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Miklossy, Katalin

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Lacking Rule of Law in the Lawyers' Regime: Hungary

Katalin Miklóssy

Aleksanteri Institute, University of Helsinki, Finland

Abstract

The article argues that the current problems regarding the rule of law under the Fidesz-regime (2010-2018) are due to continuities of legal thought of the 19th century. The Western liberal conception of the rule of law has little ground to become rooted in Hungary because of the country's incompatible legal and political traditions, lack of intellectual receptiveness to host the idea and weak institutions to anchor it. The analysis focuses on five angles that affect the Hungarian perception of the rule of law: (1) the traditional conceptual understanding of the rule of law and statecraft; (2) the special trust in lawyers and the legal profession; (3) the relevance of the way the system changed in 1989-1990 in terms of democratisation and legislative culture; (4) the constitutional change carried out by the Fidesz administration in 2010-2014, and (5) a new era of nationalism, as the second phase of the Fidesz-revolution, which can be regarded as a declaration of paradigm-change in the conception of democracy. The overproduction of laws was the means of authoritarian development, thus, technically the core problem of democracy is the 'rule of law'.

Introduction: Paradigm-shift in the Eastern EU

This article argues that we are witnessing a **paradigm change** in the Hungarian understanding of the 'rule of law' that is incompatible with the Western liberal conception. The new paradigm is treated in the European discourse as a temporal anomaly of democratic conduct. The 'old Europe', as Donald Rumsfeld called once the Western countries, has great difficulties to digest this new development for several reasons. For one, the Western tradition invented the liberal conception of the rule of law – relying on the tripartite division of power, checks and balances, and individual freedom – that crystallises the core values of the European community. Admitting the failure of entrenching these principles in the new member states would undermine the master narrative of the Eastern enlargement about successful democratisation. Hence, in order to maintain the myth of the European project, it is necessary to reflect on current developments as *just a phase,* and therefore, the basic assumption is that Hungary and Poland can be persuaded to change their 'bad manners'. This attitude is in fact greatly reminiscent of the transition mind-set, cultivated in the 1990s. The Western Zeitgeist of the *End of History* (Fukuyama 1992) created a strong belief that liberal democracy would inevitably prevail everywhere and the post-communist countries were treated from this normative perspective. It took Vladimir Putin for Western researchers and politicians to realise that Russia was not in transition but has consolidated a peculiar regime. Nevertheless, in spite of all the lessons learned in the Russian example, Eastern Europe has been stubbornly dealt with a strong confidence in the Europeanization process. Thus, it has not been noticed that against EU-expectations, there is a profound gradual change taking place and not only in Hungary and Poland, but also in Romania, Bulgaria, and even in the Czech Republic and Slovakia.

This article shall discuss the Hungarian case, which, for many, is about the ruling Fidesz-party persistently undermining the rule of law. While the main actors are seemingly the contemporary power-holders, nevertheless, the current political turn was coded in a longer historical process. This study claims that the Western liberal conception of the rule of law has little ground to get rooted in Hungary because of the country's incompatible legal and political traditions, lack of intellectual receptiveness to host the idea and weak institutions to anchor it.

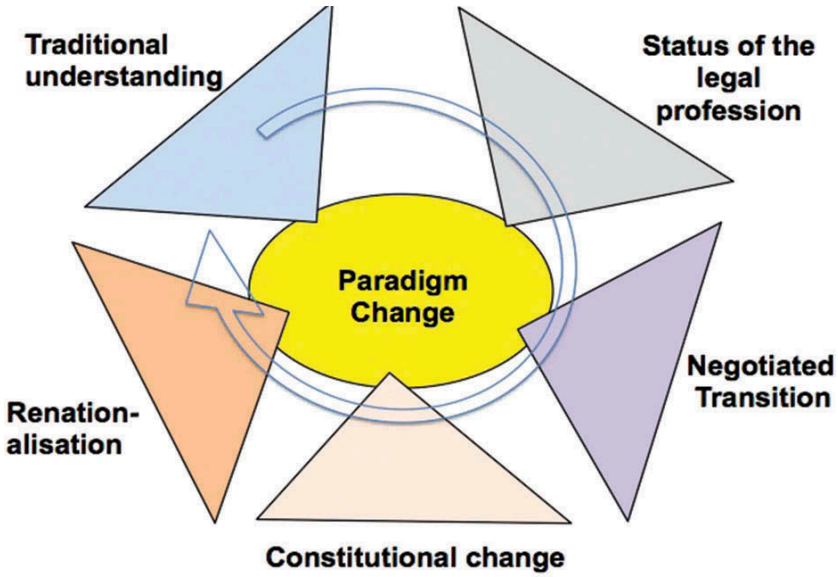
The article makes two main arguments. First, the current perceptions of the rule of law are rooted in the country's past experience of being subjugated by foreign powers. Securing

autonomy and later independence was thought to require strong central governance, which is why the tripartite division of power or the protection of the individuals against the state were not considered as viable options. Secondly, legal expertise was seen traditionally as necessary in politics to find the right means to deal with domestic and international challenges. Consequently, the rule of law became dependent on the rule of lawyers.

The topic is examined by focusing on five factors that have contributed to the Hungarian idea of the rule of law. (See **Figure 1**) (1) First, we take a look at the evolution of theory on statecraft and its relevance to the rule of law. (2) Then, we discuss the underlying puzzle: how is it possible that the rule of law was undermined in a *state run* by *lawyers*? Or alternatively, are we witnessing this state of affairs *exactly because* there are lawyers in charge? (3) The article turns to assessing the consequences of the compromise-seeking negotiated systemic change in 1989-90. It is argued that this period set the stage for the Fidesz that later only accelerated an evolution that was already embedded in the system. The last parts of the article describe the Fidesz-revolution, which was gradually but consistently delivered in two stages: (4) Launching a constitutional change in 2010 and (5) a new era of nationalism in 2014.

This study demonstrates that the current state of affairs reflects the traditional legal and political thinking regarding the rule of law, thus, nothing that happens in Hungary today is new or surprising.

Figure 1. The main and closely interlinked elements affecting the current conception of the rule of law of the Hungarian ruling party, Fidesz.



Ideational and Institutional Evolution of the Rule of Law

The concept of the rule of law constitutes an interplay between ideals and institutional practices linked to a spatial socio-political environment in a temporal context. Thus, obviously there are differences in national connotations, which, however, have been downplayed by the contemporary Western democracies acknowledging as their common ground, the liberal understanding of the rule of the law, accentuating the limitations on state power. Before the WWII, a competing theoretical tradition existed, influential especially in Central Europe: the German conservative thought emphasised the key role of the state in organising society. The difference between these two streams of interpretation derived from the divergent evolution of the state-concept. The conservative idea of the Rechtstaat relied on the conception of *Law and Order* that, as Nick Cheesman remarked, is anchored in inimical values to the *Rule of Law.* The difference of content is obvious considering the nature of institutional hierarchy, equality, arbitrariness and the role of law. (Cheesman 2015, 102-107; also 2017) Contemporary elites, relying on 'Law and Order', however, try to blur the lexical domains of the two, to be able to counter liberal criticism. This semantic strategy is a result of the liberal normative claim, the universal validity of which Dipesh Chakrabarti questioned based on the fact that the liberal understanding is rooted in a particular intellectual and historical tradition. (Chakrabarti 2000, 3-23)

The evolution of the German *Rechtstaat* had a symbiotic relation with the notions of *Recht* ('justice' or 'judicial system') and *Gesetz* (referring to both the 'legal entity' and 'the individual laws'). In Hungarian, due to the common traditions with German legal thought, there is a similar difference in the vocabulary for the *legal entity* ('*jog*') and the *individual laws* ('*törvény*'). *Jog* however has an additional meaning, 'entitlement or right to do something'. The 'rule of the law' in Hungarian is *'jogállam'* which is derived from the *legal entity* and the word *state* ('állam'), indicating that the state is based on a legal entity, which provides the right for the state to take actions. In other words, the state and the legal entity are interdependent, thus, the core question is who has the authority to define what the concept of the 'rule of law' stands for.

