

Protesting the “slave law” in Hungary: The erosion of illiberal hegemony?

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In recent weeks, Hungary has again made international headlines. This time, it was a popular movement born out of resistance to the latest rewriting of the labor code—which the ruling Fidesz party had already modified in 2011 to the benefit of employers—that made the news. On 12 December, amid chaotic scenes in the National Assembly (where opposition MPs sought to obstruct the voting procedure), Fidesz passed a law that raises the maximum amount of overtime employees can work from 250 to 400 hours a year, and gives employers the freedom to delay payment for overtime work by up to three years. A similar amendment had already been proposed last year but was quickly withdrawn after the government realized the unpopular measure could dent Fidesz’s popularity in the run-up to this spring’s parliamentary election. Off-the-cuff comments made by Fidesz representatives have revealed that the law was reintroduced to satisfy German carmakers who are facing an increasingly acute labor shortage in a low-wage economy that a sizeable segment of the labor force has left behind to take up better-paid work in Austria, Germany, and other Western European countries.

The ruling party was thus caught with its pants down, and its otherwise formidable propaganda apparatus struggled to uphold the discourse of the “work-based society” that Fidesz had devised to legitimize the weakening of labor rights and trade unions, a massive cutback of the corporate tax rate, and other moves toward a more deregulated economy. The government was clearly surprised by the breadth and tenacity of the street protests, which were organized by trade unions in opposition to the government’s latest initiative. The unions managed to put aside their differences and come up with a powerful frame—the “slave law”—that overturned Fidesz’s carefully built populist self-image of a government seeking to protect Hungarians from the initiatives of George Soros and the European liberal establishment, and portrayed the then ruling party as an anti-popular force acting on behalf of foreign capital to enslave Hungarians. The trade unions’ common framing played a key role in getting disgruntled citizens out on the streets. While earlier protest movements tended (with a few exceptions) to be restricted to the capital city and the upper-middle classes, this time demonstrations drew sizeable crowds in usually calm provincial towns. The street movement also played a key role in uniting and emboldening the fragmented parliamentary opposition. The opposition had been in disarray since Fidesz’s third consecutive electoral victory in April. Earlier, it had restricted itself to largely symbolic gestures of protest. This time, its MPs moved together to obstruct the voting process. Although their effort failed, Fidesz was only able to pass the law (together with another piece of legislation that creates a new administrative court system under the firm control of the Minister of Justice) in a legally dubious manner. The live video broadcast by one of the MPs (who belongs to the small, left-wing Dialogue for Hungary party) received a record number of (1.2 million) clicks, revealing that citizens have not lost their interest in politics and can be mobilized by the opposition.

It was this realization that led opposition MPs to place themselves at the forefront of the protests and to seek to escalate the movement by widening its demands. On 16 December, 13 MPs led

demonstrators to the building of the public news corporation in an effort to get airtime for four new demands besides the withdrawal of the slave law: less overtime for the police; ensuring the independence of the judiciary; ensuring the independence of the public media; and the demand for Hungary to join the European Public Prosecutor's Office. The public broadcaster's refusal to air the demands and the forced removal of the MPs by security guards allowed the opposition to highlight the authoritarian features of the Orbán regime.

As I write this, the protest movement has been put on hold by the arrival of Christmas, and its future path remains uncertain. The street movement has clearly dented Fidesz's legitimacy, and the parliamentary opposition has been reenergized. It is also likely that the protests will continue in January, as trade unions have pledged to organize a general strike and the political opposition is mobilizing its troops. While the general strike seems like a logical move given that the ruling party has refused to back down (President János Áder signed the new law on 20 December), the weakness of the trade union movement makes this a rather risky move. If workers do not follow the general strike, it could easily spell the end of the protest movement and further diminish the bargaining power of trade unions. At the same time, the parliamentary opposition's effort to escalate the protests into a broad anti-systemic movement is also perilous, as it may take the focus away from an issue that has finally struck a chord with blue-collar constituencies who have been largely passive politically. In what follows, I will seek to shed light on the protest movement's fragility by comparing it to two other oppositional movements: the French *gilets jaunes* and the Polish political opposition. I will rely on a simplified reading of these movements to bring out important features of the Hungarian protests.

