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THE CURRENT: What's happening with Hungary's pandemic power grab?

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(MUSIC)

PITA: You're listening to The Current, part of the Brookings Podcast Network. I'm your host, Adrianna Pita. On Monday, Hungary's parliament voted to grant Prime Minister Viktor Orban power to rule by decree during the coronavirus emergency, without time limit or expiration date on those powers.

With us to discuss what's happening in Hungary and their steps away from Democratic rule is James Kirchick, a visiting fellow with the Center on the United States and Europe here at Brookings. James, thanks very much for talking to us today.

KIRCHICK: Thank you.

PITA: Perhaps you can start by giving us a little bit of background about what's been happening in Hungary that's been leading to this step?

KIRCHICK: Well, Viktor Orban and his Fidesz party have been in power since 2010. For several years now they've actually been ruling with a two-thirds majority, which is a constitutional majority which allowed them to alter the constitution. And there's been a gradual decline in the quality of democracy in terms of media freedom, checks and balances in particular. Even the way that the parliament is divided. So, the Fidesz party has 70% of the seats in parliament, but they only got 49% of the vote in the election, and that's due to the gerrymandering that they had implemented before the last election. So, this has been a sort of slow process where there's been a long-term democratic decline in Hungary. And now, unfortunately, it seems the government is seizing upon this health crisis to consolidate more power.

PITA: What was included in some of these powers that were granted to the prime minister?

KIRCHICK: So, the main thing, I would say, in terms of the specific provisions, is a law that clarifies language regarding a statute that's already on the books. I guess you could say it's a law against fearmongering, and that's spreading false information. They've now extended the scope of this to include spreading information that would stop or hinder an orderly response to the government's policies or plans in terms of the quarantine going on. And there's a worry this is an overly broad definition, that it could be used or abused, rather to punish journalists and reduce the freedom of speech, freedom of the press, which has already been under strain in Hungary. There's a real consolidation of media behind pro-government news outlets. The state broadcaster's very politicized; basically state media at this point. So, this, I would say, is the one thing people are focusing on the most.

The other concern is that there's no sunset provision in this emergency decree. Most governments in the world, including democratic governments, have taken extraordinary powers in a time of crisis, for instance, limiting our movements and whatnot, shutting down businesses. These are not things they can normally do, but they are in no other country, certainly no other democratic country, could these laws be characterized by having no sunset provision. And there's no sort of objective criteria by which the Hungarian government has announced this crisis will be over. They're not saying when the

number of infections reaches a certain level, or when the World Health Organization declares these specific guidelines are met, then life can return to normal. They've really left this open-ended. That I think is also I think of a serious concern.

PITA: I understand, I think it's parliament has to vote again by another two-thirds majority and then there needs to be a signature on that.

KIRCHICK: Parliament is pretty much a rubber stamp; it's 70% behind Fidesz, which is why in one sort of paradoxical way this move is not as extreme as it might seem, only because while granting the government's power by decree, it sort of had that power already, if you think of parliament as being a rubber stamp, which it has been for quite some time.

PITA: What is the state of the coronavirus pandemic in Hungary at this time? Where are they at in comparison, perhaps to some of their neighbors?

KIRCHICK: I'm not exactly sure on the exact numbers. I don't think they are in any way standing out; they're certainly not as bad as Italy or Spain, the countries that have been worst hit. It's a little unclear to be honest, because there are reports coming out that the government may not be fully representing the actual extent of the crisis, that there are people who are wanting to get tests who are being denied, that the numbers being reported might not be entirely accurate. Again, this goes back to the question of media freedom and media pluralism. Because there's so little media in Hungary that's basically not pro-government, it's difficult to get an accurate picture of the extent of the crisis.

PITA: What can you tell us about the reaction from the EU? I understand there's been some public statements of concern and criticism, but are there any sort of official steps or mechanisms or venues that the EU might choose to engage with Hungary in regard to their backsliding here?

KIRCHICK: So, there's already been some infringement procedures, these very long, drawn-out processes where the laws are held under scrutiny, and that's been going on for quite some time long before this crisis began in terms of other issues with Hungarian rule of law. Understandably the EU is dealing with the crisis that we're all dealing with in terms of the day-to-day health crisis of the coronavirus, so the internal actions of one member state, particularly a small one, however disturbing they might be and ominous, they haven't really gotten that much attention.

There have been some calls from the European People's Party, which is the European-wide coalition of Christian Democratic parties, which Fidesz has been a member of. There have been some calls to expel Fidesz from that grouping over these latest moves that the Fidesz government has been implementing. They've already been suspended – that's over a year old, already – over some of these concerns, that again predate the coronavirus. Now Donald Tusk, that's the former president of the European Council, a pretty well-known and well-respected politician, he's come out and said that Fidesz should be kicked out of the EPP.

PITA: We've also seen that there have been some countries like Poland who have also in recent years come under criticism that can be viewed as undermining the rule of law within; are we seeing Poland or any other countries that look like they are also at risk of taking some of these steps toward a more authoritarian form?

KIRCHICK: I haven't seen anything – Poland is the other case that you cite – I'm not as closely following what's happening there. I haven't read of any other measures like this. I think Hungary stands out, actually; certainly, in Europe they do. I'm not aware of any other democratic governments in the world that have taken measures as drastic as these. And again, there's a long track record here. There's a decade of policies, of rhetoric, of governing action from Viktor Orban. He's already called for illiberal democracy. He's already kicked out the Central European University, which is an academic institution.

There's a whole long list of things that he's done that are not really in the spirit of democracy that I think make these moves particularly worrying.

PITA: Lastly, as you mentioned, the coronavirus pandemic has put a great deal of strain on Europe's day-to-day functioning, but also the sense of European unity and solidarity, which was already still fragile in places from the strain of the global financial crisis. Can you put these moves by Hungary in that context? What are your longer-term concerns regarding this crisis?

KIRCHICK: I definitely think we're seeing this part of a broader trend of the re-nationalization of politics. There hasn't been a lot of solidarity between the European countries. There's been a lot of opposition and resistance towards the financial support for the countries that have been hardest hit by this, Spain and Italy. And in a way it sort of exacerbated the pre-existing tensions and cliques that have been a feature of European politics for quite some time. It's not anything new that we see northern European governments – the Dutch, the Nordic states for instance – urging fiscal rectitude and sort of wagging their finger at the Mediterranean states. That's been going on for quite some time. It's not a new feature that Hungary would be saying that this shows again the need for strong external borders. So, I think for the long-term health of the European Union, it's a real challenging task, the likes of which it hasn't faced in its existence. I think it's probably even more threatening than any sort of external security threat, like Russia; maybe even the migrant crisis. This may be able to break the EU internally in a way the migrant crisis did not.

PITA: All right. Well, we'll keep watching. James, thanks for talking to us today.

KIRCHICK: Thank you for having me.