

# Too sovereign for the EU

BY MARCO RESPINTI

Hungary has come under heavy fire for its new constitution, which brings the judiciary, central bank and press more under government control. On closer inspection, though, the real rub is in its affirmation of national sovereignty – which smacks of authoritarianism.

Hungary's Prime Minister Viktor Orbán gives a speech in Budapest January 16, 2012.

“The difference between the current government and its post-communist leftist opposition is that government would like to represent the Hungarian national interest abroad, the post-communists have been representing international or global interests in Hungary.” Such is the trenchant opinion of András Láncki, professor of political philosophy and history of political ideas at Budapest's Corvinus University, regarding Hungary's current situation: threatened with economic humiliation by the European Union and the International Monetary Fund, accused of having launched on January 1, 2012, a new freedom-killing constitution. In short, Hungary has been publically ridiculed and singled out as the most dangerous warren of reactionaries on the continent.

“It's a cold civil war, the one ravaging my country,” says Láncki, “fought with no holds barred, more open today than ever. And Brussels is doing its utmost to fight it on the wrong front.”

The current economic situation in Hungary is frightening, to say the least. The country's sovereign debt is now the highest of all the former communist part of Europe now integrated into the EU, or about 80% of GDP. Budapest has to repay the emergency loan received from the IMF in 2008 in order to make it through the financial crisis that originated in the United States, then swept across the world. And, if not in the short term, then in the medium or long term, certain measures must be taken by the government in power (such as the nationalization of some pension funds and a special tax on bank profits) to keep the country from plunging deeper into crisis.

But taking account of reality (perhaps with a view to fix it if it fails) is one thing, and another is to take ad-

vantage of the opportunity to bring a country to its knees. For those in Hungary who support Fidesz, the Magyar Civic Union, a conservative Christian-inclined party headed by Prime Minister Viktor Orbán, there is no doubt that Brussels has cynically taken this second route. One can say that the Fidesz point of view is biased. And this is true. One can say that Fidesz and Orbán's partisans are dangerous, unrepentant “nationalists.” This is less true. Nevertheless, a majority of the population of the country has voted for Fidesz and its ally, the Christian Democratic People's Party (KDNP), giving them an overwhelming majority in parliament, and then voted for them again several other times. Moreover, their detractors tend to be the Hungarian opposition of the left, the Socialists – i.e., the recycled former communist regime and their direct descendants, often nested in the trade unions, whose credentials tend to undermine their position on the moral high ground. Nor can we think that the British newspaper *The Telegraph* (in a piece by Tibor Fischer, January 4, 2012) has suddenly become drunk with “chauvinistic populism” if it defines Orbán as the most genuinely popular politician in Hungary, supporting the legitimacy of his policies (though not necessarily supporting the policies themselves).

The greatest sin of the new Hungarian Constitution (the controversy broke out as soon as it was drafted in early 2011 and later ratified) is in fact simply to highlight the principle of national identity, emphasizing its Christian roots as well. And because this collides head-on with the culture of Brussels, the EU is gunning for Budapest.

“The launch of the new constitution is unprecedented,” says András Láncki. “It may sound like a biased comment, but partisanship aside, it is an objective claim. The previous constitution, the one in force in the country during the 21 years that separate us from the collapse of the communist regime, was, from the legal standpoint, in perfect continuity with the one written in 1949, when the communists took power in Hungary and slavishly followed the Soviet model. None of the communist countries of Eastern Europe experienced a similar situation. All of them, once freed from



totalitarian regimes, gave themselves a new constitution. Hungary didn't.”

The old Hungarian Constitution of 1949, one should recall, came into force under the leadership of Mátyás Rákosi (born Mátyás Rosenfeld, 1892-1971), who liked to call himself “Stalin's best Hungarian disciple” and who imprisoned at least 100,000 political opponents, including the Cardinal József Mindszenty of Hungary (1892-1975), and executed a couple of thousand.

Moreover, the project of constitutional reform introduced by the Fidezs-KDNP coalition was a campaign slogan which they took up once in power in April 2010. Thus it was with huge popular and democratic consensus that the constitution was reformed by an elected government; it was not implemented through an underhanded coup or surreptitiously foisted upon an unsuspecting electorate. This new constitution lowers the retirement age of judges from 70 to 62

years. It stipulates that the principle laws on certain matters approved by the parliament may be changed only by two-thirds majority. It extends the terms of some appointments, such as the Attorney General or the Chairman of the tax council. It reduces the powers of the Constitutional Court by taking away judgments on financial and tax matters. The Court will have its full powers restored once the government deficit is decreased from 80% of GDP to less than 50%, which is intended to attract much needed capital and increase investor confidence.

