

A stormy start for the new president

For months critics of the government's more drastic measures have predicted that Fidesz will draw fire from the EU. While there has been some subdued criticism even before, it was the media law that finally unleashed a torrent of scathing international attacks, often referring not only to the media regulations themselves, but extending to all of the government's more controversial acts in the past half a year. The reasons underlying these denunciations are often more complex than the media law in itself. We explore some of these reasons below and try to put the controversy in context

It appears that for once the government has forgotten the old adage about choosing one's enemies wisely. Picking on the Constitutional Court, the Fiscal Council and subverting various independent oversight institutions to political control has proved to be a cakewalk over the past couple of months and that may have lulled the government into a false sense of security. It may be used to domestic opposition and appears ready to ignore it, but it was obviously caught off-guard by the fierce international reaction to the media law.

There were hints of genuine astonishment in the reactions of leading Fidesz politicians, which suggests that regardless of their intention with the media law, they had not expected international media and politics to care quite this much.

A mixed bag of reasons

Our hypothesis is that only some of the international reactions were directly tied to those elements of the media law that pose a potential hazard to the freedom of the press. Two other reasons probably had a major role in the intensity of the storm unleashed by the adoption of the act last month.

For one, journalists make a touchy target, apparently even more so than constitutional court justices or other operators of independent oversight institutions. The implicit threat against the profession that disseminates information was likely to lead to the massive dissemination of lots of information that expressed dismay over this threat.

There was some expression of professional solidarity within and without Hungary when the government limited the Constitutional Court's power of judicial review and when it attacked András Simor, the chairman of the Hungarian National Bank. But bankers and especially judges are generally not politically outspoken and obviously have less access to media outlets than journalists. Journalists are naturally sensitive towards attacks on their fellow scribes and

are also likely to have a keener understanding of the ways in which seemingly innocuous legal provisions can serve the purpose of curtailing the freedom of the press.

Pent up frustrations let loose

The other reason for the intense reactions to the media law may be that some of those watching Hungary with worry over the last couple of months have now decided that it is time to voice their concerns openly. Hungary taking over the rotating presidency of the European Union was also an opportune and at the same time pressing occasion.

With press reactions now focused more intensely on Hungary – unfortunately we don't make it into the international news very much aside from natural disasters – it was clear that raising concerns about the general trends in the country with respect to democratic institutions would elicit more interest than generally. Those who have held back because they felt the disconcerting trends did not reach a level that necessitated a response might have sensed that now that time has come, both because there is more interest in Hungary and because the media is one of the last and most crucial sources of outside control of the government.

Fair warning

More importantly, however, the reaction was a warning, too, serving two distinct purposes. The outrage over the media law and its timing is in part certainly an effort of European leaders to let Orbán know that further embarrassing the EU at this time would be very unfortunate. Implementing measures with dubious effects on the rule of law may pass under the radar normally, but when it is done in a country that happens to hold the rotating presidency of the EU, they are not only likely to become the subject of more attention but also jeopardise the Union's international standing and make it considerably more difficult to conduct pertinent business.

Moreover, the Union desperately seeks to avoid confrontation over a member's domestic politics because it would provide ammunition to resurgent euro-sceptic populists who would label any such acts as overreach and would argue that it illustrates the EU's desire to take complete control of member states. Avoiding a showdown with a potential backlash like that would definitely be the preferred route for Brussels.

Thus, if Fidesz could be convinced to be at least temporarily satisfied with the spoils it has amassed until now, and if it can desist from further moves that arouse controversy, then that could save everyone considerable embarrassment. If these criticisms achieve that objective, then everyone will be better off in the coming months, including Orbán, who won't see the historic opportunity of the presidency squandered because of protracted battles with his European counterparts and the international press. But of course it will be best for the

Union overall, too, since it won't lose several months of crucial time to sorting out the business of a minor member state, not to mention that it won't face the dilemma of having to choose between sanctioning Hungary or being called hypocritical and overly accommodating to trends that strike many as tad bit authoritarian in nature.

Preventive shots

More specifically, journalists in Hungary and abroad also probably believe that intensely pointing out the vast potential for abuse in the law might make it more difficult to exploit these opportunities. This logic might work.

Even in its more toned down iteration, one of the major concerns with the media law is that it leaves a lot up to the good faith of those applying it. Much of the criticism has pointed to the dangerous combination of vague requirements vis-à-vis the media and harsh penalties for failing to heed them, which, critics of the law allege, effectively creates a "chilling effect", that is it leads to self-censorship for fear of the consequences of running afoul of the rules and having to pay huge fines. In light of Fidesz' attitude towards criticism and independent monitoring, there is considerable scepticism regarding the good faith of the Fidesz-appointed officials who oversee the media.

Now, with the potential for abuse highlighted by so many international players and in such stark terms, the unmistakable message is that making good on the possibilities for abuse is not likely to go unnoticed. Given the current climate, the media officials will probably think twice before they actually impose the fines they can theoretically levy. This might only temporarily insulate the Hungarian media, but for the time being it might emerge from this battle with its capacity to act as a watchdog more or less intact.