

Hungarian parliament passes authoritarian constitution

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26 April 2011

Last week, Hungary's right-wing government led by Viktor Orban used its two-thirds majority to adopt a new constitution that will abandon democratic principles and establish the basis for authoritarian rule. It takes effect in January 2012.

The new constitution was supported by 262 parliamentary deputies from the governing coalition of Orban's Citizens Federation (Fidesz) and the Christian Democratic People's Party (KDNP). Forty-four deputies from the extreme right-wing Jobbik party voted against and there was one abstention. The opposition Hungarian Socialist Party (MSZP) and the Greens (LMP) did not participate in the vote.

After the collapse of the Stalinist regime in 1989, the 1949 constitution was revised along Western lines. After Fidesz' election victory a year ago Orban announced he would be proposing a new constitution, which he described as the "completion of the revolution in the voting booths".

The new constitution will give Hungary, which currently holds the presidency of the EU, a legal framework in which nationalist and religious factors are decisive. The constitution reeks of Christian fundamentalist and nationalist ideology, which Fidesz calls the "national creed". Hungarian lawyers have warned against underestimating the scope of the changes.

God, Christianity, king, crown and pride in the thousand-year history of Hungary are enshrined in the new constitution as legally binding standards. The text refers back to the country's "historic" heritage. Serious observers are clear that this "historic" legacy is a reference to the fascist dictatorship of Regent Miklos Horthy from 1920 to 1944. In a speech to the nation, Orban said the new constitution ended the phase in which "Hungarians were systematically suppressed".

After massive protests, multiple voting rights for large families were not put into law, but the constitution will keep the issue open, enabling it to be introduced later. "In the interest of future generations", Orban said, "it cannot be regarded as a violation of equal voting rights, if it is a fundamental law that in families in which there is a minor, the mother is given another vote".

The new constitution claims to represent all Hungarians, irrespective of where they live, i.e., it includes those who for generations have lived in neighbouring Romania, Serbia or Slovakia, laying the foundation for future tensions with these neighbours.

The constitution extends Prime Minister Orban's powers. After the reform of the Hungarian Supreme Court, the introduction of a restrictive media law and the installation of Fidesz vice chair Pal Schmitt as state president, Orban now holds all the levers of power in his hands.

The right to utilise a referendum to oppose political decisions has been considerably restricted. Generally, a referendum can no longer be instigated by popular demand, but only through a majority in parliament. Referendums calling for constitutional changes or to amend election law are completely excluded.

The new constitution means Fidesz could force any succeeding government out of office. A "budget council" can veto the state budget passed by parliament. At the same time, the president can dissolve parliament if it does not pass a state budget on time. The head of state and the budget council will be controlled by Fidesz for a period exceeding the parliamentary term. The three members of the budget council will be elected by parliament for nine years, and Fidesz vice chair Schmitt will remain president until 2015.

Many “legal pillars” further cement the power of Orbán, and can only be amended by a two-thirds majority. This means the party could pass laws that it would be almost impossible to change.

The most far-reaching change is the curtailment of the powers of the Supreme Court. In future, all Hungarians will not have recourse to this court, and access to it is also closed to local authorities. Only the president, the government or a group of at least a quarter of parliamentarians can demand a review of legislation by the Supreme Court.

The Supreme Court judges will no longer have any authority on matters of the state budget and taxes. The judges of Hungary’s highest court can now be re-elected following the end of their term of office, which was not possible before. This aims to ensure that the judicial system is permanently controlled by Fidesz, as is the case in the media and other bodies.

This all provides Orbán with the legal powers to bring in further drastic austerity measures and tax breaks for the wealthy.

The previous government under MSZP leader Ferenc Gyurcsány had already launched a rigid austerity programme to meet the demands of the International Monetary Fund and the EU. This contributed significantly to the Gyurcsány government losing office, opening the door for Orbán to win a landslide victory in the parliamentary elections. To continue these right-wing policies, Orbán is now using the new constitution to establish a semi-dictatorial regime.

The protests against the constitution have been limited. There were several demonstrations against the government in Budapest, but these were mainly dominated by the MSZP. The opposition parties fear being excluded from power permanently. Numerous limitations on democratic rights were also implemented during their period in office.

The criticism from the ranks of the EU is extremely muted. While some representatives have expressed “concern” about the constitution, hardly anything has been heard from leading European politicians. Fidesz is a member of the European People’s Party (EPP), which also includes the German opposition parties Christian Democratic Union (CDU) and Christian Social Union (CSU). Orbán is vice chairman of the EPP. The Hungarian media law and the new Hungarian constitution have so far been defended by the EPP.

This makes it clear that such developments will not be restricted to Hungary. All the European governments are in the process of pushing the burden of the international economic crisis onto the backs of ordinary working people through drastic austerity measures. This cannot be carried out by democratic means.

That the development of authoritarian structures in Europe finds supporters is made clear in a commentary by Reinhard Olt in the *Frankfurter Allgemeine Zeitung*. After going into considerable detail regarding the content of the new constitution, Olt then defends it vehemently against criticism: “Nowhere are there any indications that the reforms do not accord with fundamental European values”. Rather, he argues, they transform the “formerly vague constitutional law into clear text” and create “a basis for more efficient governance”.



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