HUNGARY CORONAVIRUS EMERGENCY LEGISLATION 2020

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Since its 2004 enlargement to the East, the European Union has faced major crises including the global financial crisis in 2008, the abrupt increase in the number of irregular migrant arrivals in 2015, and finally the coronavirus crisis in 2020. These crises have waged survival tests for political leaders. While many western democracies faced economic vulnerabilities, increasing populism, challenges to political systems, and see electoral defeat of incumbent leaders, the leaders of neo-authoritarian states are looking for ways to

weather the crises by bolstering their leadership. As an example, the sudden increase in the number of irregular migrant arrivals to Europe in 2015 made extreme right politicians such as Salvini in Italy and Le Pen in France central actors of European politics while it challenged the leadership of Angela Merkel in Germany. Finally, the coronavirus pandemic and the health and economic crisis hitting Europe is posing increased challenges to almost all incumbent political leaders.

It is interesting to draw parallels between the three crises, i.e., financial, migration, and coronavirus, that hit the EU, and Viktor Orbán's ascendance to power and entrenching his total control of Hungary. There seems a pattern as to how Orbán carved a leadership role for him by appealing to public insecurities that such crises have fostered amongst the general population. This short article follows this pattern to understand how leaders can manipulate particular crisis contexts to consolidate their leadership via both formal institutions and strategic discourses, and entice the public opinion to their support amidst crises. To this extent, it reflects on the coronavirus crisis but takes into consideration the institutional and discursive construction of leadership amidst crises. The article investigates how leaders stimulate the processes by which their followers' understanding of the world is produced (van Leuuwen 2007, 95) during crises. The theoretical foundation of the article relies on leaders' social knowledge production, legitimation, and inculcation of such knowledge among their followers (van Leuuwen 2007; Reyes 2011) to foster collective rationality.

The Hungarian Prime Minister Viktor Orbán has carved out his leadership since 2010 amidst three crises at the detriment of democracy in Hungary. In response to the coronavirus crisis as well, Orbán pursued a self-made moral leadership to manage crisis governance. The enfeebled institutional accountability due to weakened judiciary and parliamentary oversight due to the earlier constitutional changes in Hungary after

2011 have so far allowed Orbán to manipulate crises in a way to discursively present Hungary as a pillar of stability in Europe. This has served his claim for moral leadership even if morality and legitimacy of his executive role lack confluence. Orbán has also exploited public insecurities facing either increasing number of irregular migrant arrivals earlier or the coronavirus crisis recently to establish a knowledge-regime that require swift but authoritative executive action.

Joseph's (2006, 13 in Reyes 2011, 784) elaboration on the persuasive nature of political discourse sheds light on the Hungarian context. Persuasive political discourse allows politicians to present their goals as their audiences' goals while "the inspiring orator can lead a people, or rather mislead them, into believing that the narrow self-interests of the governing party are actually the interest of the people as a whole". In this understanding, "the hierarchical assumption of leadership embodied in a single person at the apex of a unitary organization" is replaced by change agency for a broad range of collaborators and co-creates "a shared vision towards which they work" (Mabey and Freeman 2010, 513). The coronavirus crisis provided Orbán with a chance to set the parameters of a shared vision to fight against the virus while presenting himself as the sole change agency to face the upcoming challenges. Discursively and amidst enfeebled accountability structures including the media, Orbán has assumed his crisis leadership once again.

Similar to the financial crisis (Korkut 2012) and during the time of the abrupt increase in the number of irregular migrant arrivals to Europe in 2015 (Gyollai 2018), during the coronavirus crisis as well Viktor Orbán sought to regulate the everyday narrative around the crisis situation. What is remarkable this time, however, was how his government received a rule by decree power from the Hungarian Parliament effectively indefinitely in March 2020[1] in order to enhance

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1   Német Tamás, Pintér Luca and Presinszky Judit, "Megszavazta az Országgyűlés a koronavírus-törvényt, Áder pedig ki is hirdette", *Index*, 30 March 2020, available at: https://index.hu/belfold/2020/03/30/koronavirus-tor-

Prime Minister Viktor Orbán met with Charles Michel, President of the European Council (Source: Council of the European Union)

Orbán's crisis leadership. Given the two-thirds control over the Parliament by Fidesz and the dominance of Fidesz-appointed judges at the Constitutional Court, basically the legislation delivered the country to Orbán fully without any checks and balances. In order to guarantee continuity of control in the Parliament, the Fidesz also introduced a clause that whilst the crisis situation continues there can be no by-election or referendum[2]. This was an attempt to hinder the Hungarian opposition from any attempts to tarnish the parliamentary control of the Fidesz government and won against the government thanks to building electoral alliances[3].

After two months of emergency rule, Orbán signalled that he is now ready to relinquish his extraordinary powers at the end of May 2020, and his government is looking to shift from "crisis governance" to play "a modest role in pandemic preparedness" according to the government spokesperson Gergely Gulyás[4]. There are some, who may consider this a sign of well-functioning democracy in Hungary[5]. However, if we approach his crisis governance amidst the pandemic and particularly his discursive style, we can grasp the legacy of the rule by decree will leave in Hungary. The discursive construction of his crisis government involved anti-western discourses with praises of technocratic governance at the expense of democratic accountability structures. It is

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2   Fábián Tamás, "Tisztázunk mindent a koronavírus-törvényről", *Index*, 23 March 2020, available at: https://index.hu/belfold/2020/03/23/koronavirus_felhatalmazasi_torveny_szajbarago/

3   Umut Korkut, "The new mayor of Budapest has shown us how to defeat authoritarian populists like Viktor Orban", *Independent*, 14 October 2019, available at: https://www.independent.co.uk/voices/populism-brexit-orban-hungary-budapest-mayor-boris-johnson-a9155226.html

4   Biró Marianna and Presinszky Judit, "Gulyás Gergely: Szerény jogkörei maradnak a kormánynak a járványügyi készültség idején", *Index*, 28 May 2020, available at: https://index.hu/belfold/2020/05/28/kormanyinfo_frissulo_osszefoglalo_csutortok_koronavirus_veszelyhelyzet/

5   Andreas Stefanovszky, "Letter: In defence of Orban's pandemic policies", *Financial Times,* 20 May 2020, available at: https://www.ft.com/content/6f91af5e-f963-46c1-b0b2-12f0818675cf

important to note that even when the rule by decree is annulled, these two discursively and institutionally ordered governance mechanisms will remain latent in Hungarian public philosophy.

The rule by decree received in March 2020 showed Orbán's pragmatism and how his party could exploit the health panic in the country at the face of the coronavirus crisis. It also presented him with a chance to regain his party's control over politics in the aftermath of its relative weakening at the 2019 local election[6]. Finally, an important point to make is that how a political machine such as Fidesz that has always claimed legitimacy by popular election and its capacity to represent the Hungarian nation thanks to two-thirds majority has exploited crises to entrench an executive rule for the PM. Orbán followed a similar strategy during the self-declared "refugee crisis" as well when faced with the sudden increase in the number of irregular migrant arrivals to Europe in 2015. The Hungarian government then declared a "state of crisis due to mass migration" giving unfettered powers to the army and the police to quash any unrest[7]. This self-defined extraordinary situation enhanced the government's sway later over the third sector organisations active in migrant integration field and controlled everyday narrative sometimes by

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circulating its own fake news[8]. One more thing to note is that the Hungarian legislation used the term of "state of emergency"[9]. Recently, the Czech Republic as well turned to state of emergency top face the coronavirus crisis[10]. Yet, the Hungarian decree came with severe punishment clauses. Under its provisions, intentionally spreading false information about the virus will be punishable by a prison sentence of up to five years[11]. The Hungarian false information clause remained very vague suggesting punishing rumour and alarming news, and also raising questions regarding what happens to those that share these "rumours". In fact, two people were taken into custody for raising rumours with their Facebook posts[12].