Paul Burgess (2017, 195-209) pointed out that there is a 'path dependency' where historical experiences and the legacy of ideas affect present political choices. It can be argued that the mixed heritage of ideas and practices may create a continuity of a mental framework about the possibilities and limitations of political elbowroom. Obviously, there are various

ideas and interpretations of the same events in every country at any one time, hence, presumably there exist parallel legacies producing alternative visions of elbowroom. The question is what historical baggage the ruling elite carries and what traditions it identifies with.

The Hungarian concept of the rule of law went through considerable changes in the last two centuries. The troubled status of Hungary being subordinated to the centralised Habsburg Empire (since the 17th cent.) had a profound impact on legal and political theory. Due to the impact of Enlightenment, the rule of law became associated in early 19th century with the notion of *'közjog',* meaning simultaneously *constitutionalism* and *public law*. The ultimate aim of the subjugated country was to achieve constitutional status and limit the jurisdiction of the Emperor, who legally possessed the country. On the other hand, 'közjog' also pointed towards the state's functions to maintain law and order, i.e., to protect individuals from each other – but not from the state. (Balogh 1914)

The first theoretical change appeared during the revolution and freedom-fight in 1848-49, with discussions linking independence with modernity. The *April Laws,* the first Constitution (1848. évi III. törvény), was an attempt to lay down the principles of a modern state acknowledging civic freedom, popular representation in Parliament and equality before the law. (Csizmadia 1981, 289-311) The uprising was later called a '*civic revolution'* due to its modern liberal legislative aspirations.

The freedom-fight and the civic idea, however, failed, and Hungary was re-integrated into the Habsburg Empire. In 1867, the centralised Empire was transformed into the Austro-Hungarian Dual Monarchy, and Hungary was granted an autonomous Parliament. The Monarch, nevertheless, participated in the legislative process, governmental policy, state administration and jurisdiction (1867. évi III. törvény). Due to this extended royal authority, Hungarians believed that only strong state institutions could limit the Monarch's dominion. Consequently, a new political practice emerged, relying on two premises: the stability and consistency of the political line and preservation of formal parliamentary institutions. This meant that the principle of free elections was respected and weak parliamentary opposition tolerated but it was practically impossible to replace the ruling elite. Governance continuity was acquired by elite networks based on personal dependencies that eventually overruled the formal legal and parliamentary system. The judiciary was closely integrated into the administration. (Szente 2011, 329-374; Tölgyesi 2016, 17-20)

This model was developed by PM Kálmán Tisza (1875-1890) who cemented the long reign (1875–1905) of his 'Liberal Party' (Hung. Szabadelvû Párt). The Tisza-administration concentrated power, created a modern police force to curb civic rights movements, limited the freedom of media and assembly, furthered nationalist policy, and supported Hungarian economic ownership in a multinational country. The liberals' demand to separate the executive power from the judiciary to protect the individuals from the arbitrariness of state power met stubborn resistance from the government claiming that the administration did not need judiciary control. The political elite influenced by Friedrich Julius Stahl's *Rechtstaat*-theory, opposed the Rousseau-an idea of people's sovereignty because it indicated political and legal equality. From the governing elite's perspective, individuals belonged to the realm of civil rather than the public law, thus, they had only responsibilities (taxes, military service, obedience) towards the state whereas the state's duty was to maintain law and order. (Balogh 1914, Frändberg 2014, 1-9)

After WWI, Hungary regained independence. Hence, the need for strong executive power designed to counterbalance the Monarch disappeared. Nonetheless, the Hungarian elite did not choose civic modernity. Frightened off a short but drastic communist experiment in 1919, and the chaotic pluralist experiences in neighbouring Austria, the interwar administrations decided to continue the Tisza-model, which represented political stability by strong centralized power of a dominant party. (Ablonczy 2009, 167-185) Consequently, parliamentary processes were systematically downplayed by the executive power, and the concentration of power gradually led to authoritarianism towards the WWII. After the war, the new constitution of 1946 (1946 évi I. törvény) promised change by declaring the principles of a democratic republic, but the communist take-over in 1948 ended these hopes.

The communist political system established in the Soviet sphere ironically resembled the Hungarian political traditions emphasizing the strongly centralised state, the position of the dominant party and the role of executive power over the Parliament and judiciary. The Politburo was the absolute power-centre, formally delegated by the assemblies of party representatives, a show-window instrument in the top-down hierarchy. The communist party declared that its power was rooted in the Rousseau-an people's sovereignty, which nullified the need for checks and balances of the Parliament, the Constitution or the judiciary, although these relics were still maintained as the institutions of the government. In contrast to the Western liberal understanding of the rule of law as legal guarantee of individuals' rights vis-à-vis the state, the communists prioritized social justice as a core principle of

legality. From 1983, however, the communist leadership recognised the need for a more efficient governance due to overlapping tasks between the party and state organisations. The drive for efficiency led to discussions of dividing the executive and decision-making branches and, in order to investigate the subject further, a Constitutional Council was established. (1983. évi II Alkotmánymódosító tv.) The Council provided a channel for legal experts to expedite the constitutional process in the name of the party's modernisation drive. This process ended in a negotiated revolution bringing down the communist system. (Holló 1993, 61-107)

Tradition of the lawyer politician

Law and politics have been historically interdependent subjects in public and academic discourse. This is partly due to the fact that law faculties traditionally provided education in political science because matters of the state were associated with the realm of legality from the 17th century until the mid-1980s. Actually, law faculties are still called '*Faculty* of *State and Legal Science*' (Hung. Állam- és Jogtudományi Kar) – 'science' in singular, as these subjects were one discipline. The first law faculty was established in 1667 and political science was taught as *Politico Cameralis,*[1] a practically oriented subject producing the personnel for public service. It taught the knowledge of public good, treasury and governance. After the failed fight for independence, Politico Cameralis was renamed *political sciences* in 1849*,* focusing on surveillance, state administration and finance. The role of political sciences was to maintain the stability of state power, public order, in other words, *law and order* until WWII. (Eckhart 1936; Samu 1972; Samu and Szilágyi 1985, Artz 2004)

