

Opportunism not Ideology: Fidesz's Campaign Against Sexual Minorities

Article by Kata Benedek

July 23, 2021

A new law targeting LGBTQI+ people in Hungary is just the latest move in the ruling party's history of stigmatising sexual minorities and rolling back their rights. While the European Union finally seems willing to send a signal that the Hungarian government's agenda is in defiance of European values and fundamental rights, its leader Viktor Orbán seems determined to pursue this illiberal course. Kata Benedek looks back at the path which has brought Hungary to this point, and the prospects for a change of direction.

"I am defending the rights of the homosexual guys." This is how Hungarian Prime Minister Viktor Orbán answered a journalist's question as he arrived at the European Council as part of a visit to Brussels in late June 2021. The remark came after an hours-long debate had taken place in the European Council about the new Hungarian law discriminating against the LGBTQI+ community.

The controversial law – that was passed on 15 June on the grounds of child protection – conflates LGBTQI+ people with the sexual abuse of children. The new bill simultaneously introduces a US-style registry of paedophile sex offenders combined with a Russian-style ban on exposing minors to so-called LGBTQI+ propaganda in the context of sexual education and general representation in education and media. The law was widely criticised both domestically and abroad for undermining equality, fundamental rights, freedom of expression, rights to information, and for treating sexual minorities in a manner similar to criminals, by suggesting that both categories deserve the same social judgement and treatment. In addition to pointing out the ambiguities and inconsistencies of the law in the field of education and child protection, civic organisations voiced their concerns regarding the foreseeable impact of the bill on sexual minorities: an escalation of social discrimination and the incitement of the members of an aggressive minority to commit hate crimes. The government nevertheless maintains its position.

Fidesz's anti-gender track record

Over the past 30 years, Orbán's ruling party Fidesz has developed ultra-conservative values regarding gender and sexuality, despite previously adopting a more liberal stance advocating for LGBTQI+ rights. The first Fidesz government (1998 to 2002) already stressed the importance of traditional family values, but their explicit anti-LGBTQI+ stance only began to establish itself around the mid-2000s, when it began to determine Fidesz's legislative actions. Under the socialist government in 2009, Fidesz voted against the legal introduction of registered partnerships for same-sex couples. In its successful 2010 parliamentary election campaign, its position of advocating for an exclusionary understanding of family continued. Following Fidesz's return to power in

2010, it introduced a new Fundamental Law (or constitution) for Hungary in 2011, written exclusively by governmental politicians. This document gave a statutory definition and role to marriage and family, asserting that, “Hungary shall protect the institution of marriage as the union of a man and a woman established by voluntary decision, and the family as the basis of the survival of the nation. Family ties shall be based on marriage or the relationship between parents and children.”

Although the Fundamental Law set the stage for the attacks that were expected to follow, it was only in the late 2010s when “gender ideology” and sexual minorities became a prime target for Fidesz, as it began a sustained campaign to stifle debate in this area and to curtail rights and freedoms. In 2018, Fidesz terminated the Gender Studies Department of the largest Hungarian University. Around the same time, the party also heavily attacked gender and queer studies in the process of “lex CEU” (modifications to Hungary’s law on higher education). With an amendment to the constitution in 2020, Fidesz expanded the original paragraph on marriage and family with one unambiguous sentence: “The mother is a female/woman, the father is a male/man.” They also added a new paragraph to fundamental children’s rights: “Hungary shall protect the right of children to a self-identity corresponding to their sex at birth and shall ensure an upbringing for them that is in accordance with the values based on the constitutional identity and Christian culture of our country.” In May 2020, Fidesz rolled back transgender rights by banning changes to gender on official documents. In December, the government permanently excluded same-sex couples from adopting children. Also in 2020, Fidesz rejected the ratification of the Istanbul Convention on preventing and combating violence against women and domestic violence, which the Fidesz government signed up to in 2014. Fidesz argued that Hungarian Fundamental Law does not accept gender as a social construction and that the Convention was the “Trojan Horse of genderists”.