Furthermore, the discourse around the Hungarian crisis governance facing the coronavirus was embellished with anti-western tones. At the outset of the crisis, Orbán stated that the coronavirus crisis has

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6   https://www.google.com/search?client=sa-fari&rls=en&q=2019+hungarian+local+elec-tions&ie=UTF-8&oe=UTF-8

7   Daniel Gyollai, "Hungary – Country Report Legal & Poli-cy Framework of Migration Governance", Working Papers – Global Migration: Consequences and Responses, May 2018, available at: http://uu.diva-portal.org/smash/get/diva2:1248319/FULLTEXT01.pdf

8   Umut Korkut, "Hungary sanctions: don't expect Viktor Orbán to back down after parliament vote", *The Conversation*, 13 September 2018, available at: https://theconversa-tion.com/hungary-sanctions-dont-expect-viktor-orban-to-back-down-after-parliament-vote-103128

9   *Supra* note 2

10   "3 ülkede daha koronavirüs nedeniyle olağanüstü hal ilan edildi", *Anadolu Agency*, 16 March 2020, available at https://www.aa.com.tr/tr/dunya/3-ulkede-daha-koronavi-rus-nedeniyle-olaganustu-hal-ilan-edildi/1767279

11   Valerie Hopkins, "Orban handed power to rule by de-cree in Hungary", *Financial Times*, 30 March 2020, available at: https://www.ft.com/content/4dc85972-e917-4c8d-9db1-8e72400b9e8a

12   Pálfi Rita, "Már két embert is elvittek a rendőrök Facebook-poszt miatt a rémhírterjesztési törvényre hi-vatkozva", *Euronews*, 14 May 2020, available at: https://hu.euronews.com/2020/05/13/mar-ket-embert-is-elvittek-a-rendorok-facebook-poszt-miatt-a-remhirterjesztesi-tor-venyre-h

exposed the EU's "weaknesses" and failure to help in times of need[13] and justified his anti-western tone with a trope that "help does not really come from here". Alleging the EU's institutional structures with deficiencies in responding to the crisis, he continued "there are times when you can't be polite" and "he made it clear to EU "squeakers" that now is not the time to "reason" with legal, theoretical issues because there is an epidemic, lives need to be saved". He continued to say that "the high-salaried EU epidemiology office staff" i.e., the

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European Centre for Disease Prevention, failed in January and February months to prevent the pandemic in Europe[14]. Instead, Orbán chose to endorse the Chinese credentials of the fight against the coronavirus. Him and the Chinese Ambassador to Budapest met a Chinese plane with medical supplies at the Budapest Airport earlier in the crisis while the Hungarian media provided the images of Orbán and the Ambassador of China meeting each other with elbow greetings to emphasise the conviviality between the two regimes[15].

To coclude the Hungarian case shows how amidst the crisis, rather than ensuring the accountability of their decisions, governments can exclude parliamentary control over their course of action. In fact, this exclusion imbued with anti-western discourses in the case of Hungary aimed to demote an accountability-oriented response style to the pandemic in order to promote technocratic governance as the most effective means. This is the reason why while Orbán may now be relinquishing the rule by decree the legacy of his response will remain and qualify how governments can fight crises "successfully".

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13   Lili Bayer, "Viktor Orbán criticizes EU's coronavirus crisis response", *Politico*, 27 March 2020, available at: https://www.politico.eu/article/coronavirus-viktor-orban-criticizes-eu-crisis-response/
14   "Szombattól érvényes kijárási korlátozást vezet be a kormány", *hirado.hu*, 27 March 2020, available at: https://hirado.hu/belfold/kozelet/cikk/2020/03/27/kijarasi-korlatozast-vezet-be-a-kormany
15   "Videóból derült ki: fontos döntéseket hoz Orbán Viktor és az akciócsoportok", *Portfolio*, 25 March 2020, avail-

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