



From 'Return to Europe' to 'Return from Europe': Resonances of Normative Dissonances in Hungary-EU Relations¹

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Abstract

In contemporary democratisation discourse, it is widely agreed that 'pre-Magyar Hungary' was on a path of 'democratic backsliding' within the broader global autocratisation context. This article examines the underlying mechanisms of how and why Hungary has systematically contested EU normative values between 2010 and 2025, ie. during the Orbán government. To fulfil this objective, the paper systematically analyses Hungarian democratic backsliding across four sectoral policy areas: curbing judicial independence, restricting media freedom, limiting academic liberties, and the securitisation of migration. While these individual sectors have been widely studied separately, the contemporary literature lacks a holistic framework to explain these normative dissonances. This study fills a research gap in the literature by arguing that the gradual decline in the quality of Hungarian democracy is driven by an illiberal counter-normative framework structured around a highly personalised political authority. The author demonstrates how the Orbán government, by constructing a top-down

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counter-normative narrative in terms of discourse, policy, and practice, sustains internal regime legitimization and secures the survival of its illiberal political order. Utilising the analytical tools of the social constructivist approach and qualitative document analysis, the study triangulated the EU legal framework, contemporary academic literature, and empirical data from international indices to shed light on these ongoing normative contestations. Ultimately, the selected case and theoretical framework demonstrate that social constructivist perspective possesses explanatory power to grasp the internal political logic and systemic construction of an illiberal regime.

Keywords: democratic backsliding, norm contestation, EU norms, Orbán government, illiberal regime

1. Introduction

In contemporary democratisation studies, more emphasis is placed on defending democracy rather than its democratizing in academic literature (Merkel, 2026). In this context, Turkey, Hungary, and Poland in Europe, Brazil and Venezuela in Latin America, Georgia and Armenia in the Caucasus, Burkina Faso and Mali in Africa, and Myanmar in Asia, have become basic scientific laboratories for studies of autocratisation and democratic backsliding. In addressing the situation of Hungary as an interpretivist case study in this article, one could begin by exploring the current state of the global trend towards autocratisation to understand the bigger picture.

Upon examining V-Dem episode datasets, the average level of liberal democracy continues to decline across the globe, and according to population-weighted averages derived from the V-Dem Institute it has returned to the 1985 level. Similarly, freedom of expression is worsening in nearly a quarter of all countries in the world, reaching an absolute record low in 25 years. Forty-five countries are in ongoing episodes of autocratisation, and 19 countries in ongoing episodes of democratisation. Nearly half of the countries becoming more autocratic are spreading increasing disinformation, and a quarter of all countries are affected by rising political polarisation. In general, whereas the majority of the world population remained in autocracies at 72% in 2024, nearly a quarter lives in democracies (Nord et al., 2026).

Freedom House 2025 and 2026 findings devoted to global freedoms complement the V-Dem Institute's quantitative and qualitative data. Global freedom declined for the twentieth consecutive year, with violence and authoritarian efforts being some of the main themes of the elections. Manipulative tendencies persisted during the elections, and post-election protests were disproportionately suppressed (Freedom House, 2025; 2026). Against this backdrop it is important to track down how Hungary positions itself in this current state of alarming democracy records. In particular, the Orbán government which came to power in 2010, by both exploiting and discursively inventing an enduring crisis situation, passed over 800 anti-democratic bills between 2010 and 2018 (Kochenov & Bárd, 2018). Thus Hungary became a paradigmatic case

study in which an illiberal political order was constitutionalised and fundamental civil liberties severely weakened (Bugaric, 2014). Rather than treating this U-turn as merely a diagnosis of legal incompatibility, it should be evaluated through the political logic of redefining democracy and regime consolidation, in which Orbán has constructed a highly personalised political authority to institutionalise his top-down plebiscitary leader democracy (Körösenyi et al., 2020).

In line with this view, there is an academic consensus that curbing constitutional checks and balances, restricting media autonomy, limiting academic freedoms, and securitising the migration phenomenon pose a significant threat to contemporary Hungarian democracy.

The following sections account for rising concerns about the gradual decline of democratic qualities, combined with the construction of an illiberal political order. The construction of an illiberal authoritarian regime as a counter-normative framework against the liberal EU normative order is based on four sectors: the weakening of checks and balances, the control of the media, the restriction of academic freedoms, and the marginalisation of migrants as threats to the state's security.

In contrast to these issues, demonstrating how illiberal counter-democratic norms resonate against liberal EU norms, this article suggests that other empirical evidence in the literature, including the politicisation of the Central Bank, the problem of corruption, and LGBTQ+ rights, should be also analysed. However, while the former explain the normative dissensus between Hungary and the EU, the latter ones were excluded as they require a separate study. For the broader aims of this article, a literature review was provided to grasp the current aspect of rising concerns about democratic backsliding in Hungary. The main aim was to explain why and how Hungary established an illiberal political order as a counter-strategy against the EU normative framework. Accordingly, by combining norm studies with the analytical concepts of plebiscitary leader democracy – interwoven with political meaning, legitimacy production, and identity politics – form analytical tools used to understand the related democratic backsliding shaped by the broader autocratisation.

2. State of the Art: Tracing Pathways of Hungarian Democratic Credentials from Pre-EU Accession to Present

While academia has significantly invested in documenting the main illiberal authoritarian tendencies of Hungary, there is still fertile ground for studying the ongoing democratic backsliding with different analytical tools. To offer this explanatory perspective applying analytical constructivist tools, the author examined how the normative evolution of democratic norms in broader Europeanisation proceeded in Hungary through legal texts, academic sources, and data imported from international indexes. The first part of this literature review briefly presents how Hungarian domestic policies and politics were Europeanised in the pre-accession period with descriptive methods. The second part departs from this legacy by problematising the quality

of democratic norms and their intersubjective meanings within the Hungarian-EU normative dissonance.

Following the end of the bipolar system that shaped international politics during the Cold War, Hungary transitioned from a communist regime to a democratic parliamentary regime with the construction of a “refolution”² (Ash, 1989). Given Hungary’s democratic trajectory after consolidating its relations with the liberal West following its independence, the internalisation of democratic norms within the framework of European integration as part of its ‘return-to-Europe’ strategy operated as two sides of the same coin (Batory, 2002b). In this ‘return’, the PHARE aid programme and the Copenhagen Criteria emerged as key institutional tools for normative transformation in promoting the political change of Hungarian democracy (Commission of the European Communities, 1998). While the former became a key institutional tool for single market adoption and cultivating democratisation, the latter was a set of standards that codified democracy, human rights, the rule of law, the protection of minorities, the existence of a functioning market economy, and the stability of institutions guaranteeing competitiveness in Hungary’s democratisation process (European Council, 1993).

In this norm diffusion process, EU institutions served as ