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THE NEW FUNDAMENTAL LAW OF HUNGARY AND ITS EFFECT ON SOCIAL COHESION

Thesis: Although the idea of passing the new *Fundamental Law of Hungary* was appropriate since the nation is in need of a new constitution, the recent changes in Hungarian laws and government in the past three years has diminished social cohesion among Hungarian citizens. The increase of discrimination and decrease of social trust are derived from the rise of right-wing political power and the new Fundamental Law.

	Responsibility of Right Wing Parties	Responsibility of <i>The Fundamental Law of Hungary</i>
Rise of Discrimination	<p>Jobbik Party Symbols: The party's ideas of symbolic power, or a set of events, holidays, traditions, and symbols, indicate anti-Semitic feelings in the party's core. For example, the posters seen by Rabbi Andrew Baker in Budapest calling for citizens to "Join the Fight" against the Jews were put out by Jobbik's Hungarian Guard (2). The Hungarian Guard, a large part of the Jobbik party, gathers in large groups, wears uniforms similar to those during World War II, and has been called militia-like by many other countries for being anti-Semitic and anti-Roma (1). Expanding the political party spread these anti-Semitic feelings across the nation. According to Gimes et al., Jobbik created his own alternative public through his dynamic, organized political party that does not allow for an active society (1). Jobbik used the anger of its members against communism and socialism to promise a democracy in which the youth will run the country. This led to biased voter demographics where youth were overrepresented while the Jewish and Roma were underrepresented.</p> <p>Creating a New Society: After examining multiple sources, such as the ADL survey and another Jewish researcher, Baker concludes that "No doubt the presence of the Jobbik Party in the Parliament is a contributing factor; for the first time in post-Communist Hungary one can hear overt anti-Semitic language from the mouths of MPs" (2). Their presence allows them to adjust laws in a way that helps them maintain their alternative society. Gimes et al. stated that the right-wing party opposed an organization that would help civilians get along better (1). Since the organization went against Jobbik's new society, they stopped the initiation of such an organization in parliament through their majority.</p> <p>Openly Ignoring anti-Roma Hatred: Jobbik turns a blind eye when there is violence towards the Roma and openly acknowledge what is known as "Gypsy crime," the stereotype that Gypsies are criminals and need to be domesticated. On their official website, the Jobbik party outright states that the "phenomenon of 'gypsy crime' is real. It is a unique form of delinquency, different from the crimes of the majority in nature and force" (Jobbik).</p> <p>Fidesz Party In regards to the less moderate right wing Fidesz party, there are many members that are anti-Semitic and the Fidesz party seems to not be bothered by this. Hungarian Jews are nervous about the Fidesz party becoming more anti-Semitic due to an upcoming election and the need to obtain votes from those who are Jobbik followers (Baker 2). The coalition between the two right wing parties is pulling more citizens toward discriminatory views as Jobbik pressures Fidesz to become more like them. This spreads anti-Semitic and anti-Roma views to many of the other citizens that associate themselves with Fidesz.</p> <p>Media Through use of media, Vidra and Fox argue that right wing parties are factors in the extreme intolerance of the Roma population, otherwise known as gypsies. In their study looking at the presentation of Olaszliszka by three political party medias, they concluded that the Jobbik-favoring media was extremely intolerant, the Fidesz-favoring media was moderately intolerant, and the Socialist party was only slightly intolerant (23). The two right wing parties were the worst with promoting intolerance to its viewers (11). Due to the growth of the Jobbik and Fidesz parties, their media will gain a larger audience and spread their anti-Semitic and anti-Roma attitudes.</p>	<p>Emphasizing Christianity in Hungary: According to Tartakoff, since there are current threats to the predominance of Christianity due to the many Mongols, Turks, and Stalinists in the country, the new Fundamental Law included its importance to the nation. The Hungarian National Assembly included the statement "We recognize [sic] the role of Christianity in preserving nationhood" (National Avowal, Article A, Section 1). This produces the effect that the government does not care as much about other religions. By leaving other religions out of the new Fundamental Law, Parliament lowers the status of Jewish and Roma residents, increasing the chances for national anti-Roma and anti-Semitic attitudes. Denying Responsibility for the Holocaust: During World War II, Hungary was forced onto the side of the Axis when Germany invaded in 1940. They were coerced into killing hundreds of thousands of Hungarian Jews, and men were driven into the Nazi army. However, the Hungarian government stood by their Jewish citizens by accepting the fault. In fact, Laura Tartakoff pointed out that in 2010, "the Hungarian parliament passed a law making Holocaust denial an offense punishable by imprisonment of up to 3 years" (2). However, the new Fundamental Law voided this law and took too much care of Hungary's history by negating the blame of Hungary in the Holocaust. The Hungarian National Assembly declared that "We deny any statute of limitations for the inhuman crimes committed against the Hungarian nation and its citizens under the national socialist and communist dictatorships" (National Avowal, Article A, Section 1). By saying that the government was being overrun by the Nazi dictatorship and therefore was not capable of protecting the Jewish anyway, the Hungarian government let down the Jewish population since they disregarded hurting them. Such an act easily spiraled into a feeling of not caring for the Jewish population as much as the rest of Hungarians.</p>
Decrease of Social Trust	<p>Gimes et al. agree that the shift to right wing parties triggered the decrease of social trust in Hungary and "... a general lack of confidence helped advance of the right wing. Low general social trust and suspicion associated with the civil society weakens the market economy and advocates prejudice attitudes, strong paternalism, and anti-regime feelings" (2). Vidra and Fox agree that social trust has decreased in Hungary in regards to safety and the Roma population. Concluding from their media study, intolerance is more prevalent and more emissive from the right-wing parties. The Socialist newspaper <i>Népszabadság</i> sympathized with the Roma, pointing out that "The grandfathers and fathers of the new generation had jobs and worked. Now they only can hope for social assistance and public service work... Children growing up in destitution will become desperate themselves" (qtd. in Vidra and Fox 13). However, unlike the Socialist party that defended the Roma's reason to attack a citizen, the Jobbik party presented the group by reporting that the "Gypsies, after having fucked the possibility for peaceful coexistence, are still free and are attacking us. Us, peaceful Hungarians" (qtd. in Vidra and Fox 11). Violent words like these can often lead to physical violence on the Roma by those who support Jobbik.</p> 	<p>Going Against the European Union's Charter: The Venice Commission, which is the Council of Europe's advisory body on constitutional matters, argued that the new Fundamental Law did not follow the EU's charter since it failed to provide all human rights necessary and lowered the requirements for a law to pass. The Hungarian National Assembly, writers of the <i>Fundamental Law of Hungary</i>, decreased the requirements for a passed law by making it the approval of two-thirds majority of Members of Parliament (MP's) rather than the four-fifths that the EU Charter wanted. If the government fails to follow the guidelines set out by the European Union, how can the citizens trust it to follow their opinions and beliefs?</p> <p>Limiting Types of Petitions Permitted: National referenda are prohibited if they are about amendments to the Fundamental Law, budget, taxes, healthcare, declaration of a state of war or emergency, or military (The State, Article 8, Section 3a, 3b, 3h, and 3i). The limitation of petitions gives off an image that the government does not care about some of the public's issues, which decreases society's trust in its institutions to fully listen to their ideas and views.</p> <p>Giving Prime Minister Too Much Power: The Hungarian National Assembly only gave the Prime Minister one new power to appoint the other Ministers (The State, Article 16, Section 3). The Prime Minister is the leader of the Government, which is below the Parliament in Hungary. However, he is the leader of the Fidesz party and the Fidesz party has a majority in Parliament. The Fundamental Law was drafted by members of Fidesz that worked under Prime Minister Orbán, making governmental adjustments so that the Fidesz party stays in power. Laura Tartakoff went as far as to say that "Parliament has become little more than a rubber stamp" (3). With the new Fundamental Law stating that laws can be passed by a two-thirds majority, and with a majority of the MP's being supporters of their Fidesz leader, the Prime Minister is indirectly given more power from the new Fundamental Law. Citizens are on edge knowing that one man could essentially control both the Government and Parliament, lowering their trust in the new governmental structure. Lack of trust in institutions as big as the government may cause citizens to also lose their trust in each other and their supposed democratic society if one opposes or supports the new government changes.</p>