It is said that the new Constitution changes the name of the country by abolishing “Republic of Hungary” and replacing it with the expression Magyarország, or “Magyar country.” Does this mean that ethnic minorities are excluded from full citizenship? Not at all. The preamble of the new constitution states: “We consider the nationalities and ethnic groups living in





Supporters of the Hungarian far-right party Jobbik at an anti-EU demonstration in Budapest on January 14, 2012.

Hungary as parts of our Hungarian nation,” Article H then states explicitly that Hungary respects the languages spoken by ethnic minorities in the country and, finally, Article XIV details that “Hungary ensures fundamental rights to all, without any discrimination based on sex, race, color, ethnic or social origin, national origin, handicap, language, religion, political or any other opinion, property, birth or other condition without discrimination.” In this regard, András Láncki observes: “It’s all about the fact that we citizens of Hungary do not like to be called ‘Hungarian.’ We prefer ‘Magyars.’ This second term affirms our true cultural identity. The first, however, refers to the era of authoritarian regimes around the two world wars. We do not like it. If we were sinister nationalists we would not bring up the problem, or would think that the ‘Hungarian factor’ fully absorbs and exhausts the identity of the Hungarians. But this isn’t the case. The new constitution of Hungary affirms exactly that – apart from placing St. Stephen at the root of the country, and remembering little things like the fact that human life begins from conception, and that marriage is between a man and a woman...”

The actual written text is: “The life of the fetus will be protected from conception.” But it is almost the same phrase in the law, still in force today, that in Hungary from 1953 to this day, ruled the termination of pregnancies, and according to which millions of abortions have been performed: “The life of the fetus should be respected and protected from the moment of conception.” Even today in the Magyar country, notwithstanding its new constitution, there are 40,000 abor-

tions a year as compared to 90,000 births.

With regard to the accusation of homophobia, the renewed offensive against the country’s fundamental law is based solely on the fact that it reads: “Hungary protects the institution of marriage between man and woman, a matrimonial relationship voluntarily established, as well as the family as the basis for the survival of the nation.” But Hungary, like several other European countries, has a law that regulates and recognizes “civil unions,” including those between persons of the same sex. Moreover, only 7 out of 47 European countries have formalized same-sex marriage. So if someone – the EU for example – contests the new Hungarian constitution then perhaps it should also contest the consti-

tutions of 39 other countries as well, many of which are sovereign members of the EU.

Finally, there is the question of alleged “neo-nationalism” which would be enshrined in the new constitution, where it states: “Motivated by the ideal of a unified Hungarian nation, Hungary shall bear a sense of responsibility for the destiny of Hungarians living outside her borders, shall promote their survival and development, and will continue to support their efforts to preserve their Hungarian culture, and foster their cooperation with each other and with Hungary.” But the previous constitution, spawned out of Stalinism, which survived 21 years after the collapse of Communist Hungary, said the same: “The Republic of Hungary shall bear responsibility for the fate of Hungarians living outside its borders and promote the strengthening of their ties with Hungary.”

Moreover, in a January 14 interview at Vatican Radio, Monsignor János Székely – Auxiliary Bishop of Esztergom-Budapest and head of the Committee of the Roman Catholic Episcopal Conference for the Hungarian Roma (which specifically cares for one of the minorities the Hungarian government is supposedly “threatening”) – said that the new Hungarian Constitution does nothing but defend principles dear to the Catholic Church: it refers to God, pays homage to Christianity and defends the natural family, unborn human life and the traditional concept of marriage.

That these the arguments are merely a pretext is more than evident. And the “clash of cultures” between Budapest and Brussels (i.e., sovereign states versus a