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All these legislative measures were embedded in and supported by heavily populist governmental propaganda. Fidesz forcefully narrowed down “gender ideology” to sexual minorities. LGBTQI+ identity is depicted in governmental communication as a choice of “lifestyle”, which is inherently foreign to the so-called Hungarian “national character”, the philosophy of a traditional style of life. Fidesz frames LGBTQI+ issues as a crisis of morals and values, in which the party poses as the last defender of traditional and national “normality.” Government politicians have frequently made discriminatory remarks about sexual minorities. This extreme polarisation of values is key in Fidesz’s overall cultural war, through which they define their own identity by symbolically excluding certain groups from the fabric of the nation, in this case - the LGBTQI+ community.

Accordingly, Fidesz attributes the growing visibility of the LGBTQI+ community to an aggressive Western lobby aiming to demolish traditional social values, threatening the national interest and sovereignty. As this narrative is central element of Fidesz’s brand of

populism, they can easily link LGBTQI+ issues to other, already established programme points. A representative of the pro-government 21st Century Institute interpreted the new law and the ensuing criticism in the following way:

Fidesz is using critical voices to legitimise its symbolic fight against Western attempts to subjugate Hungarian (cultural) sovereignty.

“It has become clear that, as with the migration crisis, this is a sovereignty issue, and despite the minefield of international forces, Hungary will not give in to the pressure of the progressive agenda. [...] the former colonialists are launching a new attack on Hungary in the name of ‘common values.’ [...] [the anti-paedophile law] enshrines the right of parents to decide on the upbringing of their children and prevents the indoctrination of children by unauthorised pseudo-civilian NGOs acting in the interests of the global LGBTQ lobby.”

A new discriminatory law against LGBTQI+ people certainly fits well into the long-running political strategy of Fidesz, both in holding together its voter base and in maintaining the permanent fight against Western liberal cultural hegemony. However, current political events at home also play a role.

Unlikely allies

Beyond the aforementioned benefits, Fidesz has also seized upon this topic now in the hope of direct political gain. There are two possible instances in which Fidesz could expect to profit from the new law. First, they might exploit the issue to divert attention from the recent Fudan controversy, in which the government is planning to cover the 1.5 billion euro construction of the Budapest campus of the university affiliated with the Chinese Communist Party with public funds.

Second, the legal actions can also be seen as a prelude to the upcoming parliamentary elections in May 2022. On the one hand, in preparation for the forthcoming elections, Fidesz might be testing out policy areas to identify winning mobilisation campaign themes. On the other hand, the more relevant aspect might be the opportunity to drive a wedge into the seven-party coalition opposing Fidesz. The coalition’s constituent parties include the socialist MSZP, centre-leftist DK, two green parties PM and LMP, neo-liberal extra-parliamentary Momentum, newly founded ÚVN, and notorious former extreme right-wing Jobbik. Despite the strong ideological disparities among the parties, voters might be inclined to rise above these divisions when the only goal that remains is the overthrow of Orbán’s regime. According to recent opinion polls, the Oppositional Coalition is a strong opponent and was even measured to be ahead of Fidesz by few percentage points. Disrupting the unity of the coalition by exposing the contradictory ideological fragmentation is an irresistible opportunity for Fidesz. While most members have slightly different standpoints on LGBTQI+ rights, Jobbik clearly stands apart from its allies. This was demonstrated during the voting process for the new law: while the MPs of the MSZP, DK, PM and LMP were not present in the Parliament during the decision process – to signal the illegitimacy of the legislative initiative by their absence – Jobbik voted alongside Fidesz. Jobbik justified its decision, in line with its pre-coalition programme, arguing that tightening

the law against child abusers is crucial, and that following the predicted fall of Fidesz in 2022, the LGBTQI+ related parts would be reviewed and retracted from the bill. While all the other coalition members condemned Jobbik's decision, the alliance does not seem to have lost credibility with voters, as the moral challenges of aligning with the extreme right-wing party were clearly inherent in such coalitions from the start. Yet, surprisingly, social media was filled with comments from disappointed Jobbik voters, shaming the party leader for assisting Fidesz's incitement to hatred against sexual minorities. In the end, the Jobbik's position in the coalition might have been weakened, but their contradictory decision does not yet seem to have affected the opposition voters' united discontent with Fidesz. Despite this, Fidesz might still benefit from the polarisation of the political field.