The utilitarian understanding of governance as sheer legal technique was maintained by those who studied law. Lawyers also self-evidently entered the sphere of politics, a phenomenon that the Hungarian political theorist István Bibó (1986, 60) called the '*lawyer politician*'. The legal profession has been respected in the Hungarian political tradition ever since the 1820s, a decade that marked the awakening of public consciousness. Until that time, only the aristocrats with considerable means were able to enter political life. Now, thanks to the practically oriented Politico Cameralis education, it became customary that modest gentry families sent their sons to study law to pave their way to well-paid jobs in state administration. Practical understanding of state matters and legal knowledge provided

a useful blend for public life. Important political figures of Hungarian history (Lajos Kossuth, Ferenc Deák, Gyula Andrássy)[2] were educated in law schools as were, for example, the core agents of national culture, the grand old men of *belles lettres* (Ferenc Kölcsey, Mór Jókai, Kálmán Mikszáth, Zsigmond Móricz, Károly Eötvös). The memory of these great personalities has been a central piece in the national canon until today. This remembrance contains also an immanent message: in order to become a respected member of society – in whatever field – it is good to have a background in legal studies. In the Austrian-Hungarian Dual Monarchy (1867-1918), 60 % of all university students were studying law, dropping only slowly to 30 % by the interwar period. (Fónai 2016) Lawyers enjoyed a special prestige in society as professionals of the '*secret art'*: until 1830, the language of law was Latin, thus, people relied heavily on lawyers if they wanted to get justice, particularly against state bureaucracy.

After WWII and the communist take-over, the education of political science was reduced to introductory courses of political thought with strong ideological interpretation. This started to change only in the 1980s when socialist market economy, entrepreneurship and individual interest gained more space, and required legal recognition. This new development brought up the need to re-evaluate also the political sphere theoretically. The *Group of Politology* was established in 1984 in the Budapest law school, aiming to carry out a paradigm-change. The Group later in 1989 evolved into a *Department of Politology,* and only as late as 2001 it finally was detached from the legal faculty. (Artz 2004)

The Fidesz was created mostly by law students in 1988 in the Budapest law school. The inner circle of the party leadership today still leans primarily on the old law-student fraternity. (**See Appendix: Table 1**) What is striking in this data is that the party elite graduated between 1983 and 1987[3] thus there was not much time to get acquainted with the modern political thinking of the newly founded Group of Politology in 1984. This indicates that the basic knowledge of these people relied mostly on the traditional paradigm of statecraft, predating 1984. As mentioned earlier, this tradition was rooted in the centralised state and monolithic party structure, rooted way back in the 19th century but continued in the interwar period and further strengthened by the communist system.

Challenging the communist rule started to take off in the mid-late 1980s. While academic political knowledge was still scarce and ideologically tainted, an influential collective of law students was organised in 1983, discussing state-citizen relations. The *Bibó College* (Hung.

Bibó Kollégium)[4] started as an intellectual endeavour but it soon evolved into political activism: the Fidesz was founded in the premises of the College, as a symbol of the legal-political socialisation of young people there. István Stumpf, who participated in the debates and became a personal advisor for Viktor Orbán for years, stated that the new generation of lawyers learned how to use the law against the party-state. The Fidesz-elite saw the systemic change as a legal process where law finally conquered politics. (Stumpf 2016, 312-313)

This was in line with the reformist Zeitgeist of the late communist period, witnessing the growing political significance of the legal profession. From the early 1980s, private citizens could win civil lawsuits against the communist state, which increased the general trust in the lawyers' finesse to protect ordinary people against power. The image of legal know-how became especially elevated during the reform process which led to the change of the communist system. Already from the mid-1980s, as discussed earlier, the leadership allowed legal experts to participate in the modernisation project of governance. It was after all *scientific communism* that valued academic knowledge of the legal experts. Since direct political criticism was out of the question at that time, the only safe way to expand the political elbowroom was to bring the debates to the level of legal technicalities. The '*secret art*' of the incomprehensible legal language played a huge part in the political transformation process. The lawyers could direct the course of discussions and smuggle in modern Western understanding of the rule of law. (Holló 1993, 39-61, 75-107) The success of the legal experts in this phase paved the way for the *Round Table Negotiations* where the opposition and the communist elite using precise legal knowledge laid down the principles of a new system. The Fidesz, as a young force, was able to participate in this process because they had legal training.

The 'negotiated revolution' carried out behind closed doors (see the next section of this article) made the whole process unapproachable for the common man, which further strengthened the image of *legal expertise* as seemingly necessary in systemic change. Later during the transition, it was public knowledge that the Parliament was a 'legislative' organ – thus legal expertise was inevitable. The general trust in the legal community is apparent if we examine the educational background of the Members of Parliament. (see **Appendix: Table 2**) It becomes clear from this data that the Fidesz has more legally trained MPs than any other party. The Fidesz identified itself as a party of experts where legal knowledge was particularly valued. (Szájer 1998, 104-106) On the eve of the Fidesz's landslide victory in

the 2010 Parliamentary election, the most popular field of higher education with a 54,2 % increase was legal and administrative studies (Felvi.hu). In 2013, a year before the re-election of the Fidesz, the second most popular choice of Hungarian parents for their children was the legal profession with 17 %. (Napi Gazdaság 2013)

The collapse of the communist system with the innovative use of law was a decisive experience for the Fidesz. As Stumpf reminded, the socialisation at a fairly young age bore tremendous relevance on the later formulation of this generation's political behaviour. (Stumpf 2016, 311) Equally important for the political upbringing, however, was that the Fidesz-generation grew up in the communist system, displaying characteristically limited tolerance to different ideas. As one of the founders of the Bibó College, the political scientist László Kéri recalled that Viktor Orbán and his comrades could not stand divergent thinking and this impatience reminded Kéri of the aggressive, enemy-seeking Stalinist enthusiasts of the 1950s. (NOL: Szeplötlen) Later Stumpf (2016, 316) admitted that the Fidesz-leadership perceived politics as a battleground where ruthless exploitation of power positions was inevitable.

In this regard, it is not even surprising that the Fidesz was in the beginning an *exclusive political group,* with an age limit of 36 years. This rigidity is still reflected in the party's name, Fidesz (**Fi**atal **De**mokraták **Sz**övetsége) the '*League of Young Democrats*'. The age limit was, of course, abandoned in 1993 when the party elite started to become 30+ and also because the Fidesz turned to national conservativism, leaving behind the initial liberal agenda. (Pataki 2013) The conception of the rule of law of the Fidesz-elite changed with aging, as well. After forming a coalition government in 1998, it became obvious that the Fidesz felt uneasy with the legal obstacles on politics, defined by the rule of law (Stumpf 2016, 314-316). Hungary was, however, in the middle of negotiations with Western institutions (joining the NATO in 1999, and the EU in 2004) hence to take an open stand against Western values was unwise in that international context. Losing power after one parliamentary period in 2002, was a turning point in the readjustment of the concept of the rule of law.

