment.[256] While it would be wrong to downplay the practical and normative significance of that sequence of events, it is equally mistaken to locate the origin of intense conflict over opponent illegitimacy in that episode. Rather it should be situated within the narrative of the historical interpretation outlined above. As Lakner writes, it was with Gyurcsány's leaked speech that "the anti-communist mythology became complete".[257] It represented the proverbial smoking gun by which the right's indictment of the Socialists' ultimate illegitimacy was finally proven. The episode played into the existing narratives of the right, and was confirmation of deep illegitimacy rather than simply a fresh instance of shallow wrongdoing.[258]

Politics of Memory in Action

To illustrate the actual enactment of competing historical interpretations in present day politics, we can look briefly at a few examples. There were early signs in the 1998-2002

---

[256] Lengyel and Ilonszki, for example, write that "... the earlier elite settlement was beginning to unravel. By 2006, the two major camps started to question the very legitimacy of their rivals. This followed the leaking of the Socialist Prime Minister's speech...". Such a reading arguably obscures the process of becoming disunited, which preceded 2006. Lengyel and Ilonszki, 'Simulated Democracy and Pseudo-Transformational Leadership in Hungary', p. 112.

[257] Lakner, 'Anti-communist policy in Hungary ', p. 107.

[258] For a similar claim see Agnes Rajacic, 'Populist Construction of the Past and Future: Emotional Campaigning in Hungary between 2002 and 2006', *East European Politics and Societies*, Vol. 21, No. 4, (2007), p. 639.

period, when Orbán began delivering the "State of the Nation" address not in Parliament but exclusively to his own supporters, and refused to celebrate national holidays with leaders of the opposition.[259] Miklóssy notes that commemorations of the 1956 revolution always represent divided interpretations, arguing that through the "grave juxtaposition of the political elite, the people are also compelled to assume bipolarity during the celebrations, since instead of one, two opposing political images are offered to the people to identify with".[260] Renáta Uitz, in explaining how the "politics of memory has been central to the Hungarian transition to democracy", brings up the example of the politics of instituting the Day of Hungarian Freedom. The June 19 memorial day was created by the Fidesz-led government in 2001 to commemorate the day the last Soviet soldier left Hungary. The Preamble to the bill explains that

> [t]he former German occupation was exchanged for Soviet occupation, and in the shadow of Soviet bayonets enabled the installation and 4-decade long persistence of a communist dictatorship causing un-assessable suffering and harm. Our Nation suffered the nearly half-century-long lack of her sovereignty with lagging behind Europe, entering an economic and social dead-end street and the shattering of moral values.[261]

Although the bill passed with support from all sides, the story was far from over. In 2002, the newly elected Socialist government attempted to change the Day of Hungarian Freedom to the Day of Independence. As Uitz tells it, the right-wing opposition's main response was to point out that the Socialists wanted to "remove the Preamble of the statute which reminds them of the past deeds of their party",[262] clearly identifying that the Socialists, as heirs to communism's crimes, are illegitimate. The bill was eventually withdrawn. That same day in

---

[259] Bozoki, 'Consolidation or Second Revolution?', p. 202.
[260] Miklóssy, 'Shadows of the Communist Past', p. 70. For details regarding the opposing interpretations see Ibid., p. 69.
[261] Renáta Uitz, 'The Incomplete Transition in Hungary' in Wouters, Nico, (ed.), *Transitional Justice and Memory in Europe (1945-2013)*, (Cambridge: Intersentia, 2014), p. 322.
[262] Ibid., p. 323.

Parliament, the Socialist government also proposed commemorating the execution of Imre Nagy on June 16.[263] Although the motion was successful, "the speakers on the opposition side did not miss an opportunity to remind the Socialist government that they work for a party which is the legal successor of the Communist Party which is guilty for calling Soviet tanks to suppress the 1956 revolution".[264] Many more such instances could be cited, particularly with regard to competing interpretations of the 1956 revolution and the debates over citizenship for Hungarians living outside the country's borders.[265] To emphasize the gravity of the rhetoric one can find in these exchanges, suffice it to quote one Fidesz member's description of the left's "No" campaign during the highly politicized 2004 referendum on external citizenship as "a kind of spiritual Trianon".[266]

Whose Nation? Elites versus Citizens

The underlying claim of this chapter has been that if we want to understand how Hungarian elites came to be disunited, we need an understanding of how elite interpretations of history have informed deep attacks on the legitimacy of opponents' participation in the democratic game. Most of this agency-centred argument could be refuted, however, by pointing to the existence of the same narratives and divides in Hungarian society, to show the mechanisms of the forces of history or political culture in operation. There is, however, little evidence for the existence of the above analysed divides amongst the people of Hungary. A brief elaboration of this point may serve to demonstrate that the above interpretations and their practical constitution in reality through discourse are largely elite-driven processes.

---

[263] For an account of the politics of remembering Imre Nagy, see Rev, *Retroactive Justice*, pp. 21-51. See also Egry, 'Strangers of Our Own', p. 185.
[264] Uitz, 'The Incomplete Transition in Hungary', p. 323.
[265] On the later see Myra Waterbury, *Between State and Nation: Diaspora Politics and Kin-State Nationalism in Hungary*, (New York: Palgrave Macmillan, 2010) and Egry, 'Strangers of Our Own', p. 189-90.
[266] Egry, 'Strangers of Our Own', p. 177.

We have already seen in Chapter 3 that partisan representations of cleavages do not exactly follow the cleavages found in society organically. We have also seen that there is no significant correlation in the population between anti-communist and nationalist sentiments. We have also seen that citizens show limited interest in the specific issues related to the socio-cultural cleavage when compared to elites.[267] Egry confirms these insights from previous chapters by reminding us that parties' stances on the different interpretations of the political community were never electorally decisive.[268] Moreover, Hungarian society has typically displayed a much more forward-looking attitude to the communist past. Multiple scholars of transitional justice note that Hungarians have generally been much more interested in moving on from the past than have elites, and consider living well in the present and future more important than maintaining an exclusionary and retributive mentality.[269] Csilla Kiss demonstrates in her analysis of lustration in Hungary that citizens have gone from being disinterested to "sometimes even hostile to the process",[270] because it has largely been used for partisan purposes.[271] Further evidence of this disjuncture between elites and citizens is found in the Meggyessy scandal. When it was found out in 2002 that the Socialist Prime Minister had been a secret counterintelligence officer, opinion polls showed limited interest in the issue, in spite of a vociferous campaign from the right-wing opposition calling for his resignation – "15% of the population was 'very interested' in which politician collaborated with the previous regime's secret services, [while] 49% was 'not at all' interested".[272] Voters also seem to have picked up on the fact that "the continuity between today's ex-communist

---

[267] See note no. 165.

[268] Egry, 'Strangers of Our Own', p. 184.

[269] See for example Lavinia Stan, 'Hungary' in Stan, Lavinia, (ed.), *Transitional Justice in Eastern Europe and the Former Soviet Union: Reckoning with the Communist Past*, (London: Routledge, 2008), p. 102 and Csilla Kiss, 'The Misuses of Manipulation: The Failure of Transitional Justice in Post-Communist Hungary', *Europe-Asia Studies*, Vol. 58, No. 6, (2006), p. 939.

[270] Kiss, 'The Misuses of Manipulation', p. 926.

[271] Ibid., p. 938.