What unites the Hungarian and the French movements is their opposition to what we could call neoliberal and post-neoliberal modes of governance. Although the mainstream (liberal) press usually relies on the figures of French President Emmanuel Macron and Hungarian Prime Minister Orbán to highlight the opposition between "pro-European cosmopolitans" of the center and "anti-European populists" of the periphery, this frame conceals important parallels and connections between Macron's and Orbán's projects. One of these connections is the dependence of Western manufacturing capital on cheap East European labor and low corporate taxes. What both street movements are protesting are symbols of this political economic regime, which is designed to enhance economic competitiveness by extracting extra labor from the workforce and by cutting welfare spending and other vital public expenditures.

To be sure, these two political projects also differ on important points. The new (rightward-drifting) political center in France has so far steered clear of the kind of xenophobic ultranationalism that has been the hallmark of the European Right ever since Margaret Thatcher showed how moral panics can be orchestrated from above against ethnic/racial/religious/moral "others" to hide antagonisms between labor and capital and that radical rightists (including "national populists" like Orbán but also some self-identified "social democrats") in Eastern Europe have adopted to draw attention away from their effort to build authoritarian capitalism on the European periphery. But this relevant difference should not lead us to miss a series of policies—austerity and, more narrowly, the enforcement of punitive debt obligations at the national, household, and consumer level—that have revived neoliberalism in a new, more state-centric and exceptional form in the center. France's *gilets jaunes* and Hungary's anti-slave-law protests are expressions of popular discontent with neoliberal regimes that seek to impose extra burdens on vulnerable social groups and police the partially state-orchestrated social crisis—while protecting capital and cushioning the middle class.

The difference in support for the two movements is partially due to the clear difference in the protection of political freedoms in the two countries. In Hungary, citizens can no longer be sure that participation in anti-governmental protests—or even voicing support for such movements in the social media—will not result in individual sanctions. One young protester who sprayed water-based

(i.e., washable) graffiti on the flagpole in front of the Parliament Building was sentenced to 312 hours of communal work, and a Belgian-Canadian student has been put on trial for putatively aggressing police (with the state prosecutor asking for him to be imprisoned for two to eight years). The French police are certainly not known for their gloves-off approach, but this kind of “selective criminalization” (exhibiting a clear intent to keep protesters off the street) does not seem possible in France, yet.

There are, of course, other important differences between the French and Hungarian cases. It is worth stressing that the French movement has achieved its immediate goal (forcing Macron to backtrack on the diesel tax), extracted some small extra concessions, and may even have dealt a fatal blow to Macron’s legitimacy. The Hungarian movement has so far only managed to undermine the ruling party’s populist credentials and energize a zombie opposition. And even these small achievements remain fragile at the moment. I will now briefly turn to the case of the Polish opposition to highlight what I see as a key risk.

At the regional elections of 2018, the united opposition inflicted a heavy defeat on the ruling Law and Justice (PiS) party in the larger cities. The liberal Civic Platform (PO)—Poland’s ruling party from 2007 to 2015 and currently the main opposition grouping—had a very strong showing in urban areas, winning high-profile mayoral races and scoring a surprisingly easy victory in Warsaw. These victories were achieved on the back of a program that promised a return to the pre-Kaczynski times of “normality.” The PO, led by Grzegorz Schetyna (who had held important positions in PO-led cabinets from 2007 to 2015), essentially promised a return to the neoliberal programs of the previous decade, the very project that voters rejected in 2015 when they gave PiS a mandate to govern on its own. While the PO retained its popularity among urban voters (who were its main beneficiaries), it lost heavily in rural regions where the economy was essentially stagnating and which young people left in droves to find work in larger cities and abroad. This trend was not broken at the latest regional elections, whose importance is underscored by the major role they play in distributing EU funds, a key source of party patronage. PiS won 34 percent of the overall vote and emerged as the largest party in nine regional assemblies. This is thanks to the fact that, since its electoral victory in 2015, PiS—following Fidesz’s example—has managed to garner legitimacy among disenfranchised voters by promising to keep Poles safe from external enemies, and overseeing economic growth that is not only strong but also more evenly distributed among the population. While PiS has a clear profile, what the PO stands for other than being anti-PiS is far from being clear. Even the opposition’s success in big cities appears to have been motivated largely by urban voters’ hostility toward PiS rather than enthusiasm for the alternative. Moreover, Schetyna, who is closely associated with the previous PO-led government, remains one of the most distrusted politicians in Poland. All this not only suggests it will be difficult to beat PiS at next year’s parliamentary election but, more broadly, underscores the establishment’s difficulty in keeping voters on its side with worn-out neoliberal politics and old faces.