In 2006, Viktor Orbán, the unquestioned leader of the Fidesz since 1988, declared that while the central category of public discourse in the 1990s was 'jogállam' (rule of law), people did not realise what a downgrading of democracy it was. Instead of relying on the rule of law, Hungary should turn to its historical traditions and construct a state on culture. The rule of

law is based on individual suspicion which is why people turn for shelter from the law. In contrast, the state of culture is built on trust in the community. (Orbán 2006) Later Orbán began to use the rule of law in its technical meaning, a state where a legal framework exists and legal procedures require proofs, referring directly to *law and order*. (Orbán 2014b) After the Fidesz won a two third majority in the 2010 parliamentary elections, the rule of law was seen as '*judiocracy',* the dominance of the judiciary, and the main culprit was the Constitutional Court which had acquired control over legislative and executive processes. This disproportionate judicial power limited the realisation of the 'sovereignty of the people'. (Pokol 2015) Interestingly, this interpretation resembles the communist definition of the rule of law, where the party embodied the will of the people. The theorization of the subject entered a new phase after 2014, due to frequent clashes with the EU. The Fidesz think-tank *Századvég-institute* produced an overview of the international development of the idea. They argued that since the EU lacked a common definition of the rule of law, and the conceptions of the member states differed, Hungary was fully entitled to rely on its own legal traditions and interpretations. The Western concept was only an *export good* that Hungary had the right to resist. (Orbán – Palkó 2016) According to László Trócsányi, the Minister of Justice (since 2014), there is twofold debate in the EU: a legal and a political one. Hungary's interest is to focus on legal discussions since the country's laws are formally EU-compatible. Threats are embedded, on the other hand, in the political value-based accusations that escape precise legal assessment. (Trócsányi 2014, 9-15)

The Democracy-Problems of Democratic Transition

The systemic change and the post-communist transition laid down the grounds for the new democracy in a rather undemocratic way. The peculiarity of the Hungarian negotiated revolution in 1989 was that the majority of the citizens never even heard about the parties, which decided, with the outgoing communists, about the principles of transformation. Thus, when evaluating the current rule of law -situation, it is highly significant to take a look at what kind of democratisation process preceded it.

The philosopher János Kis (2000) described the change of the communist system as 'coordinated transition' where the existing power was trembling, but law and order could be preserved due to mutual understanding of political groups within and outside of the

institutional establishment. In 1988–1989, it became fairly obvious that the old regime had already lost its legitimacy but the self-made, self-declared *democratic opposition* had not yet acquired it. The vacuum of legitimacy, however, was not a big problem for any political force around the negotiating table. The aim was to produce outlines for the new system – as this exclusive circle saw it fit – and gain legitimacy for the undertaking afterwards in the first free elections in 1990. Although officially the legislation of the new Constitution was the task of the first Parliament, nevertheless, the constitutional process had already started and as became later obvious, the new Parliament only made formal modifications. (Ripp 2006; Tóth 2003, 96-112; Tökés 1998, 263-414)

In other words, the first post-communist Constitution in 1989 (1989 évi XXXI. törvény) was mainly due to a non-legitimate process conducted by non-legitimate actors.[5] For them, it was therefore important to secure positions in the first Parliament to finalize and authorize the previous constitutional work. Hence, the self-appointed new political elite and the representatives of the old regime created an Electoral Law, suitable for themselves, defining a relatively high electoral threshold of 5 %. Thus, it was hardly surprising that those who negotiated the regime change were the parties in the first Parliament. As a roundtable negotiator, the 'democratic opposition' had much publicity and hence enjoyed a considerable head start over the mushrooming new parties in the first election.

The new Constitution revealed the difficulty to reach a compromise among the political groups. The liberal politicians offered a mixed Western model, combining mostly German and British principles of the rule of law (e.g., Parlamentarism, division of power, checks and balances, weak presidential office, strong local self-governance, human rights). The conservatives wanted to respect Hungarian constitutional continuities from the pre-communist period, the governance and the Republic as state-formation (1946 évi I. törvény). Looking at it from the opposition's perspective, in 1989 there was still much uncertainty if the communist leadership could be really trusted to leave power. Due to this lack of confidence, checks and balances were emphasised, based on a heavy amount of *fundamental laws* (Hung. 'sarkalatos törvények') requiring a two thirds majority in the Parliament. (Balogh 2014) As it turned out later, this produced grave disfunctionality in the legislative practice. (Bihari 1998, Pokol 1998)

The most important issue that all parties agreed upon was that the collapse of the communist rule should be a controlled process, in order to avoid any outbursts of violence. The parties

were in consensus that the first government should work in peace, in order to face the massive task of establishing a new political system. Hungarians were conscious of the dangers that a fragmented Parliament or a weak government could lead to – premature elections and frequent changes of governments. They wanted stability and thus, the *majority principle* was constructed which would guarantee considerable power for the governing political force: the party that wins the most votes should be supported with relatively more seats in the Parliament than the actual number of votes would normally entitle. (Tóth 2006)

This early transition agreement efficiently secured stability: in fact, Hungary was the only state in post-communist Eastern Europe between 1990 and 2018 that could avoid pre-dated elections. Lending a fair majority of seats in Parliament was, however, already in 1994 out-dated practice, but it was just all too convenient for every party competing for power. In practice, by acquiring about 35 % of all votes a party could enjoy 53 % of *absolute majority*, which entitled the power-holder to change laws, except fundamental laws or the Constitution, which require a two-thirds majority. This led to short-sighted legislation where the governing parties manufactured laws in their own interests and the successor parties modified them in the next term. The Constitutional Court controlled the quality of the law-production but was unable to tame hectic legislation.

The irony is that the *majority principle* actually contradicted with the consensual decision-making procedure that brought it into life. The opposition became gradually marginalised. By the early 2000s, this political culture created a bipolar party-system where the Socialists and the Fidesz dominated the landscape and the rest of the parties were forced to ally with one of them.

Ever since the negotiated revolution, carried out by an exclusive circle of self-appointed representatives of the people defining the rules of the game for the party system, the conduct of power has been elitist through the 1990s and 2000s. Hence, there is a considerable distance between the parties and their electorates. It can be argued that the EU requirements for democratisation were delivered by fast legislation processes but the understanding of democratic values was lacking. Due to the political elite's ignorance, democratic thinking did not penetrate the minds of the wider public either.

Majority rule, furthermore, provided the possibility to strengthen executive power at the expense of the Parliament. The ruling party, enjoying majority in Parliament, demanded new

laws to ensure its Government's political line. Hence, the executive power made incentives and pushed them through the legislative process. The practice of strong governments, without democratic traditions, gradually blurred the division of power. The Fidesz made this development – that was already coded in the Hungarian political system ever since 1990 – only transparent after 2010.

Ruling by Law: the Orbán-administration

The stage was set when the Fidesz won the 2010 elections with a two thirds super majority, acquiring 258 out of 386 parliamentary seats. The significant change that the Orbán administration carried out was twofold. In the first phase, the government accelerated the on-going process of mixing legislative and executive powers and by concentrating administrative positions in Fidesz-hands. The party started to shift the boundaries of the so far protected independence of the judiciary. In the second phase, which overlapped temporally with the first but had a distinctive agenda, the Fidesz cemented a new ideology and a new direction for the country, by which it aimed to secure its choice of a tradition-bound governance model.