[272] Ibid., p. 935. It is worth noting here that calls for Meggyessy's resignation did not necessarily stem from his communist past, but also from the fact that he had been dishonest to voters about the issue.

party and its communist-era predecessor is among the weakest in the postcommunist region",[273] if the electoral success of the Socialist party is taken as an indicator. Citizens also displayed little desire to be pawns in elites' battles over the definition of the political community, with turnout in the 2004 referendum on citizenship for Hungarians living beyond the country's borders falling below the legally required threshold. As Rajacic sums it up, rather than society "being already divided along historical cleavages, politics is trying to divide society along such identity lines that can be traced back in history but that aren't necessarily real ones".[274]

Possibly the most poignant summary of this phenomenon is the fact that while the right identifies the communist period as one of great suffering and oppression,[275] many Hungarians are either ambivalent or nostalgic about the period,[276] or accurately perceive the Hungarian communist regime as having been "exceptionally mild".[277] Indeed there is something ironic about the fact that anti-communist nationalism has become strongest in a country with one of the least oppressive communist experiences. Particularly given the wealth of transitional justice models that Hungarian elites could have drawn on had they wanted to,[278] there seems little excuse for adopting the radical stance that exclusion from the political community is the most appropriate redress for the indeed real crimes of the communist era. Yet as this chapter has demonstrated, it does have a coherent internal logic, based on a particular interpretation of the nation and its history held by a segment of the elite, but not so much the citizenry. As the final chapter demonstrates, the 2011 Constitution is

---

[273] Enyedi and Tóka, 'The Only Game in Town', p. 3.
[274] Rajacic, 'Populist Construction of the Past and Future', p. 656.
[275] Egry, 'Strangers of Our Own', p. 185, but see also the Preamble of the bill for the Day of Hungarian Freedom quoted above.
[276] Kiss, 'The Misuses of Manipulation', p. 939.
[277] Stan, 'Hungary', p. 102.
[278] Stan, 'Introduction', p. 5.

essentially a logical step in the development of disunity through legitimacy politics analysed so far.

Chapter 6 – The 2011 Constitution: Institutionalizing Disunity

The very point of departure for this study was the one-sided 2011 Constitution and the unexpected deconsolidation of democracy that it represents. This final chapter now seeks to advance a few claims in order to connect the insights from previous chapters with the new Constitution, and thus deepen our understanding of how and why Hungary has ended up where it is today. In line with the claim made in the introduction that we cannot rely on synchronic analysis if we are to understand deconsolidation, this chapter argues that the new Constitution includes certain elements which display striking continuity with the divisive legitimacy politics inaugurated by the right in the late 1990s and early 2000s. From this perspective, Hungary's outlier status (as described at the end of Chapter 2) is made less mysterious. The institutionalization of disunited elites via an imposed Constitution is part of the process of the development of disunity that was put in motion through the agency of political elites.

The chapter first demonstrates that the Preamble to the Constitution shows a strong constituting role for the Hungarian *nation* as opposed to its citizens. Second, analysis of the first part of the Transitional Provisions, which are themselves part of the Constitution,[279] demonstrates that the drafters of the Constitution have institutionalized their ongoing preoccupation with the illegitimacy of the Socialists. Taken together, these two components demonstrate the relevance of the elite-created anti-communist nationalism analysed in Chapter 5. Several further aspects of the Constitution including the process of its creation and the curtailment of restrictions on executive power further corroborate the claim that anti-communist nationalism is central to the disunity of elites. This will be argued through a

---

[279] See Article 1 of the First Amendment to the Fundamental Law of Hungary in Tóth, Gábor Attila, (ed.), *Constitution for a Disunited Nation: on Hungary's 2011 Fundamental Law*, (Budapest: Central European University Press, 2012), p. 450.

utilization of J.H.H. Weiler's concept of *political messianism.* Finally, the chapter also engages with the tension between elites and citizens that has been a theme throughout the previous chapters, linking this to the underlying argument that disunity was not inevitable based on history or culture.

The Nation in the 2011 Constitution

There is a great variety of angles from which the 2011 Constitution and the subsequent Constitutional changes can be analysed, and few of them are favourable. Rather than provide a comprehensive summary critique of the post-2010 Constitutional landscape, however, the task here is to demonstrate the relevance of agency-led legitimacy politics in explaining the Constitution.[280] The first step in this involves simply demonstrating that the Constitution is heavily influenced by the Christian-national viewpoint of the Fidesz-led government that made the Constitution. To appreciate the role of the Christian nation in the new Constitution we may look primarily to the Preamble to the Constitution, as well as some of the changes to citizenship and voting rights.

The Preamble to a Constitution primarily has a political function,[281] and is often where one can find explicit expression of the "distinct values and traditions of a specific political community".[282] In the Hungarian case, however, it is also legally valid. As the Venice Commission points out, Article R Section 3 of the Fundamental Law gives the

---

[280] In addition to the texts cited in this study, a good list of critical perspectives can be found in Gábor Tóka, 'Constitutional Principles and Electoral Democracy in Hungary' in Bos, Ellen, and Pócza, Kálmán, (eds.), *Constitution Building in Consolidated Democracies: A New Beginning or Decay of a Political System?*, (Baden-Baden: Nomos Verlag, 2014), [manuscript, http://www.personal.ceu.hu/staff/Gábor_Tóka/Papers/Tóka13%20Constitutional%20Principles%20and%20Electoral%20Democracy%20in%20Hungary.pdf, accessed 7 May 2014], footnote no. 3, pp. 1-2.

[281] Venice Commission (European Commission for Democracy Through Law), 'Opinion on the New Constitution of Hungary', in Tóth, Gábor Attila, (ed.), *Constitution for a Disunited Nation: on Hungary's 2011 Fundamental Law*, (Budapest: Central European University Press, 2012), p. 500.

[282] Paul Blokker, 'Democratic Ethics, Constitutional Dimensions, and Constitutionalisms', in Febbrajo, Alberto, and Sadurski, Wojciech, (eds.), *Central Eastern Europe After Transition. Towards a New Socio-legal Semantics*, (Surrey and Burlington: Ashgate, 2010), p. 79

Preamble "substantial influence on the interpretation of the entire Constitution".[283] In the previous chapter we saw that the in the right's interpretation, the nation represents the appropriate unit with which to define the political community. Until 2011, Hungary had a Constitution marked by an "almost...complete absence" of the right's type of ethno-cultural nation, focusing instead on the republican community of citizens.[284] The 2011 Constitution, by contrast, is widely seen to attribute a constitutive role to the Christian, ethno-cultural nation. The Preamble opens with the first line of the 1823 Hungarian national anthem, "God bless the Hungarians", and is titled the "Avowal of National Faith". The first line announces that "We, the members of the Hungarian Nation...hereby proclaim the following". Further statements from the Avowal which contribute to the unmistakable role for the nation include:

> We hold that the family and the nation provide the most important framework for our coexistence, and that our fundamental cohesive values are fidelity, faith and love. [...] We honor the achievements of our historical Constitution and we honour the Holy Crown, which embodies the Constitutional continuity of Hungary's statehood and the unity of the nation. [...] Our Fundamental Law shall be the basis of our legal order: it shall be a covenant among Hungarians past, present and future. It is a living framework expressing the nation's will and the form in which we wish to live. We, the citizens of Hungary, are ready to found the order of our country upon the cooperation of the nation.[285]

While Constitutions often speak in the name of the people or the name of the citizens, Hungary's now speaks in the name of the nation.[286] The concept of 'nation' is in and of itself charged enough in Hungarian political discourse. As we saw in Chapter 4, national symbols such as the flag and anthem have been used for partisan purposes before, when rejection of

---

[283] Venice Commission, 'Opinion on the New Constitution of Hungary', p. 501.
[284] Ibid., p. 80.
[285] See The Fundamental Law of Hungary in Tóth, Gábor Attila, (ed.), *Constitution for a Disunited Nation: on Hungary's 2011 Fundamental Law*, (Budapest: Central European University Press, 2012), pp. 380-1.
[286] Zsolt Körtvélyesi, 'From "We the People" to "We the Nation"' in Tóth, Gábor Attila, (ed.), *Constitution for a Disunited Nation: on Hungary's 2011 Fundamental Law*, (Budapest: Central European University Press, 2012), p. 113.

