



## Taking the fight for the Constitutional Court to the streets

**The opposition can't yet sway the masses, but Fidesz may gradually awaken the left-wing base from its deep slumber. Just in case, the left leaning parties and organisations are vying to offer them a wide and growing selection of leaders and organisations.**

One of politicians' favourite exercises is to highlight each other's hypocrisies, big and small, real and unreal. With the political left taking the protest against the restriction on the Constitutional Court's power of judicial review to the streets, many on the right note with amusement how MSZP in particular had lambasted Fidesz' predilection for conducting politics outside Parliament.

It is true that when it comes to organising mass gatherings, Fidesz is unrivalled. The most potent and often invoked demonstration of this power was a mass rally in front of Parliament in 2002, before the second round of the election, when Fidesz sought to – almost successfully – reverse a surprising second place finish in the first round. The party stated proudly for years that “1.5-2 million people” (i.e. 15-20% of the total population and 65-85% of its voters) had attended the rally – a vastly exaggerated claim and a superfluous aggrandizement at that, since whatever the real number, it was clearly the largest mass demonstration in post-transition history.

For some time, the mantra on the left was that Fidesz was better at bringing people to the streets, while MSZP-SZDSZ were more successful at drawing them to the polls. Well, the joke is no longer on Fidesz.

Only two of the three announced opposition demonstrations have taken place thus far, those of LMP and the Demokratikus Charta (Democratic Charter), a civic organisation tied to former PM and MSZP politician Ferenc Gyurcsány. MSZP's own rally will be held at the end of November.

In what is still presumably the country's liberal bastion, Budapest, the Charta drew a few thousand people and LMP a couple of hundred. While these numbers are not bad as compared to previous left-wing demonstrations, they are clearly underwhelming in light of both, the urgency of the issue and the social base of these organisations.

For now, Fidesz can rest easy; PM Viktor Orbán could probably draw more people if he offered to read publicly from the telephone book.

## ***“We are still standing!”***

In light of the weak immediate public response to the attack on the Constitutional Court, there are two competing theories concerning the measure’s likely long-term effect on Fidesz’ popularity.

The first posits that for most people this is an arcane technical issue that cannot be interpreted divorced from the government’s long-term performance, wherein it won’t mark more than a blip. The second theory holds that the reckless disregard for constitutional traditions and the arrogant exercise of power is a slowly acting toxicant that will gradually seep into popular consciousness and exert an adverse effect on Fidesz’ standing.

We don’t know which one will turn out to be correct, but they both offer support for the proposition that the demonstrations never really sought to put pressure on the government. Instead, they primarily served the purpose of venting the indignation of the left-wing base and of sending a message saying “We’re still here!” and “We remain relevant!” to the largely inactive portions of said base.

Inasmuch as the respective social players organising these events seek to display their social support, their actions also signal their individual, separate identities. Arguably, the fact that even on an issue of such importance, the left-wing or left leaning opposition cannot protest jointly is to some extent a disservice to the very idea that a significant proportion of society is united in its opposition to the impugned measures. If factional interests prevail, then the overriding cause cannot be quite as important as suggested by the verbiage employed in protest.

At the same time, it is also true that given the deep antipathies of the actors involved toward each other, a joint event would have undeniably alienated some of the participants and driven the disappointing attendance even further down.

Still, after the MSZP and LMP leaders held an unprecedented joint press conference to proclaim their common frustration over the limitation of the Constitutional Court’s authority, it makes less apparent sense that they would protest separately.

## ***A hatched is gradually unearthed***

As we noted above, since the policy pressure effects of the street demonstrations were limited, considerations that might have or should have been secondary moved to the forefront. We refer primarily to political positioning.

With the Charta demonstration, the division went deeper than the most obvious cleavage on the left, the LMP-MSZP rivalry. The Charta is in some sense a considerably less ambitious

left-wing response to Fidesz' civic circles (polgári körök) and it also serves a similar purpose: the auxiliary objective behind the organisation of thousands of activists into civic circles was to give party leader Orbán an independent base of power that would further entrench his position on the right. Charta, in addition to its overarching goals, serves a similar purpose for MSZP's Gyurcsány.

MSZP's relationship with Gyurcsány is a type of "can't live with him, can't live without him." The Charta demonstration was a perfect illustration of both, why the MSZP leadership won't show Gyurcsány the door and why it wishes it could.

The fact that Gyurcsány can still mobilise thousands of people to attend a rally is an indication that he is a force whose departure from MSZP would be costly for the party, even if it is hard to gauge just how much it would hurt the Socialists, who are vulnerable enough as it is.

Nevertheless, what has been a simmering conflict beneath the surface has erupted openly now, as the increasingly influential perennial party maverick Tibor Szanyi – who recently acted as the official coordinator of the party's local election efforts – called Gyurcsány a traitor and publicly vented his frustration about the Charta rally, arguing that in effectively organising outside events Gyurcsány was not adhering to agreements with the party leadership. Though Szanyi is not known for mincing words, his unusually harsh attack signalled that the détente between Gyurcsány and his intra-party detractors will not last forever.

Gyurcsány was smart to decline the implied challenge and has thus far not commented. He has no interest in exacerbating this conflict and is not compelled to react now, but at some point he may not be able avoid the confrontation.

At the same time, for himself he must also face the dilemma whether at this point his dominant involvement is good for either the Charta or the specific goals it seeks to pursue, both in general but especially in the context of the present issue.

Though he retains a loyal base, he is an intensely polarising figure. If Fidesz' not so gentle chipping away at the republic's foundational values continues apace, then in the foreseeable future a broad coalition of leftists, centrists and moderate right-wingers can only emerge to protest this trend if Gyurcsány does not play a leading role.

Charta members might view Gyurcsány's political engagement much more benignly than the average population and may wish to further it, but they are also most likely genuinely opposed to many of Fidesz' policies, and especially salient issues such as the Constitutional Court. The latter concern unites them with those worried about damage done to the rule of law and the quality of democracy, while Gyurcsány divides them. If he wants a broad coalition to emerge at least along these issues, then Gyurcsány will have to weigh this and put less emphasis on his own role in the movement.

## ***Does politics belong in the streets then?***

To return to the issue raised in the beginning, Fidesz' dominance of street politics and its bemused reaction to the series of demonstrations, the "hypocrisy" in this case must be put in perspective.

The charge against Fidesz' was not merely that it loved to show off its popular strength in the form of mass demonstrations, but the aforementioned in conjunction with the allegation that Fidesz was often contemptuous of parliamentary debate. And the recent plenary session on the proposed constitutional amendment illustrated just that, with all three opposition parties' representatives critiquing the plan at great length, but hardly any response from the government side.

To the best of our knowledge no one ever claimed that street rallies or demonstrations were unacceptable per se. On the contrary, even in a parliamentary democracy such an instrument is perfectly acceptable. But certain criteria must inform its uses and while these may offer wide latitude, there are some uses that reach beyond the boundary of how a parliamentary democracy ought to function.

For a parliamentary party, a fundamental criterion must always be that it voices its position in parliament and that it treat the latter as the primary arena for political discourse. It would be difficult to claim that the opposition parties – all of them – had failed to respect this basic tenet in the context of the current debate.

Thus the charge of hypocrisy is misguided in this case. As to whether the demonstrations have had anything more than a highly symbolic effect on the issue at hand, now that may be a more pertinent question.