First Phase: Fidesz-revolution

The new PM Viktor Orbán declared that this was a *revolution of the polling booths* and he intended to live up to the mandate the people gave him. (Orbán 2010) The bipolar party-system soon evolved into the hegemony of one party – continuing the long political tradition reaching back to the Tisza-model in the 19th century. Since the Fidesz enjoyed a two thirds super majority, it could modify any fundamental laws. Jothie Rajah (2012) pointed out that authoritarian transition can be orchestrated by sheer legislative processes: legal initiatives can undermine political opposition, freedom of the media and civil society. Gradually confusing the concept of the rule of law with *ruling by law*, and *law and order* by blurred vocabulary, the end-result, as in Rajah's study of Singapore, was guaranteed. This process, perhaps, was even easier in Hungary where the ordinary citizen associated the rule of law with Parliamentary legislation. (Stumpf 2016)

In 2011, the Fidesz came up with a new constitution, the Basic Law (Hung. *Alaptörvény*). It was passed in the Parliament within 6 weeks, without any willingness to reach consensus

with other parties. In practice, the Fidesz alone laid down the new constitutional basis of the country. Hungary was no longer a *Republic,* conservative religious and nationalist values were introduced and citizens' freedoms curbed. (Magyarország Alaptörvénye, see also Arató 2012, Opinion 2012) In addition, the Electoral Law and the status of the Constitutional Court were also changed, one-sidedly. The Fidesz redrew the electoral geography by gerrymandering which weakened the opposition parties, and reduced the number of MPs from 386 to 199. The Electoral Law was designed to favour the ruling party against the opposition. (Választójogi törvény) The constituency of the Constitutional Court was altered, even though the Basic Law now provided a completely new legal framework for the Court. (Gárdos-Orosz 2016, 442-479)

The Fidesz selection of the Attorney General and the President of the country were dubious signs: whereas the attorneys decide which cases get a court-hearing, the President has the right to veto laws passed by the Parliament. The government hit the judiciary by sending judges to early retirement but this time the attempt was nullified by prompt EU reaction. This, however, did not discourage the leadership. It issued a new regulation making the transfer of lawsuits from one court to another possible. This helped to move politically sensitive cases to politically loyal courts. While the attack against the independent judiciary has been fierce, there still exists a stubborn resistance against political subjugation by some individual judges. (Bence and Badó 2016, 415-441; Hack 2016, 480-502)

Concentration of power emerged also in state administration: ministries were manned with loyal servants such as the leading positions of the Tax and Custom authorities and the National Electoral Committee. The so far autonomous National Bank was now closely integrated to the party. New central offices were created to assist the centralisation endeavour or old ones got new jurisdiction. National broadcast companies were cleared of disloyal journalists, turning the media to propaganda instruments. This action alone efficiently affected the people's access to free information.

It was *the most stable democracy* in the EU – as the PM Viktor Orbán assessed the Hungarian political situation – and he was right: the Fidesz won the 2014 and 2018 elections easily. As a matter of fact, the Fidesz has won all elections organised since 2010 – including European parliamentary and local elections.

Second Phase: System of National Cooperation

The Parliamentary elections of 2014 did not grant the Fidesz two thirds of votes but a fair majority, 133 seats out of 199. After the new Basic Law, the ruling elite did not need more seats since a business-as-usual type of legislation relied on a simple majority. Ever since the Basic Law was issued, parliamentary work turned into a '*fluid legislation':* whenever the government ran into a legal obstacle, the leadership did not modify the intended policy but instead it changed the laws to serve day-to-day politics. The outcome was technically shabby, instant legislative process often creating inadequate, *ad hoc laws*. This situation, on the other hand, indicated that the actual political line was more stable than the legal system – the policy-reactive legislative process gradually undermined the consistency of the legal system because the ad hoc laws were often incompatible with each other and the logic of the legal framework. (Fleck 2013, 143-153)

Manufacturing laws reveals a profound contempt of parliamentary democracy and radical change even in the nature of majority rule: it can be argued that by 2014 the Parliament as representative power lost its significance entirely. The situation was actually reminiscent of the Parliament under communist rule. In contemporary Hungary, while there is still a multiparty system and free elections, the sphere of politics is dominated by an uncompromising party. Some would remind the reader that this is a classic example which Levitsky and Way (2010) called 'competitive authoritarianism' where the outer framework of democracy is still maintained but the actual political conduct not only runs against its values but strengthens the hegemonic power position. Looking back to the long durée of Hungarian governance traditions, it can be argued that this modus operandi was actually invented already during the 19th century and kept alive ever since.

This confidence in the Fidesz leadership is partly due to the *System of National Cooperation* (Hung. Nemzeti Együttmüködés Rendszere, NER). This was introduced already in 2010 during the preparation phase of the new Basic Law that lacked any consensus in the Parliament. In order to neutralise criticism and to show that the government was supported by popular consent outside Parliament, the party started a new trend of seeking justification by plebiscite. (Tóth 2011, 245, Balogh 2014, Freedom of the World 2017) Since 2010, whenever the Fidesz has faced serious criticism – especially from the EU – the leadership turned to the people for backing, like in 2016 against asylum quotas and in 2017 against George Soros, who supports migration policy, according to the Fidesz. Previously, a referendum was issued by the government in 1997 about Nato membership and in 2003 about joining the EU. A plebiscite is typically a political instrument of the opposition trying to

impose pressure on the ruling elite. Now, it is a circumvention of international obstacles by passing political responsibility to the people. (Róbert 2016)

The *System of National Cooperation* had, however, a wider perspective. After concentrating power in state administration and downplaying the role of the Parliament, the ruling elite started to also restructure economic ownership. (Mihályi 2015) The purpose of this policy was to widen the popular basis for the Fidesz by transferring economic assets and building a pyramid of gratitude. This was carried out by a re-privatisation scheme where rented state-owned lands and business-chains were withdrawn from holders and conveyed to Fidesz-sympathizers. Similarly, media-ownership was transformed, and commercial TV-Radio channels and printed media of the opposition were driven to bankruptcy by taxation, denying state ads and threatening companies, depending on the government, from advertising in the 'wrong media'.

NER, on the other hand, had a *renationalising agenda* vis-à-vis the international economic actors. The Hungarian banking sector was one of the first spheres that was almost entirely privatised to foreign investors by the mid-1990s. Now, the Orbán administration began to acquire Hungarian ownership in the banking sector (for instance in Magyar Kereskedelmi Bank, Budapest Bank, Takarék Bank). (Fekete 2014) Similarly, gigantic international chains were seen as hurting the interests of Hungarian agricultural producers and retailers. Hence, using creative taxation the ownership structure could be affected. This line of policy is also an ideological statement against the way privatisation was conducted in Hungary during the 1990s. The massive rush of multinational companies created unfair competition with a devastating impact on Hungarian entrepreneurs just taking off after the communist period. Now, reclaiming some of the assets to Hungarian ownership can be seen as ameliorating the situation. On the other hand, the renationalisation of economic assets is a classic means of extending state control over resources, consistent with the centralising endeavour.

The increasing national emphasis of the NER is present actually in every sphere of society – not unlike during state socialism. Education and cultural life are re-ideologized. Education affairs are now run by an agency controlling the curriculum, teachers' work and unified schoolbooks. The leaderships of popular cultural institutions (theatres, museums, societies) were recruited and the programs changed accordingly. (Bozóki 2013) There is even a 'new national economic theory' in the making led by György Matolcsy, the head of the Hungarian National Bank. He established an economic school independent of the academic sphere

that was uncooperative. Civic organisations have been labelled '*foreign agents*' if international financial connections were detected.