Fidesz's program was equated with self-abrogation of nation membership.[287] However, the 2011 Constitution also contains a specific version of the nation – it is the "intellectual and spiritual...nation torn apart in the storms of the last century",[288] a reference which if interpreted in the spirit of the whole text makes it difficult not to see it "as a reference to peace treaties and the loss of territories and of ethnic Hungarians as citizens".[289] As the Amicus Brief prepared by a group of prominent Constitutional scholars states, the Preamble thus utterly fails its symbolic role of providing a unifying framework, as the Hungarian nation is identified as the cultural, rather than political nation, and one which includes a strong role for Christianity.[290] It excludes citizens of Hungary who are not part of the nation thus defined from the authorship of the Constitution.[291] As the 2011 Constitution also extends citizenship and voting rights to Hungarians living beyond the state's borders – itself the culmination of decades of battle which included the left's "spiritual Trianon" – it gives both legal validity and political weight to the concept of nation as a unity of blood and faith of a sort, by giving "a say in who should make up the Hungarian legislature to people who are not subject to the laws of Hungary".[292] However, it is when we consider the new Constitution's stance on the communist era that the implications of this become clear. From the right's perspective the fundamental elite disunity over 1) the basic values of the political system, 2) the legitimate process for enacting Constitutional change, and 3) the formal institutions of government, is completely justified because its political opponents are not part of the constituent, titular nation.

---

[287] See Lakner, 'Anti-communist policy in Hungary', p. 97.
[288] The Fundamental Law of Hungary in Tóth, *Constitution for a Disunited Nation*, p. 380.
[289] Körtvélyesi, 'From "We the People" to "We the Nation"', p. 115.
[290] Andrew Arato, Gábor Halmai, and János Kis, (eds.), 'Opinion on the Fundamental Law of Hungary (Amicus Brief)' in Tóth, Gábor Attila, (ed.), *Constitution for a Disunited Nation: on Hungary's 2011 Fundamental Law*, (Budapest: Central European University Press, 2012), p. 460.
[291] Körtvélyesi, 'From "We the People" to "We the Nation"', p. 114.
[292] Arato et al, 'Amicus Brief', p. 460.

Zenith of Legitimacy Politics: The Socialists in the 2011 Constitution

As previous chapters have demonstrated, Orbán's Fidesz has utilized a discursive strategy centred on undermining the Socialist party's right to participate in the democratic game in order to facilitate internal party unity, cohesion of the previously fragmented right bloc, and mobilization of supporters in the face of electoral defeat – the very essence of using opponent exclusion for political gain. This stance towards the Socialists has now been codified in the supreme political document of the country in a rather audacious and unambiguous style.

Before examining the exclusion of the Socialists, let us first examine the rejection of the 1989 elite settlement. The Transitional Provisions of the Fundamental Law adopted on the 30th of December 2011 begin with a section titled "Transition from the Communist Dictatorship to Democracy".[293] From the outset it is made clear that the authors of the 2011 Constitution see the whole post-1989 period up until that point as illegitimate. While the text does date the end of communist dictatorship and the inauguration of the *will of the people* period at the first free (but not fair) election of 1990, it then states that "[t]he current Hungarian rule of law state cannot be built on the crimes of the communist system".[294] This must be interpreted as an extension of the statement in the Preamble that the authors "do not recognize the communist Constitution of 1949, since it was the basis of a tyrannical rule; therefore we proclaim it to be invalid",[295] and combined with Orbán's invocation of a "revolution at the voting booth" which would allow for "true transition" to take place[296] in

---

[293] See Transitional Provisions of the Fundamental Law in Tóth, Gábor Attila, (ed.), *Constitution for a Disunited Nation: on Hungary's 2011 Fundamental Law*, (Budapest: Central European University Press, 2012), p. 434.
[294] Ibid.
[295] The Fundamental Law of Hungary in Tóth, *Constitution for a Disunited Nation*, p. 382. The Preamble also states that the drafters "do not recognize the suspension of our historical constitution due to foreign occupations", which can similarly be interpreted as a rejection of the whole period covered by the 1949 constitution, including the 1989 changes which amended the 1949 constitution beyond recognition.
[296] Uitz, 'The Incomplete Transition in Hungary', p. 289.

place of the "failed era".[297] One is left with the unmistakable impression that the Constitutional changes achieved at the 1989 elite settlement and the subsequent (internationally highly esteemed) Constitutional jurisprudence of the Constitutional Court, based as they formally were on amendments to the 1949 Constitution, are invalid in the authors' eyes. According to the Venice Commission, certain ambiguities in the Constitution mean that there is legal scope for this interpretation, even if the legal paradoxes generated by such an interpretation render it somewhat unlikely.[298] As we saw in Chapter 4, this sentiment was already present in Fidesz's rhetoric in the 1998-2002 period, and in this sense we can see direct continuity between the two periods.

The opening section of the Transitional Provisions goes on to list the crimes of the communist dictatorship, for which the Hungarian Social Workers' Party (MSZMP) is responsible.[299] These include "systematically destroying traditions...and undermining the nation's identity", "completely depriving people of their freedom" and "betraying the nation". After listing these, the text states unambiguously that

> The Hungarian Socialist Party shares the responsibility of the state party –
> through the continuity in party leadership that bridged the old and the new party –
> as the legal successor to the Hungarian Socialist Worker's Party, as the inheritor
> of the illegally amassed wealth and as the benefactor of the illegitimate
> advantages acquired during the transition.[300]

There is little room for interpretation in this pronouncement; the Hungarian Socialist Party has been identified as the legal heir to the crimes of the communist dictatorship. Taken together with the removal of the statute of limitations for some of these crimes,[301] the

---

[297] Emilia Palonen, 'Rupture and continuity: Fidesz and the Hungarian revolutionary tradition', *La Révolution Francaise*, (2011), http://lrf.revues.org/353, accessed 25 May 2014.
[298] Venice Commission, 'Opinion on the New Constitution of Hungary', p. 501.
[299] See Appendix 1.
[300] Ibid.
[301] Uitz, 'The Incomplete Transition in Hungary', p. 290.

71

Constitution unambiguously states that the Socialists as illegitimate participants in the democratic game. Such criminalization in a Constitution and the possibilities it opens up is an especially divisive approach to dealing with the past.

Several points are of crucial importance here. First, when one combines the proclamation of ethnic-national authorship with the fact that the text explicitly denounces the communist era as a betrayal of the nation and identifies the current Socialist Party as sharing responsibility for this, the claim that interpretative agency as outlined in the previous chapters has played a crucial role in driving disunity appears even stronger. The Socialist Party is indeed considered to be "alien to the nation",[302] and so the rejection of consensus over rules of the game is entirely consistent with the right's perspective. Second, and related, the above analysis provides compelling evidence for the argument that the essential components of post-2010 disunity were present already at the beginning of the millennium. As we saw previously, already in 2002 Fidesz members were "reminding" the governing Socialists that they were the legal successors to the party that crushed the nation in 1956.[303] The 2011 Constitution thus demonstrates continuity in the dominant logic on the right between the 1998-2002 period and post-2010 period. Whatever role the left and its leaders did indeed play in exacerbating polarization in the 2000s, the development of legitimacy politics clearly predates their eight year period of rule. While the right of opponents to exist and be heard began to be rejected in the 1998-2002 period, in 2011 this perspective was institutionalized, if not fully realized, in the basic framework of the Hungarian state.

Political Messianism and Absolute Truth?

No matter how far the Socialist Party eventually fell due to its own actions after 2006, it was nonetheless the main governing party after three elections and for 12 years in the

---

[302] Kis, 'Introduction: From 1989 Constitution to the 2011 Fundamental Law', p. 18.
[303] See note 267.

period after the transition to democracy. It is in context that the 2011 Constitution as analysed above appears particularly divisive – the drafters interpret the history of Hungary and the concept of the nation in a peculiar manner, and then enshrine this interpretation in the country's Constitution, which is meant to speak for and symbolically represent all citizens. Here again we are faced with the chasm between citizens and elites. In previous chapters it has been argued that elites have consistently overemphasized identity issues related to nationalism and anti-communism in a manner that seemingly ignores the fact that this division is nowhere near organic in society. Arguably the 2011 Constitution can be seen in this light too.

