



Hungary and Poland Aren't Democratic. They're Authoritarian.

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February 5, 2018

There are too many journalists. They should be liquidated,” Czech President Milos Zeman joked at his meeting with Vladimir Putin last May. In the summer of 2014, Hungarian Prime Minister Viktor Orban singled out Singapore, China, India, Turkey, and Russia as “stars of international analyses.” In the now-famous speech, which also touted the idea of “illiberal democracy,” he suggested that Hungary needed to part with “Western European dogmas,” especially with the liberal notion that people are “free to do anything that does not violate another person’s freedom.”

Despite Orban’s disturbing rhetoric, many on the political right have praised Central Europe’s illiberal democrats for supposedly speaking truth to power. From the editorial offices of the *National Review* to think tanks such as the Heritage Foundation, the message is that Orban and his ideological companions, including Zeman and Jaroslaw Kaczynski in Poland, are not trying to destroy the European Union but rather help it find its way — on issues of immigration, Europe’s Christian roots, and national sovereignty.

Those are legitimate conservative causes. However, superficial ideological sympathies and an enthusiasm to see Eurocrats and the *bien-pensants* get their comeuppance have created a monumental blind spot. People who fancy themselves defenders of freedom and democracy have become apologists for practices that are pulling the region — Hungary and Poland in particular — in an unmistakably authoritarian direction.

Their chief error lies in assuming that the will of a parliamentary majority du jour can never be questioned. That is a mistaken understanding of democracy, which should always be embedded within a framework on constitutional rules constraining those who hold office.

Although it’s true that you will not find political prisoners in either Hungary or Poland, nor do Central European journalists disappear at night. Dissidents are free to run in elections, organize

protests, and embarrass their governments in independent media outlets. But what sets apart figures such as Zeman — or the Polish Law and Justice and Hungarian Fidesz parties — is their shared belief that large popular mandates entitle them to do anything they please. Normally, conservatives would be the first ones to point out that unconstrained majoritarianism leads to tyranny. Yet leading hubs of conservative thought feel compelled to come to the defense of Central Europe’s budding autocrats. According to Margaret Thatcher’s former speechwriter, John O’Sullivan, the talk of a democratic backsliding in the region is a “grotesque exaggeration.”

In Poland, for example, the Law and Justice party has used its electoral mandate for sweeping reforms of the judiciary, described in damning detail by successive Venice Commission reports. Defenders of Central Europe’s illiberal democrats claim that those reforms were adopted only in response to the politicization of courts under previous governments, typically glossed over by the EU. Shortly before the 2015 election, the Civic Platform-dominated parliament nominated five new judges to the Constitutional Tribunal, in a move that Law and Justice deemed deeply unfair.

However, the changes to Poland’s judiciary extend far beyond the reform of the Constitutional Tribunal (itself struck down as unconstitutional). New legislation gives the justice minister the discretion to appoint, dismiss, and “discipline” presidents of ordinary courts. The reforms bring the National Council of the Judiciary, a formerly self-governing body, under full control of the parliament. A new law forces nearly 40 percent of the Supreme Court’s judges into early retirement and creates a retroactive mechanism for “extraordinary review” of final judgments. With the average age of judges now at around 40, the efforts to bring the judiciary under control of the rule of the majority cannot conceivably be about taking levers of power out of post-communist hands, as Law and Justice claims.

Illiberal reforms aren’t limited to Poland. Last year, the Hungarian government adopted new legislation concerning nongovernmental organizations, echoing Russia’s infamous law from 2012 that requires foreign-funded NGOs to register as foreign agents. According to Fidesz Deputy Chairman Szilard Nemeth, NGOs funded by George Soros “must be pushed back with all available tools, and I think they must be swept out.” Judging by the amount of government-sponsored propaganda — from posters that brought back memories of the anti-Semitism of the 1930s to letters sent to every Hungarian household accusing Soros of wanting to resettle millions of Muslims in Hungary — Orbán’s dislike of him is intense. The resentment has also prompted the government to adopt a law that leaves the Soros-funded Central European University — by most metrics the most prestigious academic institution in the region — in legal limbo.

Of course, one may have, as I do, substantive disagreements with Soros. But liberal philanthropists funding liberal causes are as much a feature of a vibrant civil society as conservative or nationalist philanthropists providing support to theirs.

Those in doubt about the direction of travel of Central Europe’s two illiberal democracies would do well to look at any metric of institutional quality and rule of law.

Forget the deterioration of Poland’s and Hungary’s scores on Freedom House’s Freedom in the World index (dismissed by Hungary’s foreign minister as “nonsense”) or the latter’s fall from 46th to 57th worldwide on Transparency International’s Corruption Perceptions Index between

2009 and 2016 (Fidesz's Nemeth singled out TI as one of those organizations that “must be swept out” of Hungary).

Over the past decade, Hungary's performance on *all* of the World Bank's Worldwide Governance Indicators has declined. In 2006, the country was in the 83rd and 79th percentile worldwide for “rule of law” and “voice and accountability,” respectively. A decade later (the most recent data are from 2016), it has fallen to the 70th and 57th percentile on these two metrics.