Politically, however, the most significant statement that crystallises the essence of the NER was PM Viktor Orbán's speech of *illiberal democracy* in the summer 2014. (Orbán 2014a) Orbán questioned openly the efficiency of the Western liberal system and stated that individualism and human rights were old-fashioned. He admired Russia, Turkey, China and Singapore which displayed dynamic economic development and maintained law and order. The concept of illiberal democracy was however not new but resembled the governance of the Tisza administration in the 19th century. Now, Orbán simply wrapped up an old idea into modern political language. Being fiercely criticised by the EU of weakening the rule of law, reactivated an old state of mind from the 19th century when strong state administration was needed to preserve the autonomous position of the country. Developing an accentuated nationalist agenda (NER) served the need of self-assurance first in the domestic sphere that could be used later as argument of sovereignty in the international context.

Conclusion

Fareed Zakaria (1997) described illiberal democracy as democratically elected regimes that routinely ignore constitutional limits on their power and deprive their citizens of basic rights and freedoms. The Hungarian case shows that we are entering a new phase where democracy is not destroyed by bare force as during the communist take-over but through fine-tuned legal processes. So, technically speaking it is exactly the 'rule of law' causing the problem and the inevitable question arising: when is too much *legislation* becoming a means of authoritarian development, or when does the overwhelming dominance of law turn against democracy?

Law – and especially the 'rule of law' – is always a reflection of societal evolution, a human product. Thus, the greatest challenge that also the EU had to acknowledge, is the difficulty to define exactly what the rule of law should mean in every country – irrespective of national traditions. (European Parliamentary Assembly: 1594/2007 Decision) To overcome the problems of terminology, different means have been invented to create a common value-base in this matter. Hence, the Venice Committee produced a catalogue listing the main normative principles of the rule of law. (Venice Committee's report, March 26, 2011) These

attempts unfortunately did not foil the basic characteristics of these principles: their interpretative-ness. In addition, the main control over the existence or lack of the rule of law is of the jurisdiction of the national constitutional courts.

In this article, we discussed the historical ideational and institutional roots of current development. Since the 19th century, there is an apparent continuum in the Hungarian legal thinking and political practice, according to which the integrity of the country required the safeguarding of the stability of state power that could only maintain legality, law and order. This ultimate goal was furthered by different ideologies, such as the contemporary nationalist trend. In addition, it was believed that the wisdom of statecraft required legal training that could enable the politicians to navigate against all odds for the benefit of the country. The present modus operandi of governance is closely related to the lawyers' rule. They relate to the Parliament as a plain instrument providing the necessary legal means for governance, and the legal system for them is genuinely a technicality. This study claimed that without *negotiated transition* as an elitist endeavour that prepared the ground for an imbalance between legislative and executive power – we perhaps would not witness the making of an illiberal democracy today.

Appendix

Table 1: The Fidesz elite since 1988. *Old guard* refers to the original founding fathers still in leading positions and the new comers that joined the party later. Of the original 36 founding members 10 were from Budapest law school. They are not listed here because of a later breach with the party or insignificant roles in the party. In addition to lawyers there are some central figures of the old guard who are economists – such as Zsolt Németh (b.1963), Lajos Kósa (b.1964). Interestingly, amongst the newcomers there are more and more economists such as Péter Szijjártó (b. 1978, currently Minister of Foreign Affairs) and Antal Rogán (b. 1972, currently Head of Cabinet of the PM).

Name	Born	Studies	Current Position (in 2018)
Old guard			

Áder, János	1959	ELTE, Law Faculty, Budapest, graduated 1983	President of Hungary
Deutsch, Tamás	1966	ELTE, Law Faculty, Budapest, graduated 1992	Member of the European Parliament
Kövér, László	1959	ELTE, Law Faculty, Budapest, graduated 1986	Speaker of the Parliament
Orbán, Viktor	1963	ELTE, Law Faculty, Budapest, graduated 1987	PM and the leader of the Fidesz
Szájer, József	1961	ELTE, Law Faculty, Budapest, graduated 1986	Member of the European Parliament
New Comers (joined Fidesz in year…)			
Fónagy, János (1993)	1942	ELTE, Law Faculty, Budapest, graduated 1966	Parliamentary State Secretary
Gulyás, Gergely (2006)	1981	Pázmány Péter Catholic University, Law Faculty, graduated 2004	Minister of PM's Office
Lázár, János (2000)	1975	József Attila University, Szeged Law faculty, graduated 1999	Ex-Minister of PM's Office, now MP
Navrasics, Tibor (1998)	1966	ELTE, Law Faculty, Budapest, graduated 1990	European Commissioner for Education, Culture, Youth and Sport
Polt, Péter (1993)	1955	ELTE, Law Faculty, Budapest, graduated 1980	Attorney General
Stumpf, István (close to the party since 1995)	1957	ELTE, Law Faculty, Budapest, graduated 1982	Member of the Hungarian Constitutional Court
Semjén, Zsolt (2006)	1962	Pázmány Péter Chatolic University, Law Faculty, graduated 1992	Deputy PM
Fazekas, Sándor (1989)	1963	József Attila University, Szeged Law faculty, graduated 1987	Ex-Minister of Agriculture (2014-2018), Ex-Minister of Rural Development (2010-2014), now MP
Trócsányi, László (1998)	1956	ELTE, Law Faculty, Budapest, graduated 1985	Minister of Justice
Vidoven, Árpád (1998)	1974	József Attila University, Szeged Law faculty, graduated 2002	State Secretary of Administration
Kovács, Zoltán (1998)	1957	ELTE, Law Faculty, Budapest, graduated 1985	Government Spokesman
Takács, Szabolcs	1971	Pécsi Tudomány Egyetem, European Law, graduated 2002	State Secretary of EU Affairs

(2002)			
Vitályos, Eszter (2006)	1979	Pázmány Péter Catholic University, Law Faculty, graduated 2006	State Secretary of EU Investments

Table 2: Members of Parliament (MP) with background in legal studies.

Parliamentary periods	**Total number of MPs**	**Number of all MPs with legal background** (including Fidesz MPs)	**%**	**Number of Fidesz MPs**	**Number of Fidesz MPs with legal background**	**%**
1990-1994	386	74	19	22	9 -12[6]	41-55
1994-1998	386	73	19	32	10	31
1998-2002	386	81	21	163	40	25
2002-2006	386	87	23	188[7]	49	26
2006-2010	386	84	22	164[8]	41	25
2010-2014	386	86	23	263[9]	63	24
2014-2018	199	66	33	133[10]	46	35

Sources: This summary is based on the authors' calculation, with the help of Mr. Barnabás Populás, relying on the data of '*A Magyar képviselök listája*' between 1990 and 2018.

References:

Ablonczy, Balázs. 2009. "Bethlen István és Teleki Pál konzervativizmusa." In *Magyar Jobboldali hagyomány 1900-1948,* edited by Romsics, Ignác. Budapest: Osiris, 167-185.

Arató, Andrew. 2012. "Regime Change, Revolution, and Legitimacy." In *Constitution for a Disunited Nation, On Hungary's 2011 Fundamental Law,* edited by Tóth, Gábor Attila, 35-46. Budapest-New York: Central European University Press.

Artz, Ilona. 2004. *A 'Politikatudományok' oktatása az a Budapesti Egyetem (ELTE) Jogi Karán és Elödintézményeiben*. Budapest: Rejtjel Kiadó.

Balogh, Arthur. 1914. *Jogállam*. MTA Székfoglaló Értekezések a Társadalmi Tudományok köréböl, XIV. Kötet 8. Szám. Budapest: MTA.