First of all, Fidesz did not emphasize the nation in its 2010 campaign as it had eight years before, despite the fact that it subsequently placed the nation at the centre of the Fundamental Law.[304] Fidesz did not even campaign on Constitutional change. In fact, a leading member of the party denied that they planned to change the Constitution if elected with a two-third majority.[305] Even though Orbán promised "big changes", one could hardly say that the Constitutional changes enacted by Fidesz were based on concrete sentiments found in the electorate, or even an implicit approval of elites' plans by voters. A generally acknowledged need for Constitutional change does not make for a unilateral mandate. A single electoral victory, no matter how decisive, does not bequeath on the victors the right to speak for and bind future generations. Second, as Arato points out, it is significant that "not only was plebiscitary confirmation in a referendum not used; it was aggressively avoided by the governing party".[306] Apart from making untrue statements that suggested a degree of

---

[304] Egry, 'Strangers of Our Own?', p. 191.

[305] Miklós Bánkuti, Gábor Halmai, and Kim Lane Scheppele, 'From Separation of Powers to a Government without Checks: Hungary's Old and New Constitutions' in Tóth, Gábor Attila, (ed.), *Constitution for a Disunited Nation: on Hungary's 2011 Fundamental Law*, (Budapest: Central European University Press, 2012), p. 253. It is worth noting that this comment was made to a German newspaper and thus was probably aimed more at an international audience.

[306] Arato, 'Regime Change, Revolution and Legitimacy', p. 52.

multi-party consensus, the drafters' official line on this as published in a op-ed in the Wall Street Journal in 2011 was that the government conducted an "unprecedented public consultation exercise" in which a survey was sent out to eight million people.[307] Unprecedented is a fitting appellative, as a government-created survey is nowhere mentioned or suggested as a means to secure popular legitimacy for a new Constitution. In any case the survey was sent in early March, a month before the bill was passed in Parliament, and so could not have substantially informed the draft.[308]

Thus not only was there a lack of campaigning on the nation or on Constitutional change, there was negligible input from citizens and a complete avoidance of the most widely accepted form of popular legitimation. As Arato succinctly describes it,

> No organ of state or government is supposed to be sovereign, without limitations. Here one organ, Parliament, did explicitly claim to fully embody the sovereign constituent power of the Hungarian people. While not elected as such, nor given any kind of mandate to produce a new Constitution, Parliament became a sovereign constituent assembly on the basis of barely more than 50 percent of the votes to its majority.[309]

How to make sense of this in light of the analysis presented so far, which has focused on the importance of anti-communist nationalism as a driver of elite-led disunity? How to make sense of the fact that Hungary has a Constitution which, regardless of one's opinion on the matter, manifestly divides the country? I argue that J.H.H. Weiler's concept of *political messianism* fits the Hungarian case perfectly. As Weiler describes it, "[i]n political messianism, the justification for action and its mobilizing force derive not from process, as in classical democracy, or from result and success, but from the ideal pursued, the destiny to be

---

[307] Tibor Navracsics, 'A New Constitution for Hungary', *Wall Street Journal*, published 19 April 2011, http://online.wsj.com/news/articles/SB10001424052748704004004576270911634291304, accessed 5 May 2014.
[308] Laura Ymayo Tartakoff, 'Religion, Nationalism, History, and Politics in Hungary's New Constitution', *Global Society*, Vol. 49, No. 4, p. 363.
[309] Arato, 'Regime Change, Revolution and Legitimacy', p. 49.

achieved, the promised land waiting at the end of the road. Indeed, in messianic visions the end always trumps the means".[310] Weiler was writing about the European Union's relationship to democracy, but arguably his characterization fits the 2011 Constitution exactly. The centrality of a promised land to the vision of the drafters can be seen clearest in the Preamble, where it is stated that "after the decades in the twentieth century leading to moral decay, a spiritual and intellectual renewal is absolutely necessary...[w]e believe that our children and grandchildren will make Hungary great again".[311] Weiler himself connects political messianism to the "narratives of glory" that formerly animated Western European nation-states.[312] This underlying desire to restore Hungary to its former glory can be found in Orbán's rhetoric too. It represents such an important goal after the servitude of the twentieth century that the immediate input, consent, or approval of the citizenry is not required. In fact, as Jason Wittenberg argues, the fact that the new Constitution places Christianity at its centre may in fact be a practical embodiment of elites' sense of responsibility for the nation's spiritual renewal given that "nearly 30 percent of Hungarians are not religious, a little over half are 'religious in their own way', what we might call 'spiritual', while only around 12 percent follow the teachings of a church".[313] The fact that empirically speaking the drafters can "in no way...claim widespread mass enthusiasm for Christian-national politics" necessitates and legitimates the politically messianic.[314] Concomitantly it reinforces the argument made throughout this study, that elites drive the process of disunity rather than citizens. It may be worth noting here too that the Constitution contains significant *practical*

---

[310] J. H. H. Weiler, 'The political and legal culture of European integration: An exploratory essay', *International Journal of Constitutional Law*, Vol. 9, No. 3-4, (2011), p. 683.
[311] The Fundamental Law of Hungary in Tóth, *Constitution for a Disunited Nation*, p. 382.
[312] Weiler, 'The political and legal culture of European integration', p. 683.
[313] Jason Wittenberg, 'Back to the Future? Revolution of the Right in Hungary', *Working Paper for Annual Conference of the American Political Science* Association, (2013),
http://www.clas.ufl.edu/users/bernhard/whitherpapers/Witty%20Back%20to%20the%20Future%20UFl%20201
4.pdf, accessed 18 May 14, p. 5.
[314] Ibid.

(in addition to the more symbolic) Christian content too, and that this content bears striking resemblance to a bill that Fidesz failed to pass during its 1998-2002 term.[315]

The political messianism perspective is supported by some of the other troublesome aspects of the post-2010 Constitutional changes. One of the least ambiguous problems is that of the increase in cardinal laws. These laws are not formally part of the Constitution itself but do require a two-thirds majority to be changed. While such laws are not in and of themselves a problem, there are certain domains such as family, social, and tax legislation, which should not be outside the remit of future governments with a simple majority.[316] This reduces the scope of future governments' actions, and thus reduces the significance of future elections. Similarly, there is a relatively wide consensus that "the philosophy that underlined [the Constitutional changes] put a great deal of emphasis on allowing the legislative majority and the executive to make decisive choices with as little constraint as possible" by reducing checks and balances.[317] The latter can be interpreted as a "majoritarian quest for sovereignty" in which the promised land justifies the means, with the nation's will converted into political power.[318] It is the disabling of constraints that has Jan-Werner Müller to describe the situation as "Constitutional capture".[319] Furthermore, changes in electoral laws demonstrate a strong bias in favour of Fidesz.[320] Arguably these well-trodden avenues of criticism of the new Constitution fit with Weiler's concept. When taken together, they give the impression of

---

[315] Renáta Uitz, 'Freedom of Religion and Churches: Archeology in a Constitution-making Assembly', in Tóth, Gábor Attila, (ed.), *Constitution for a Disunited Nation: on Hungary's 2011 Fundamental Law*, (Budapest: Central European University Press, 2012), p. 209.

[316] Venice Commission, 'Opinion on the New Constitution of Hungary', p. 497.

[317] Tóka, 'Constitutional Principles and Electoral Democracy in Hungary', p. 1. For a detailed account of the reduction in checks and balances see Bánkuti et al, 'From Separation of Powers to a Government without Checks'.

[318] Oliver W. Lembcke and Christian Boulanger, 'Between Revolution and Constitution: The Roles of the Hungarian Constitutional Court' in Tóth, Gábor Attila, (ed.), *Constitution for a Disunited Nation: on Hungary's 2011 Fundamental Law*, (Budapest: Central European University Press, 2012), p. 291.