The EU response and its impact

It seems that Fidesz miscalculated the EU's resistance to the law: most member states declared their concerns, and the European Commission threatened international legal action as the Hungarian bill goes against the fundamental law and values of the EU. In addition to the various potential EU level financial and political sanctions, some political leaders, such as Dutch Prime Minister Mark Rutte, have even mentioned Article 50, suggesting that Hungary no longer has a place in the EU. Thus, the Hungarian government was forced to shift its lobbying efforts from the domestic to the international political arena.

Internationally, Fidesz stands by its position, arguing that the law is only strengthening parental rights to decide on their children's sexual education, and that the Hungarian state fully protects LGBTQI+ rights. At the same time, pro-government media is loaded with a broad range and variety of queerphobic incitement. Headlines such as "Even children are no longer spared by homosexuals"; "LGBTQ propaganda lectures for young children in London with an artificial penis"; "A nation has less rights on the football field than the LGBTQ community" are published daily.

Moreover, on 23 June the government announced a new National Consultation, and due to the growing pressure by the EU on 21 July, they announced a referendum, both asking people's opinion on the bill. Following the patterns of previous government-initiated polls, the survey is designed not to reflect on the criticism sparked by the law but rather to strengthen Fidesz's agenda. The heavily leading questions exclusively focus on LGBTQI+ propaganda in public schools, and the forced promotion and execution of gender reassignment therapy on children.

At the beginning of July 2021, the Venice Commission (an constitutional advisory group to the Council of Europe) called on the Hungarian government to reconsider the above-mentioned paragraphs contained in the constitution. Following that, the European Commission on July 15 announced it would launch an infringement procedure against Hungary and Poland based on their discriminatory treatment of sexual minorities. In the short run, the heavy criticism from EU institutions and fellow member states has little domestic political impact. In fact, as usual, Fidesz is using critical voices to legitimise its symbolic fight against Western attempts to subjugate Hungarian (cultural) sovereignty.

In the long term, however, the legal consequences of Fidesz's actions could be more significant. Despite the mounting tension and difficult relations between Fidesz and the EU

since 2010, the vast majority of the Hungarian population is still pro-EU. Compared to previous legal conflicts between Hungary and the EU, the rapid and unusually harsher action by the European Commission has put the government under pressure, as the possibility of losing financial benefits or even expulsion from the EU could seriously threaten their hold on power. Previous political and financial restrictions already have taken effect in Poland on the matter: certain towns abolished their former “LGBT-free zone” label in the hope of regaining their previous political positions. Furthermore, while in their anti-LGBTQI+ propaganda Poland’s ruling Law and Justice Party benefits from the support of the influential Polish Catholic Church among the largely religious Polish population, it is estimated that the actively religious population in Hungary is only 10 to 20 per cent. Therefore, the social impact of the otherwise historically weaker Hungarian Catholic Church is not particularly strong. The Christian values invoked in Fidesz’s policies are best understood in cultural terms, in which the introduction of LGBTQ+ discrimination – that has only been the central subject of the government propaganda for some months – is questionable, and thus its political mobilising power is also in doubt. There is no realistic chance that the majority of the Hungarian population will choose Fidesz over the EU on this issue. Accordingly, the Hungarian government is expected to withdraw or modify the bill, as they did with the Stop Soros or Lex CEU. Nevertheless, the new law, supported by aggressive populist propaganda, has negatively affected social acceptance towards minority issues and worsened the situation of the LGBTQI+ community, and this is likely to have a lasting impact.



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Published July 23, 2021

Article in English

Published in the *Green European Journal*

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