Bence, Mátyás – Badó, Attila. 2016. "A magyar bírósági rendszer hatékonyságát és az ítélkezés színvonalát befolyásoló strukturális és személyi feltételek." In *A Magyar Jogrendszer Állapota*, edited by Jakab, András and György Gajduschek, 415-441. Budapest: MTA Társadalomtudományi Kutatóközpont.

Bibó, István. 1986. *Válogatott tanulmányok II, 1945-1949*. Budapest: Magvetô.

Bihari, Mihály. 1998. “A politikai rendszer jellege és a hatalom szerkezete, 1988-1998.” In *Magyarország évtizedkönyve 1988-1998,* edited by Kurtán, Sándor, Péter Sándor and László Vass, 385-408. Budapest: Demokráciakutatások Magyar Központja Alapítvány.

Bozóki, András. 2013. “Családi tüzfészek. A kultúra a szimbólikus politika fogságában.” In In *Magyar Polip: A Posztkommunista Maffiaállam,* edited by Magyar, Bálint*,* 346-367. Budapest: Noran Libro.

Burgess, Paul. 2017. “Neglecting the History of the Rule of Law: (Unintended) Conceptual Eugenics.” *Hague Journal of the Rule of Law*, 9 (4): 195-209.

Chakrabarti, Dipesh. 2000. *Provicializing Europe: Post-Colonial Thought and Historical Difference.* Princeton, NJ: Princeton University Press.

Cheesman, Nick. 2017. “Taking the Rule of Law’s Opposition Seriously.” *Hague Journal on the Rule of Law*, 9 (1): 29–44.

Cheesman, Nick. 2015. *Opposing the Rule of Law: How Myanmar Court make Law and Order*. Cambridge: Cambridge University Press.

Csizmadia, Andor. 1981. “A polgári forradalom és nemzeti szabadságharc idöszakának állama és joga.“ In *Magyar állam- és jogtörténet*, edited by Csizmadia, Andor, 289-315. Budapest: Tankönyvkiadó.

Eckhart, Ferenc.1936. *A jog- és államtudományi kar története 1667-1935*. Budapest.

Fleck, Zoltán. 2013. “A mafiaállam joga.” In *Magyar Polip: A Posztkommunista Maffiaállam,* edited by Magyar, Bálint*,* 143-153. Budapest: Noran Libro.

Fónai, Mihály. 2016. “A jogászok szociológiai jellemzôi: létszám, foglalkozás, kor és nem szerint.” In *A Magyar Jogrendszer Állapota*, edited by Jakab, András and György Gajduschek, 940-962. Budapest: MTA Társadalomtudományi Kutatóközpont.

Frändberg, Åke. 2014. *From Rechtstaat to Universal Law-State: An Essay in Philosophical Jurisprudence*. Dordrecht: Springer.

Fukuyama, Francis. 1992. *End of History and the Last Man*. New York: Free Press.

Gárdos-Orosz, Fruzsina. 2016. “Alkotmánybíróság 2010–2015.” In *A Magyar Jogrendszer Állapota*, edited by Jakab, András and György Gajduschek, 442- 479. Budapest: MTA Társadalomtudományi Kutatóközpont.

Hack, Péter. 2016. “Az ügyészség.” In *A Magyar Jogrendszer Állapota*, edited by Jakab, András and György Gajduschek, 480- 502. Budapest: MTA Társadalomtudományi Kutatóközpont.

Holló, András. 1993. *Az Államjogtól a jogállamig: A közjog 'forradalma'*. Budapest: Alapítvány a politikai kultúráért.

Kis, János. 2000. 'Reform és forradalom közt.' In *A rendszerváltás forgatókönyve, Kerekasztal-tárgyalások 1989-ben*, Hetedik kötet, edited by Bozóki, András - Márta, Elbert - Melinda, Kalmár – Béla Révész – Erzsébet Ripp – Zoltán Ripp, 96-113. Budapest: Új Mandátum Könyvkiadó.

Levitsy, Steven – Lucan Way. 2010. *Competitive Authoritarianism: Hybrid Regimes after the Cold War*. Cambridge: Cambridge University Press.

Mihályi, Péter. 2015. A privatizált vagyon visszaállamosítása Magyarprszágon 2010-2014. Mühelytanulmányok 2015/7, Budapest: MTA Közgazdaság- és Regionális Tudományi Kutatóközpont Közgazdaság-tudományi Intézet.

Pataki, Ferenc. 2013. *Hosszú menetelés. A Fidesz-jelenség*. Budapest: Noran Libro

Pokol, Béla. 1998. "Demokrácia, jogállam, konstitúcionalizmus. A magyar alkotmányos berendezkedés feszültségei." In *Magyarország évtizedkönyve 1988-1998,* edited by Kurtán, Sándor, Péter Sándor and László Vass, 409-417. Budapest: Demokráciakutatások Magyar Központja Alapítvány.

Pokol, Béla. 2015. "A jurisztokrácia és a demokrácia határvonalán." *Jogelméleti Szemle* 2015/4, (2015 December 15), 4-18.

Rajah, Jothie. 2012. *Authoritarian Rule of Law: Legislation, Discourse, and Legitimacy in Singapore.* Cambridge: Cambridge University Press.

Ripp, Zoltán. 2006. *Rendszerváltás Magyarországon 1987-1990*. Napvilág: Budapest.

Samu, Mihály. 1972. "Az elméleti tárgyak." *Az Eötvös Loránd Tudományegyetem története 1945-1970,* edited by Sinkovics, István, 224-248. Budapest: ELTE.

Samu, Mihály and Péter Szilágyi. 1985. "Az állam- és jogelmélet oktatásának története egyetemünkön." In *Az Állam- és Jogtudományi Kar szerepe a magyar jogtudományfejlődésében*, edited by Horváth, Pál, 313-392. Budapest: ELTE, ÁJTK.

Szájer, József. 1998. Jogállam, szbadság, rendszerváltoztatás: Beszédek, Írások, Dokumentumok 1987-1997. Budapest: DAC.

Szente Zoltán. 2011. *Kormányzás a dualizmus korában: A XIX. századi európai parlamentarizmus és Magyarország kormányformája a kiegyezés után 1867–1918.* Budapest: Atlantisz.

Tóth, Antal. 2003. *Revolúció. A Kelet-Európai átlalakulás politikai és gazdasági ismérvei: a Magyar példa.* Budapest: Új Mandátum.

Tóth, Gábor Attila. 2011. *Életfogytig szabadláb, Alkotmányjogi karcolatok*, Budapest: Élet és Irodalom.

Tóth, Zoltán. 2006. “A választási közvélemény-kutatások és a választópolgárok tájékoztatása – jogi és módszertani dilemma.” In *Mérésről mérésre. A választáskutatás módszertani kérdései*, edited by Angelusz, Róbert and Róbert Tardos, 394-406. Budapest: Demokrácia Kutatások Magyar Központja Alapítvány.

Tökés, Rudolf. 1998. *A kialkudott forradalom*. Budapest: Kossuth.

Tölgyesi, Péter. 2016. “Politika mindenekelött: Jog és hatalom Magyarországon.” In *A Magyar Jogrendszer Állapota*, edited by Jakab, András and György Gajduschek, 17-42. Budapest: MTA Társadalomtudományi Kutatóközpont.