[319] Jan-Werner Müller, 'Rising to the challenge of constitutional capture: Protecting the rule of law within EU member states', *Eurozine*, published 21 March 2014, http://www.eurozine.com/articles/2014-03-21-muller-en.html, accessed 15 May 2014.

[320] Tóka, 'Constitutional Principles and Electoral Democracy in Hungary', pp. 3-6.

76

political party that truly believes in the ideal they are pursuing, and see the ideal as the legitimating principle rather than process or actual outcomes. If this contention is accepted, the unilateral nature of the Constitution-making process, the removal of the communist period from the country's legitimate history, the criminalization of the Socialist Party, the lack of citizen input and ratification, and the strengthening of executive dominance all seem to fit neatly into a single mission. As Dieter Grimm reminds us, there is a fundamental dividing line between the principles of consensus and truth as legitimating principles for Constitutions.[321] Given that the 2011 Constitution cannot claim to represent popular sovereignty in earnest, and nor can it claim to represent a consensus of various elite factions, truth would seem to be the most fitting principle. Indeed the Transitional Provisions with their explicitly stated need to "differentiate between...right and wrong, and good and evil" would suggest as much.[322] Grimm explains how such systems typically work with a description that is in line with the analysis presented so far, and finds even greater resonance in the detailed account of the "dismantling [of] the Constitution" by leading Constitutional scholars[323]: The truth precedes the Constitution and prevents it from being a comprehensive regulation of public power. The person or group of persons who embody or represent the truth, be it a priest or a group of clerics, be it a monarch or an avant-garde or *a single political party that claims superior insight in the common best,* remains above the Constitution [emphasis added].[324]

Weiler concludes his exploration of political messianism by warning that "if political messianism is not rapidly anchored in the legitimation that comes from popular ownership, it

---

[321] Dieter Grimm, 'Types of Constitutions', in Rosenfeld, Michel, and Sajó, András, (eds.), *The Oxford Handbook of Comparative Constitutional Law* (Oxford, Oxford University Press, 2012), p. 114.
[322] Transitional Provisions in Tóth, (ed.), *Constitution for a Disunited Nation*, p. 434.
[323] Miklós Bánkuti, Gábor Halmai, and Kim Lane Scheppele, 'Disabling the Constitution', *Journal of Democracy*, Vol. 23, No. 3, (2012), pp. 138-146.
[324] Grimm, 'Types of Constitutions', p. 114.

rapidly becomes alienating and, like the Golem, turns on its creators".[325] This is because the promised land always falls short of reality. As stated above, not only does the current Constitution lack popular ownership, its anti-communist Christian-national principles also seem to lack anchorage in society. It is thus fitting to conclude on the same note that Kis did in his analysis of the 2011 Constitution – a question which has animated this whole study. Was this outcome inevitable? In line with the argument presented here, Kis thinks not. After all, he writes,

> the semi-feudal social structure underlying the ideological cleavages inherited from earlier times was not there anymore. After almost half a century of communist rule, Hungarian society was much better educated, it was much more urbanized and secular, its occupational stratification was much more modern than it had been before the war. In many ways, the right's self-image and the corresponding self-image of the left were anachronisms.[326]

---

[325] Weiler, 'The political and legal culture of European integration', p. 693.
[326] Kis, 'Introduction: From 1989 Constitution to the 2011 Fundamental Law', p. 3.

Conclusion

In order to situate the contribution of this study, it is helpful to place it in a wider context. In his introduction to the 2012 book on the Fundamental Law, Kis started and ended his analysis at similar points to this study. He was also motivated by the question of how such a deconsolidation of democracy could happen in a former frontrunner of transition, specifically asking what could have caused this to happen.[327] At the end of his analysis, he also argued that the current outcome was not inevitable, just as this study has. Finally, he also pointed to the lack of "constitutional partnership", i.e. consensually united elite, as an important factor.[328] The present study can be seen as contributing in several ways. First, the study contributes to our understanding of the 2011 Constitution by providing a detailed examination of how this elite disunity developed. While many acknowledge the importance of elite disunity, it is seldom analysed in temporal perspective. By utilizing a more refined theoretical perspective on causality than what is found in much analysis of Hungarian politics, this study has demonstrated that there is a strong case to be made for an agency-based causal explanation. This is something that has so far largely been missing in the literature on disunited politics in Hungary. To the extent that agency stands in direct opposition to the constraints represented by history, culture and institutions, the advancement of the agency argument has concomitantly refuted the notion that this disunity was inevitable. Second, the study contributes to the elite theory literature by examining in depth the process that lead to an outcome that is anomalous from the theory's perspective, namely the demise of an elite settlement that founded liberal democracy. Elite theory should, in the future, pay closer attention to the underlying conceptualization of causality and the structure-agency divide.

---

[327] Ibid., p. 2.
[328] Ibid., pp. 14-19.

In addition to arguing *against inevitability* by arguing *for agency*, there are two other kinds of perspectives that the current study stands in opposition to. First, this study has argued *against synchronic analysis*. One occasionally encounters the following underlying logic in accounts of recent Hungarian politics: the 2011 Constitutions represents deconsolidation of democracy, and since this deconsolidation is an anomaly given expectations, the 2011 Constitution itself must be an anomaly. This kind of analysis shows an insufficient appreciation of the processes which underpinned the 2011 Constitution, and by downplaying the temporal development of disunity, tends to separate the post-2010 period from the rest of the post-1989 period. Because the current outcome is attributed in significant part to randomness or a complex confluence of factors (as per Kitschelt's warning regarding attempts to explain singular events), such accounts are ultimately of lesser informational value for social science. The same can be said of accounts that place a large portion of the explanatory burden on the political crisis of 2006. Within Kitschelt's four options on causality, as such explanations emphasize a single contingent event, they veer closest to his fourth option, which foregoes both structure and agency by arguing that outlier status is a result of randomness. Again these explanations show an insufficient consideration of process.

Finally, through emphasizing action, this study can be seen as providing a complement to what I term *absentee variable explanations*. It is relatively common to find explanatory accounts that include arguements that *x* happened because *y* didn't or *z* was/is missing. Examples of this include Tóka and Popa's argument, cited in Chapter 3, that Hungarian political competition is centred on socio-cultural issues because the parties could not take different positions on socio-economic issues due to the country's history of reformism during communism;[329] a recent argument that Hungary's constitutional crisis can be explained in part by the failure to embed constitutional democracy in society, which itself

---

[329] See footnote 150.

is a result of an overly legalistic approach to constitutionalism after transition;[330] and Arato's argument that the failure to complete the 1989 constitution-making process undermined the legitimacy of the country's constitutional arrangements in a way that "opened the door to István Csurka's critique in the 1990s, as well as Viktor Orbán's in 2010".[331] The perspective advanced here does not necessarily contradict or argue against these positions. It does suggest, to extend Arato's metaphor, that we still need an account of why and how an actor walked through the open door. This bring us back to the inevitability question – did the fact that the door was open predetermine that it would be walked through? I sincerely believe that the answer must be no.

The arguments presented above are limited by a few important factors. First, the subject would benefit from comparative analysis in the future. Even though Kitschelt's account of causality does provide scope for analysing in-depth those cases that disappoint the expectations of comparative theories, the analysis advanced here could in the future be strengthened if placed in comparative perspective. Second, while the study examines in depth the role of agency on the political right, it does not subject agency on the political left to the same scrutiny, nor does it systematically engage with their interaction. In this sense, the study may be seen as laying the groundwork for such an analysis in the future. Still, if this study has privileged the right as its subject, this is because any account of agency must start with those that have acted, and the political right has acted decisively by unilaterally making a divisive constitution. It therefore makes sense to begin with their perspective.