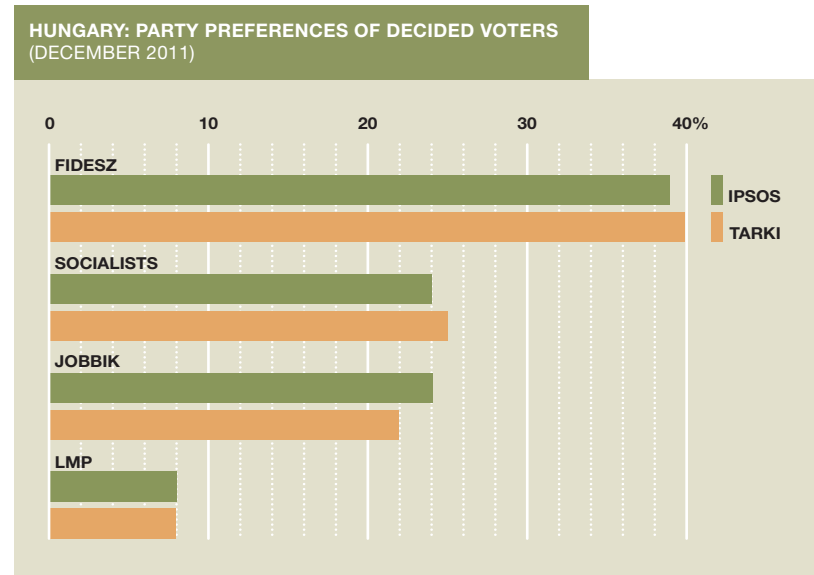
centralization which in fact acts as an unelected government) is fierce.

Now Brussels is using economic instruments to attack the Orbán government and its constitutional reform for reasons that are beyond economic. The main criticism directed at Budapest is the reform of the Central Bank, which Orbán is seeking to bring under political control. It is a measure whose efficacy is questionable. There has also been an uproar with regard to laws that try to bring the judiciary and the press more under government control – the latter by establishing a governmental authority for communications and information that could sanction journalists and editors held to have spread information considered to be “inappropriate or destabilizing. These, too, are worrisome developments. But clearly there is a real problem in that Hungary still believes the word “sovereignty” makes sense in Europe. Especially because the judgment which Brussels uses to clumsily hammer Budapest does not take into account the peculiarities of the country – namely, its history.

Anomalous as it was, the history of a communist country that has been transformed into free one generates, against the best intentions, phenomena that are difficult to control. After the collectivist hangover in the East, problems of nationalism are quite logical, even if unacceptable. Pretending that nationalism is not a bad reaction to a larger problem only serves to allow the perpetuation of that problem. And it does not explain why in today’s East the desire for non-communism is, paradoxically, in sharp decline. A Pew Research Center study, while dating back to November 2009, reveals the situation. And astute observers such as Láncki point out that it has not changed. “If one ignores this backdrop and its burdens,” says Láncki, “You can’t understand Orbán, including his gaffes. But you also cannot understand those Magyars whom the left won’t even call by name referring to them merely as ‘the inhabitants of this country.’ The central point, however, is whether you really want to understand.”

For András Láncki, the question explains the current situation. “Ours has been an unfinished transition to democracy – as unfinished as the democracy entrusted to us, in which the transition has occurred only in part and poorly. The Communists in power quickly disappeared, transforming themselves into “Socialists,” and so have had ample opportunity to manage important aspects of the transition.”

Prime Minister Orbán seems to have understood at least this. “Errors? Who doesn’t make them?... But the real question is that Orbán is well aware now that the situation is unsustainable and that we need to try to complete what is still unfinished. The democracy that Hungary needs is a full and authentic one, both politically and economically. The freedom of markets, for example, is crucial; but leaving, as was done for more



than two decades, the country at the mercy of unscrupulous foreign investors often did not help create the perception of either a free economy or a free country. Orbán understood as much, and he has understood the huge number of Hungarians who have supported him and continue to support him electorally.” Láncki concedes that there are street protests, but claims they are often organized by opposition political parties, the wily former Communist propaganda machine, or by trade unions. Meanwhile the government, in the face of a runaway economic crisis, thinks it appropriate to deal with the morally and economically unacceptable cronyism.

At this precise moment in history, the attack on Hungary passes right through the issue of Budapest’s criticized inability to cope with debt. But it isn’t the market that is directly threatening Hungary, as much as Brussels itself, in tandem with the IMF, which takes advantage of some maneuvers put in place by the Hungarian government – perhaps clumsy – to stem the onslaught of speculators.

But what we are really seeing is an attempt by the EU to speed up the completion of a process of cultural and political-economic standardization that negates the very idea from which the EU springs: namely, that the differences and peculiarities of each member state should have been a common source of enrichment. It is an idea in which the religious and cultural identity of each people is the foundation on which to build a common house. In short, the EU is doing everything to destroy the underlying ideal on which it was found. Unfortunately, this is occurring at the expense of the Magyars.

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