

The Big Constitutional Brainstorming

Still almost two months to go until the final parliamentary vote on the new Hungarian constitution, but we already bet that none of the opposition parties will support the governing parties' draft basic law. Fidesz has offered unprecedented concessions to LMP, but in light of the impractical conditions of the opposition parties, consensus is highly unlikely. Hungarians can start getting used to the idea of a 'single-party constitution' plus to the new era of the Fourth Hungarian Republic.

In mid-February, the parliamentary groups of Fidesz and KDNP suddenly decided to set a new timeline for the constitutional process. The exact rationale behind the rescheduling of the constitutional process is unknown, but the unexpected domestic and international scandal over the media law might have played a role in pushing Fidesz towards a more consensual political behaviour. Previously, an ad hoc committee had been responsible for drafting the text of the basic law. According to the original plan, the parliamentary vote on the new document would have occurred on Easter Monday, which, accidentally or not, would be exactly the one year anniversary of Fidesz' overwhelming election victory.

The political legitimacy of the committee, however, was already questionable as all the three opposition parties had left it as a response to the restriction of the jurisdiction of the Constitutional Court and because Fidesz hadn't supported most of their motions. Anyway, the Fidesz-KDNP members of the committee came up with their own draft constitution last December, which, although included some controversial topics (such as the Holy Crown concept, the protection of life from conception, marriage and family defined as the community of a man and a woman), can hardly be considered totally unacceptable.

Drafting the new constitution: a fresh start

It was completely out of the blue, when on 11 February Fidesz announced a completely new timeline for the constitution. Prior to the announcement an unusual fight on the values of the new basic law between Fidesz and KDNP was leaked to the press. Whether it was with intention, in order to provide some justification for the new procedure or not, we don't know. Nevertheless, the governing parties' new agenda on the constitutional process had many novelties. They decided that the ad hoc committee's draft constitution would be merely a 'concept paper', and all parliamentary parties are welcome to submit their own draft version till mid-March. The adoption of the constitution was also rescheduled from the provocative Easter Monday to 18 April. Moreover, Fidesz established a National Consultation College led by MEP József Szájer to discuss the new constitution with the

people. Within the framework of the consultation, the College sent out a questionnaire to all Hungarian households, which is obviously nothing more than a PR action since it is practically impossible to evaluate hundreds of thousands of answers within 2-3 weeks. However, this action – just as the involvement of the ex-socialist MP Katalin Szili in the College - proves Fidesz' efforts to demonstrate its consensual political character.

Impractical conditions

Two of the three opposition parties laid down impractical conditions as a response to Fidesz' attempt to jointly restart the talks on the constitution. The Socialists insisted that the new supreme law should require a 80% parliamentary majority of two consecutive parliaments and that the constitutional process should be restarted later this year, only after the end of the Hungarian EU-presidency. LMP, the green-left party – that usually considers itself a constructive opposition – also demanded the vote of two consecutive parliaments (or a referendum) on the constitution. LMP would also postpone the start of the constitutional process and demands the full restoration of the original powers of the Constitutional Court. If these conditions were accepted by Fidesz, the new constitution would come into force no sooner than in 2015. Therefore, it is pretty clear that the minimum requirements of MSZP and LMP were only pretexts for them to stay out of the parliamentary debate. However, the radical right Jobbik party followed a different strategy: they decided to participate in the constitutional process, despite the fact that it is almost sure that they will reject the final text too.

Unprecedented concessions or a political trick?

Adopting the constitution with only Jobbik's support would be the worst case scenario for Fidesz, which has been struggling for more than a decade with the accusation of collaborating with the far-right. Moreover, since the Socialists are at least as unacceptable partner for Fidesz as Jobbik, the governing parties' only chance for increasing the political legitimacy of the constitution is the involvement of LMP. That is the reason why Fidesz, which is very keen on pretending to be infallible, has made unprecedented concessions to LMP. MP Gergely Gulyás announced that they would be willing to restore the original powers of the Constitutional Court. Fidesz also agreed that the new constitution could be amended with two-third majority anytime (the original text stated that two consecutive parliaments' two-third majority is required for modifications).

However, many fear that this is just another political trick from Fidesz. As the constitution is merely a framework and as such will not regulate several important subjects (such as voting rights and the electoral system), it is unclear what are the real intentions of Fidesz at these

fields. For this reason, it is a great risk for LMP to legitimise a constitution that seems acceptable for them at the time of its adoption, since further bills might be against the values of the green party. As Fidesz won't need the vote of LMP for adopting any future laws, the governing parties will be able to form the Fourth Hungarian Republic perfectly in line with their own vision.

Trust: an unknown word in Hungarian politics

According to a previous analysis of our political research institute, Policy Solutions, all the twenty post-communist countries replaced its communist constitution with a completely new one since 1990. The only exception is Hungary. In spite of the fact that the text of the Hungarian constitution has been changed completely after the change of regime, adopting a new supreme law is a very important symbolic act for every nation. Our analysis has also showed that the new constitutions of the region were always adopted by an overwhelming parliamentary majority as 70-90% of the MPs, and it has never ever happened that a governing party adopted a new basic law without the help of any opposition parties.

But Hungary is different, as trust and cooperation are unknown words in Hungarian politics. Thus, it is the irony of fate that Fidesz, which has played a major role in erasing the word "consensus" from the political vocabulary since 1998, is desperately seeking a partner for its most important political project ever.