Elster et al stated in their 1998 study that there are three main types of political conflict in postcommunist countries, and that the type of conflict that prevails will determine

---

[330] Paul Blokker, *New Democracies in Crisis? A comparative constitutional study of the Czech Republic, Hungary, Poland, Romania and Slovakia*, (London and New York: Routledge, 2014), p. 1-3.
[331] Arato, 'Regime Change, Revolution and Legitimacy', p. 49.

the chances for consolidation.[332] Although they foresaw the inherent difficulty of compromising on identity-based conflict, they classed Hungary as the most favourable case for consolidation of political competition. The argument presented here for why this did not happen can be summed up with reference to Max Weber's ethics. Hungarian elites on the right abandoned their ethic of responsibility, disregarding the divisive consequences of their approach to competition, and choose instead to privilege an ethic of conviction based on their "chiliastic ambitions".[333] As Jeremy Waldron reminds us, part of the ethic of responsibility is a duty of respect for the institutional framework of political interaction.[334] All the complexities of postcommunist politics aside, we may agree with Waldron in his assessment that "there is something reckless, even pathological, about a mode of political action in which the walls and structures intended to house [political conflict] become suddenly invisible, transparent, even contemptible to a given statesman".[335] Although it was the result of a process of development, that is by and large what happened in 2011 in Hungary. More fundamentally, however, the requirement to accept the legitimacy of your opponents' right to participate in the democratic game *precedes* the duty of respect for the spirit of institutions. This is because democracy is inherently and irreducibly about conflict between opposing viewpoints. While democracy is as a concept itself subject to differing interpretations, it is not only Mouffe that reaches this conclusion.[336] So does Kis,[337] so does Dworkin,[338] and so does Przeworski.[339] Systematically undermining the legitimacy of opponents' participation is

---

[332] Elster et al, *Institutional Design in Post-communist Societies*, p. 249.

[333] The reference to chiliastic ambitions, which refers to the doctrine of Christ's return, comes from Ibid., p. 251.

[334] Jeremy Waldron, '*Political* Political Theory: An Inaugural Lecture', *Journal of Political Philosophy*, Vol. 21, No. 1, (2013), p. 16.

[335] Ibid., pp. 16-7.

[336] See the quote from Chantal Mouffe at the beginning of the Introduction.

[337] Kis, 'Introduction: From 1989 Constitution to the 2011 Fundamental Law', p. 15.

[338] Ronald Dworkin, 'What is Democracy?' in Tóth, Gábor Attila, (ed.), *Constitution for a Disunited Nation: on Hungary's 2011 Fundamental Law*, (Budapest: Central European University Press, 2012), pp. 25-34.

[339] Adam Przeworski, 'Self-Government in Our Times', *Annual Review of Political Science*, Vol. 12, (2009), pp. 71-92.

irreconcilable with this notion of democracy as a way to peacefully managing inevitable conflict in society, and the development and intensification of this kind of elite politics was not inevitable in Hungary. Its cessation and reconciliation is, however, a daunting but inescapable prerequisite for the rehabilitation of Hungary's democratic development.

Bibliography

Ágh, Attila, 'Early Democratic Consolidation in Hungary and the Europeanisation of the Hungarian Polity' in Pridham, Geoffrey, and Ágh, Attila, (eds.), *Prospects for Democratic Consolidation in East-Central Europe*, (Manchester and New York: Manchester University Press, 2001), pp. 157-179.

Arato, Andrew, 'The Constitution-Making Endgame in Hungary', *East European Constitutional Review*, Vol. 31, (1996), pp. 31-39.

Arato, Andrew, 'Regime Change, Revolution and Legitimacy' in Tóth, Gábor Attila, (ed.), *Constitution for a Disunited Nation: on Hungary's 2011 Fundamental Law*, (Budapest: Central European University Press, 2012), pp. 35-57.

Arato, Andrew, Halmai, Gábor, and Kis, János, (eds.), 'Opinion on the Fundamental Law of Hungary (Amicus Brief)' in Tóth, Gábor Attila, (ed.), *Constitution for a Disunited Nation: on Hungary's 2011 Fundamental Law*, (Budapest: Central European University Press, 2012), pp. 455-489.

Baylis, Thomas A., 'Elite Consensus and Political Polarization: Cases from Central Europe', *Historical Social Research / Historische Sozialforschung*, Vol. 37, No. 1, (2012), pp. 90-106.

Bánkuti, Miklós, Halmai, Gábor, and Scheppele, Kim Lane, 'Disabling the Constitution', *Journal of Democracy*, Vol. 23, No. 3, (2012), pp. 138-146.

Bánkuti, Miklós, Halmai, Gábor, and Scheppele, Kim Lane, 'From Separation of Powers to a Government without Checks: Hungary's Old and New Constitutions' in Tóth, Gábor Attila, (ed.), *Constitution for a Disunited Nation: on Hungary's 2011 Fundamental Law*, (Budapest: Central European University Press, 2012), pp. 238-268.

Bell, Stephen, 'Do We Really Need a New 'Constructivist Institutionalism' to Explain Institutional Change?', *British Journal of Political Science*, Vol. 41, No. 4.(2011), pp. 883-906.

Best, Heinrich, and Higley, John, 'Introduction: Democratic Elitism Reappraised, *Comparative Sociology*, Vol. 8, No. 3, (2009), pp. 323-344.

Blokker, Paul, 'Democratic Ethics, Constitutional Dimensions, and Constitutionalisms', in Febbrajo, Alberto, and Sadurski, Wojciech, (eds.), *Central Eastern Europe After Transition. Towards a New Socio-legal Semantics*, (Surrey and Burlington: Ashgate, 2010), pp. 73-98.

Blokker, Paul, *New Democracies in Crisis? A comparative constitutional study of the Czech Republic, Hungary, Poland, Romania and Slovakia*, (London and New York: Routledge, 2014).

Bohle, Dorothee, and Greskovits, Béla, *Capitalist Diversity on Europe's Periphery*, (Ithaca: Cornell University Press, 2012).

Bózoki, András, 'Consolidation or Second Revolution? The Emergence of the New Right in Hungary', *Journal of Communist Studies and Transition Politics*, Vol. 24, No. 2, (2008), pp. 191-231.

Bózoki, András, 'Theoretical Interpretations of Elite Change in East Central Europe' in Dogan, Mattei, (ed.), *Elite Configurations at the Apex of Power*, (Leiden and Boston: Brill, 2003), pp. 215-247.

Clark, William Roberts, 'Agents and Structures: Two Views of Preferences, Two Views of Institutions', *International Studies Quarterly*, Vol. 42, No. 2, (1998), pp. 245-270.

de Raadt, Jasper, 'Contested Constitutions: Legitimacy of Constitution-making and Constitutional Conflict in Central Europe', *East European Politics and Societies*, Vol. 23, No. 3, (2009), pp. 315-338.

Dimitrova-Grajzl, Valentina, 'Trust, Path Dependence and Historical Legacy: The Second Decade after Transition' in Hayoz, Nicolas, Jesien, Leszek, and Koleva, Daniela, (eds.), *20 Years after the Collapse of Communism: Expectations, achievements and disillusions of 1989*, (Bern: Peter Lang, 2011), pp. 143-166.

Dworkin, Ronald, 'What is Democracy?' in Tóth, Gábor Attila, (ed.), *Constitution for a Disunited Nation: on Hungary's 2011 Fundamental Law*, (Budapest: Central European University Press, 2012), pp. 25-34.

Egry, Gábor, 'Strangers of Our Own: "Nation", "Republic" and "Ordinary People" in Hungary After 1989' in Nyyssönen, Heino, and Vares, Mari, *Nations and Their Others: Finland and Hungary in Comparison*, (Helsinki: East-West Books, 2012), pp. 177-210.

Elster, Jon, Offe, Claus, and Preuss, Richard K., *Institutional Design in Post-Communist Societies: Rebuilding the Ship at Sea*, (Cambridge: Cambridge University Press, 1998).

Enyedi, Zsolt, 'The role of agency in cleavage formation', *European Journal of Political Research*, Vol. 44, No. 5, (2005), pp. 697-720.

Enyedi, Zsolt, 'The Survival of the Fittest: Party System Concentration in Hungary' in Jungerstam-Mulders, Susanne, (ed.), *Post-communist EU Member States: Parties and Party Systems*, (Burlington: Ashgate, 2006), pp. 178-201.