Why is this relevant to the Hungarian case? Because in the last week—since the parliamentary opposition managed to catapult itself to the forefront of the protest movement—we have seen a subtle but palpable shift in the movement’s demands and discourse. While the trade unions were in the driving seat, both the opposition and the demonstrators focused their sights on the slave law and, more broadly, Fidesz’s well-disguised—but now uncovered—effort to offer Hungarians up for exploitation to foreign capital. This move, as I noted above, puts Fidesz in a highly uncomfortable position and, as revealed by the eruption of protests in the usually quiet countryside, resonates with constituencies who have been unswayed by the opposition’s numerous efforts to obstruct de-democratization and defend the rule of law. While the opposition’s effort to broaden the scope of its demands by presenting the points alluded to above appears to be a logical move, it could also lead the movement into the same impasse that had caused the demise of pro-democracy protests in

2010–2018.

To be precise: if the struggle against exploitation and authoritarian capitalism is displaced by the demand for a return to the rule of law, we will most probably see the earlier scenario repeated once again. The protest movement will be reduced to the “usual suspects,” the Budapest middle classes to say it simply, who (as we know by now) are not numerous or powerful enough to challenge Fidesz. Moreover, if the opposition moves from supporting the protest movement to taking control of it, this will also make it easier for the ruling party to claim that the protests represent the same tired liberal politics that sent Hungary into economic and moral ruin after 2006 (see, e.g., Szombati 2018). If the trade unions and workers disappear from view, it will be difficult to keep popular constituencies on the streets, above all in the smaller cities. As in the Polish case, the revival of progressive politics depends—for both its legitimacy and electoral strength—on support from labor constituencies.

As events since the critical year of 2016 have proven, and noted by anthropologists much earlier (Kalb and Halmai 2011; see also Kalb and Mollona 2018), movements confronting neoliberal hegemony in Europe are increasingly acquiring a hard-right (ultranationalist and exclusionary) or an illiberal (Bonapartist and neoliberal) instead of a leftist orientation. The presence of far-right activists on the streets of Paris (even if the National Rally has failed to take control of the gilets jaunes) highlights the stakes of the game. At the same time, the revival of neoliberalism in Poland also highlights the tenacity of establishment politics in some corners of the continent (even if its return to positions of power on the EU’s periphery remains highly implausible). In the case of Hungary, we are in a situation where the political content and direction of the anti-systemic protests (confronting a post-neoliberal order) is still very much up for grabs. Here, the former bastions of liberal hegemony have not only been eroded but powerfully undermined (witness the disappearance of the old liberal parties and the most recent expulsion of the Central European University from Budapest). It is therefore difficult to imagine a repeat of the Polish scenario, that it is the return of the old establishment. This, however, does not preclude a repeat of the failures of the previous (post-2010) protest movements, which quickly acquired a starkly liberal orientation and consequently petered out, generating apathy and a general feeling of hopelessness in their wake. The situation presents a deep conundrum: neoliberalism under liberal auspices is too battered to be revived; the hard-right countermovement has been weakened to the point where it can no longer hope to challenge the hegemonic party that has dressed itself with some of its culturalist clothes; and the Left is still on its knees, lacking a program and viable organizations. The only realistic chance for overthrowing Fidesz appears at the moment to be a pluralistic “popular front.” This front should be able to capture a wide range of discontents (in both urban and rural areas) and go beyond proposing to simply replace Orbán (who in the oppositional imaginary occupies the same metonymic function as does Soros for the Fidesz crowd).

What is needed is a common minimum for the post-Fidesz period. This minimum will have to comprise a strong “social” and labor component if such a pluralistic countermovement is to succeed at all. The stake of the current demonstrations in my view is therefore whether they can lead to the reinvigoration of the labor movement and the emergence of prolabor party organizations. It is difficult to imagine how Fidesz can be unseated without this.

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