Background

On October 23, 1956, tens of thousands of Hungarian citizens gathered next to a statue of national hero József Bem and collectively sang *Nemzeti Dal*, the National Song of Hungary. Although they lost the revolution against Communist Russia that year, residents of Hungary showed their support and loyalty to one another by standing together. Today, the country is under new rule and law.

Jobbik Magyarországért Mozgalom, commonly known as the Jobbik party, is a radical, nationalist, Christian, far-right political party in Hungary. Also right-winged but less radical than the Jobbik party, Fidesz Demokraták Szövetsége-Magyar Polgári Szövetség, otherwise known as the Fidesz party, started in 1988 as a strictly youth anti-Communist party. After many years of Socialist rule, during which Hungary's economy collapsed, the Fidesz party swept elections in 2010 and became the leading power in parliament while its leader, Viktor Orbán, was appointed Prime Minister. Since the party took the majority, they began rapidly drafting the new Fundamental Law, called *Magyarország Alaptörvénye* in the Hungarian language. Signed in April 2011 and taking effect on January 1, 2012, the Fundamental Law caused a surprising opposition protest in Budapest, the nation's capital.

Hungary was the only country that had not changed its Fundamental Law since Communist control by Russia in the 1950's and 1960's. The need for governmental change gave rise to anti-government and anti-Communist political parties in the late 2000's. Not coincidentally, racism increased and social trust decreased around the same time. The time that the country experienced the significant drop in social cohesion seems to correlate with the change in Hungarian law based on the new Fundamental Law. If the current crumbling society is, in fact, due to the recent uprising of right wing power, then the EU must take action against the Jobbik and Fidesz parties before citizens begin to riot. However, this should happen soon since, according to a personal source I cannot legally unveil, there is already talk of rebellion among Hungarian residents.

Conclusion

The new *Fundamental Law of Hungary*, written by current politically dominating right wing parties, must be changed for the sake of Hungary's social stability. The continuation of a declining society could lead to a revolution not unlike that in 1956 against Communist Russia. The citizens have already fought for democracy fifty years ago. Fidesz's and Jobbik's alleged attempts to gain more power and lead Hungary down a path away from democracy, has torn Hungary's society and caused them to lose faith. With their diminishing social cohesion, could they ever bond together to fight for democracy again, shoulder to shoulder, singing *Nemzeti Dal*? Though they needed new law to finalize the process of becoming democratic after Communist rule, the new *Fundamental Law of Hungary* was not the remedy. In fact, the recent rise of right wing power and their changes to government cause the increase of discrimination towards the Jews and Roma, as well as the lack of social trust. Hungary needs a different constitution, one drafted by all Members of Parliament and agreed upon by both sides of the political spectrum. Once the government returns to a balance of power among all political parties as well as the citizens, social cohesion can be restored.

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