Enyedi, Zsolt, and Tóka, Gábor, 'The Only Game in Town: Party Politics in Hungary' in Webb, Paul, and White, Stephen, (eds.), *Party Politics in New Democracies*, (Oxford: Oxford University Press, 2007), pp. 147-178 [manuscript, http://www.personal.ceu.hu/staff/Gábor_Tóka/Papers/EnyediTóka07.pdf, accessed 7 May 2014, pp. 1-52].

Feffer, John, 'Hungary's U-Turn: An Interview with András Bózoki', *Interview 15 May 2013, Posted online 25 April 2014*, http://www.johnfeffer.com/hungarys-u-turn/, accessed 8 May 2014.

Fowler, Brigid, 'Concentrated orange: Fidesz and the remaking of the Hungarian centre-right, 1994–2002', *Journal of Communist Studies and Transition Politics*, Vol. 20, No. 3, pp. 80-114.

Grimm, Dieter, 'Types of Constitutions', in Rosenfeld, Michel, and Sajo, András, (eds.), *The Oxford Handbook of Comparative Constitutional Law* (Oxford, Oxford University Press, 2012), pp. 98-132.

Hall, Peter A., and Taylor, Rosemary C. R., 'Political Science and the Three New Institutionalisms', *Political Studies*, Vol. 44, No. 5, (1996), pp. 936-957

Higley, John, and Burton, Michael, *Elite Foundations of Liberal Democracy*, (Lanham: Rowman and Littlefield Publishers, 2006).

Higley, John and Pakulski, Jan, 'Elites, Elitism and Elite Theory: Unending Confusion?', *Paper presented at the World Congress of the International Political Science Association* (2013), http://paperroom.ipsa.org/papers/paper_11235.pdf, accessed 27 April 2014.

Johnson, Juliet, 'Path Contingency in Postcommunist Transformations', *Comparative Politics*, Vol. 33, No. 3, (2001), pp. 253-274.

Kis, János, 'Introduction: From 1989 Constitution to the 2011 Fundamental Law' in Tóth, Gábor Attila, (ed.), *Constitution for a Disunited Nation: on Hungary's 2011 Fundamental Law*, (Budapest: Central European University Press, 2012), pp. 1-21.

Kiss, Csilla, 'The Misuses of Manipulation: The Failure of Transitional Justice in Post-Communist Hungary', *Europe-Asia Studies*, Vol. 58, No. 6, (2006), pp. 925-940.

Kitschelt, Herbert, 'Accounting for Postcommunist Regime Diversity: What Counts as a Good Cause?' in Grzegorz Ekiert and Stephen E. Hanson, (eds.), *Capitalism and Democracy in Central and Eastern Europe: Assessing the Legacy of Communist Rule*, (Cambridge: Cambridge University Press, 2003), pp. 49-86.

Körösényi, András, 'Political Polarization and its Consequences on Democratic Accountability' *Corvinus Journal Of Sociology And Social Policy*, Vol. 4, No. 2, (2013), pp. 3-30.

Körtvélyesi, Zsolt, 'From "We the People" to "We the Nation"' in Tóth, Gábor Attila, (ed.), *Constitution for a Disunited Nation: on Hungary's 2011 Fundamental Law*, (Budapest: Central European University Press, 2012), pp. 111-140.

Lakner, Zoltán, 'Anti-communist policy in Hungary – the rightist character of Fidesz', *The Analyst: Central and Eastern European Review*, Vol. 3, No. 2, (2007), pp. 93-112.

Lebow, Richard Ned, 'The Memory of Politics in Postwar Europe', in Richard Ned Lebow, Wulf Kansteiner, and Claudio Fogu, (eds.), *The Politics of Memory in Postwar Europe*, (Durham: Duke University Press, 2006), pp. 1-39.

Lembcke, Oliver W., and Boulanger, Christian, 'Between Revolution and Constitution: The Roles of the Hungarian Constitutional Court' in Toth, Gábor Attila, (ed.), *Constitution for a Disunited Nation: on Hungary's 2011 Fundamental Law*, (Budapest: Central European University Press, 2012), pp. 269-299.

Lengyel, György, and Ilonszki, Gabriella, 'Hungary: Between Consolidated and Simulated Democracy' in Best, Heinrich, and Higley, John, (eds.), *Democratic Elitism: New Theoretical and Comparative Perspectives*, (Leiden: Brill, 2010) pp. 153-171.

Lengyel, György, and Ilonszki, Gabriella, 'Simulated Democracy and Pseudo-Transformational Leadership in Hungary' in *Historical Social Research / Historische Sozialforschung*, Vol. 37, No. 1, (2012), pp. 107-126.

Martin, József Péter, 'Hungary's Upcoming Elections: Free But Not Fair', *Transparency International*, published 4 April 2014, http://www.transparency.hu/Hungary_s_upcoming_elections__free_but_not_fair, accessed 5 May 2014.

Miklóssy, Katalin, 'Shadows of the Communist Past: The Consolidation Project of the Hungarian Left – Transitional Identity and the Demarcation of History' in Aunesluoma, Juhana, and Kettunen, Pauli, (eds.), *The Cold War and the Politics of History*, (Helsinki: Edita Prima, 2008), pp. 61-79.

Mouffe, Chantal, 'Which Public Sphere for a Democratic Society?', *Theoria*, Vol. 49, No. 99, (2002), pp. 55-65.

Murphy, Walter, 'Constitutions, Constitutionalism, and Democracy', in Greenberg, Douglas, Katz, Stanley N., Wheatley, Steven C., and Oliviero, Melanie Beth, (eds.), *Constitutionalism and Democracy: Transitions in the Contemporary World*, (New York: Oxford University Press, 1993), pp. 3-25.

Müller, Jan-Werner, 'Rising to the challenge of constitutional capture: Protecting the rule of law within EU member states', *Eurozine*, published 21 March 2014, http://www.eurozine.com/articles/2014-03-21-muller-en.html, accessed 15 May 2014.

Navracsics, Tibor, 'A New Constitution for Hungary', *Wall Street Journal*, published 19 April 2011, http://online.wsj.com/news/articles/SB10001424052748704004004576270911634291304, accessed 5 May 2014.

Palonen, Emilia, 'Rupture and continuity: Fidesz and the Hungarian revolutionary tradition', *La Révolution Francaise*, (2011), http://lrf.revues.org/353, accessed 25 May 2014.

Peters, B. Guy, *Institutional Theory in Political Science: The 'New' Institutionalism*, (London and New York: Pinter, 1999).

Plattner, Marc, and Diamond, Larry, 'Is East-Central Europe Backsliding?', *Journal of Democracy*, Vol. 18, No. 4, (2007), pp. 5-6.

Przeworski, Adam, 'Self-Government in Our Times', *Annual Review of Political Science*, Vol. 12, (2009), pp. 71-92.

Ragin, Charles, *The Comparative Method: Moving beyond Qualitative and Quantitative Strategies*, (Berkeley: University of California Press, 1987).

Rajacic, Agnes, 'Populist Construction of the Past and Future: Emotional Campaigning in Hungary between 2002 and 2006', *East European Politics and Societies*, Vol. 21, No. 4, (2007), pp. 639-660.

Schedler, Andreas, 'What is Democratic Consolidation?', *Journal of Democracy*, Vol. 9, No. 2, (1998), pp. 91-107.

Schmidt, Vivien A., 'Reconciling Ideas and Institutions through Discursive Institutionalism' in Béland, Daniel, and Cox, Robert Henry, (eds.), *Ideas and Politics in Social Science Research*, (Oxford: Oxford University Press, 2011), pp. 47-64.

Schonfeld, William R., 'Book Review: Elite Foundations of Liberal Democracy', *Contemporary Sociology*, Vol. 37, No. 2, (2008), pp. 155-7.