Trócsányi, László. 2014. “Tagság, jogállamiság, EU.” In *Nemzeti identitás és alkotmányos identitás* edited by Jakó, Mira Anna, 9-15. Szeged: Szegedi Tudományos Egyetem, ÁJTK, Nemzetközi és Regionális Tanulmányok Intézete.

Zakaria, Fareed. 1997. ‘Rise of Illiberal Democracy.’ *Foreign Affairs,* Nov/Dec 1997, vol. 76. Nr. 6, 22-43.

Internet Sources:

Balogh, Éva. 2014. Alkotmányozási eljárások Magyarországon, 1989-2011. *Debreceni Jogi Műhely*, XI. Évfolyam/ 1–2. Szám. (2014. június 30.) Website: http://www.debrecenijogimuhely.hu/archivum/1_2_2014/alkotmanyozasi_eljarasok_magyarorszagon_1989_2011/ (downloaded September 20, 2017)

European Parliamentary Decision: The Principle of the rule of Law, Resolution 1597/2007. Website: http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=17613&lang=EN (downloaded September 26, 2017)

Fekete, Emese. 2014. ‘Melyik az az öt bank, amelyik túléli a kormányt?’ vs.hu: October 14, 2014. Website: https://vs.hu/gazdasag/osszes/melyik-az-az-5-bank-amelyik-tuleli-a-kormanyt-1015#!s0

Felvi.hu: A legnépszerübb szakok 2009-ben. Website: https://www.felvi.hu/felveteli/ponthatarok_rangsorok/jelentkezok_es_felvettek/nepszeru_szakok?itemNo=5 (downloaded October 15, 2017)

Freedom of the World (2017). Populists and Autocrats: The Dual Threats to Global Democracy. Freedom House Publication.
Website: https://freedomhouse.org/report/freedom-world/2017/hungary (downloaded October 15, 2017)

Magyarország Alaptörvénye: Nemzeti Jogszabálytár. Magyar Közlöny Lap- és Könyvkiadó Kft. Website: http://www.njt.hu/cgi_bin/njt_doc.cgi?docid=140968 (downloaded September 20, 2017)

A Magyar Országgyülési képviselök listája, 2014-2018. Website: https://hu.wikipedia.org/wiki/2014%E2%80%932018_k%C3%B6z%C3%B6tti_magyar_orszC3%A1ggy%C5%B1l%C3%A9si_k%C3%A9pvisel%C5%91k_list%C3%A1ja#cite_note-1 (downloaded September 2, 2017)

A Magyar Országgyülési képviselök listája, 2002-2006. Website: https://hu.wikipedia.org/wiki/2002%E2%80%932006_k%C3%B6z%C3%B6tti_magyar_orszC3%A1ggy%C5%B1l%C3%A9si_k%C3%A9pvisel%C5%91k_list%C3%A1ja (downloaded September 2, 2017)

Napi Gazdaság, Napi.hu, May 13, 2013, 'Mérnöki pályára küldenék a gyerekeket'. Website: http://www.napi.hu/belfold/mernoki_palyara_kuldenek_a_gyereket.553258.html downloaded September 2, 2017)

Orbán, Balázs – Palkó, Attila. 2016. "A jogállami univerzum tágulásáról és ennek veszélyeirôl." Mandiner, 2016 május 25. Website: http://jog.mandiner.hu/cikk/20160525_orban_balazs_palko_attila_a_jogallami_univerzum_tagulasarol_es_ennek_veszelyeirol

Orbán, Viktor. 2006. "Kész a stratégia: Mindenki mindenkiért." Népszbadság Online: http://nol.hu/archivum/archiv-395573-207648 (downloaded May 19, 2018)

Orbán, Viktor. 2010. *Speech April 25, 2010*. ATV Website: http://www.atv.hu/belfold/20100425_elvalasztottak_az_ujsagirokat_megszoritassal_kezd_a_gyoztes_valasztas_percrol_percre

Orbán, Viktor. 2014a. *Speech at the 25th Bálványos Summer Free University and Student Camp,* July 26, 2014, Website of the Hungarian Government, http://www.kormany.hu/en/the-prime-minister/the-prime-minister-s-speeches/prime-minister-viktor-orban-s-speech-at-the-25th-balvanyos-summer-free-university-and-student-camp

Orbán, Viktor. 2014b. "Magyarország jogállam, bizonyíték nélkül nincs eljárás." Napi.hu 2014. október 24. Website: https://www.napi.hu/magyar_gazdasag/orban_megszolalt_magyarorszag_jogallam_bizonyitek_nelkul_nincs_eljaras.588623.html (downloaded May 19, 2018)

Opinion on the new Constitution of Hungary, Adopted by the Venice Commission at its 87th Plenary Session (Venice, 17-18 June 2011), Council of Europe. Website: http://www.venice.coe.int/webforms/documents/CDL-AD(2011)016-E.aspx (downloaded September 20, 2017)

Róbert, László. 2016. *A Népszavazás Intézménye az Illiberális Magyarországon.* Political Capital and Friedrich Stiftung. Website: http://www.valasztasirendszer.hu/wp-content/uploads/PC_FES_Nepszavazas_Tanulmany_160629.pdf (downloaded September 28, 2017)

Stumpf, István. 2016. "Polgár és jogállam." In *A magyar polgár,* edited by Morcsányi, Géza and István Tóth, 311-320. Budapest: Tárki. Website: http://mek.oszk.hu/15300/15365/15365.pdf (downloaded May 18, 2018)

Szeplötlen Fogantatás. NOL Archívum. Website: http://nol.hu/archivum/archiv-20733-10120 (downloaded September 19, 2017)

Választójogi törvény: 2011.évi CCIII. törvény. Nemzeti Jogszabálytár. Magyar Közlöny Lap- és Könyvkiadó Kft. Website: http://njt.hu/cgi_bin/njt_doc.cgi?docid=142940 (downloaded September 20, 2017)

Venice Committee Report, March 26, 2011: European Commission For Democracy Through Law. Website: http://www.venice.coe.int/webforms/documents/CDL-PV(2011)001-BIL.aspx (downloaded September 25, 2017)

[1] The first university was established in 1635 in Nagyszombat, now territory of Slovakia, but the university moved to Buda in 1777. Politico Cameralis was taught first in the faculty of humanities from 1769 but after the university moved to Buda, the discipline was transferred to the faculty of law.

[2] Lajos Kossuth as PM became a symbol of the Hungarian revolution and freedom fight in 1848-49, Ferenc Deák was the key figure of the and creation of the Austrian-Hungarian Dual Monarchy in 1867, Gyula Andrássy first PM of Hungary in the Dual Monarchy.

[3] With the exception of Tamás Deutsch who was a drop-out but was persuaded by Viktor Orbán to graduate if he wanted a position in the leadership.

[4] István Bibó (1911-1979), lawyer and influential political theorist, who criticised the communist regime.

[5] There is a debate over the first constitution because it was technically a modification of the old constitution of the communist era but the content changed completely.

[6] Due to the breach in the party some MPs left and new ones came due to the changes in party-profile.

[7] In alliance with the center-right Hungarian Democratic Forum (MDF)

[8] In alliance with Cristian Democratic Party (KDNP)

[9] Ibid.

[10] Ibid.