Sitter, Nick, 'Absolute Power? Hungary Twenty Years after the Fall of Communism' in Bakke, Elisabeth, (ed.), *Twenty Years after the Fall of the Berlin Wall: Transitions, State Break-Up and Democratic Politics in Central Europe and Germany* (Berlin: Berliner Wissenschafts-Verlag, 2011). pp. 249-268 [manuscript, http://publicpolicy.ceu.hu/sites/default/files/publications/nick-sitter-absolute-power-final-draft-may-2011_0.pdf, accessed 15 May 2014, pp. 1-23]

Stan, Lavinia, 'Hungary' in Stan, Lavinia, (ed.), *Transitional Justice in Eastern Europe and the Former Soviet Union: Reckoning with the Communist Past*, (London: Routledge, 2008), pp. 102-127.

Stan, Lavinia, 'Introduction: Post-communist transition, justice, and transitional justice' in Stan, Lavinia, (ed.), *Transitional Justice in Eastern Europe and the Former Soviet Union: Reckoning with the Communist Past*, (London: Routledge, 2008), pp. 1-14.

Szczerbiak, Aleks, and Hanley, Seán, 'Introduction: Understanding the Politics of the Right in Contemporary East–Central Europe', *Journal of Communist Studies and Transition Politics*, Vol. 20, No. 3, (2004), pp. 1-8.

Tartakof, Laura Ymayo, 'Religion, Nationalism, History, and Politics in Hungary's New Constitution', *Global Society*, Vol. 49, No. 4, pp. 360-366.

Thomassen, Jacques, 'Empirical Research into Political Representation: Failing Democracy or Failing Models?' in Jennings, M. Kent, and Mann, Thomas E., (eds.), *Elections at Home and Abroad*, (Ann Arbor: University of Michigan Press, 1994), pp. 237–264.

Tóka, Gábor, 'Constitutional Principles and Electoral Democracy in Hungary' in Bos, Ellen, and Pócza, Kálmán, (eds.), *Constitution Building in Consolidated Democracies: A New Beginning or Decay of a Political System?*, (Baden-Baden: Nomos Verlag, 2014), [manuscript,

http://www.personal.ceu.hu/staff/Gabor_Toka/Papers/Tóka13%20Constitutional%20Principl es%20and%20Electoral%20Democracy%20in%20Hungary.pdf, accessed 7 May 2014, pp. 1-14].

Tóka, Gábor, and Popa, Sebastian, 'Hungary' in Berglund, Sten, Ekman, Joakim, Deegan-Krause, Kevin, and Knutsen, Terje, (eds.), *Handbook of Political Change in Eastern Europe*, (Northampton and Cheltemham: Edward Elgar, 2013), pp. 291-338.

Uitz, Renáta, 'Freedom of Religion and Churches: Archeology in a Constitution-making Assembly', in Tóth, Gábor Attila, (ed.), *Constitution for a Disunited Nation: on Hungary's 2011 Fundamental Law*, (Budapest: Central European University Press, 2012), pp. 197-234.

Uitz, Renáta, 'The Incomplete Transition in Hungary' in Wouters, Nico, (ed.), *Transitional Justice and Memory in Europe (1945-2013)*, (Cambridge: Intersentia, 2014), pp. 289-325.

Venice Commission (European Commission for Democracy Through Law), 'Opinion on the New Constitution of Hungary', in Tóth, Gábor Attila, (ed.), *Constitution for a Disunited Nation: on Hungary's 2011 Fundamental Law*, (Budapest: Central European University Press, 2012), pp. 491-535.

Waldron, Jeremy, '*Political* Political Theory: An Inaugural Lecture', *Journal of Political Philosophy*, Vol. 21, No. 1, (2013), pp. 1-23.

Waterbury, Myra A., *Between State and Nation: Diaspora Politics and Kin-State Nationalism in Hungary*, (New York: Palgrave Macmillan, 2010).

Waterbury, Myra A., 'Internal Exclusion, External Inclusion: Diaspora Politics and Party-Building Strategies in Post-Communist Hungary', *East European Politics and Societies*, Vol. 20, No. 3, (2006), pp. 483-515.

Weiler, J. H. H., 'The political and legal culture of European integration: An exploratory essay', *International Journal of Constitutional Law*, Vol. 9, No. 3-4, (2011), pp. 678-694.

Whitefield, Stephen, 'Political Cleavages in Post-Communist Politics', *Annual Review of Political Science*, Vol. 5, (2002), pp. 181-200.

Wittenberg, Jason, 'Back to the Future? Revolution of the Right in Hungary', *Working Paper for Annual Conference of the American Political Science* Association, (2013), pp. 1-11, http://www.clas.ufl.edu/users/bernhard/whitherpapers/Witty%20Back%20to%20the%20Futu re%20UFl%202014.pdf, accessed 18 May 14.

Appendix

1. The Crimes of the Communist Dictatorship - Excerpt from the Transitional

Provisions of the Fundamental Law[1]

2. The Hungarian Socialist Worker's Party and its legal predecessor (the state party) are responsible
   a. For eliminating, with the help of the Soviet Army, the democratic, multi-party effort of the post WWII years;
   b. For a legal system based on illegality and the exclusive use of power;
   c. For eliminating an economy based on the freedom of property and for indebting and permanently destroying the competitiveness of the economy;
   d. For subjecting Hungary's economy, military, foreign policy and human resources to foreign rule;
   e. For systematically destroying traditions based on European values and undermining the nation's identity;
   f. For depriving or seriously limiting fundamental rights of individual citizens and certain groups, specifically
      − For murdering, subjecting to foreign rule, unlawfully imprisoning, forcing into labor camps, torturing, and inhumanely treating people;
      − For arbitrarily confiscating property from citizens and limiting their rights to private property;
      − For completely depriving people of their freedom and subjecting their political opinions and expressions of will to state coercion;
      − For negatively discriminating against people based on origin, worldview or political conviction and for obstructing their progress and self-fulfillment based on knowledge, diligence, and talent;
      − For the self-serving intrusion of political and ideological grounds into education, cultural education, scientific life and culture;
      − For creating and operating a secret police to illegally observe and influence people's personal lives;
   g. For strangling in blood the October 1956 revolution in collaboration with Soviet troops, subsequently ruling based on fear and retribution and forcing 200,000 Hungarians to emigrate;
   h. For causing a drop in Hungary's ranking among European nations and in world comparison;
   i. For those public law crimes which were carried out for political reasons and which the justice system failed to prosecute for political reasons.
3. The Hungarian Socialist Worker's Party, its predecessors and the political organizations created in the communist ideology for their service were all criminal organizations, and their leaders are responsible without statute of limitations for maintaining a repressive system, violating rights, and betraying the nation.

---

[1] Transitional Provisions of the Fundamental Law in Tóth, Gábor Attila, (ed.), *Constitution for a Disunited Nation: on Hungary's 2011 Fundamental Law*, (Budapest: Central European University Press, 2012), pp. 434-6.

4. The Hungarian Socialist Party shares the responsibility of the state party—through the continuity in party leadership that bridged the old and the new party—as the legal successor to the Hungarian Socialist Worker's Party, as the inheritor of the illegally amassed wealth and as the benefactor of the illegitimate advantages acquired during the transition.

5. Under the communist dictatorship, it was impossible to prosecute crimes involving the construction and maintenance of the system nor was it possible to do so—given that the constitutional transition did not break legal continuity—after the first free elections. The leaders of the dictatorship were never held responsible in a legal or moral manner. As the Fundamental Law comes into effect, there is now the possibility for delivering justice.

6. Every citizen who showed resistance to the communist dictatorship, who was unjustly prosecuted or was injured in his rights and human dignity by the servants of the communist dictatorship deserves recognition and moral compensation, as long as the person did not participate in these violations of the law.

7. The communist dictatorship systematically prompted the violation of the law, but the acts were perpetrated by individuals. For the living and future generations, the memory of the crimes committed must be preserved and the perpetrators must be named.

The Parliament and other Hungarian state bodies will base their actions on the above constitutional provisions.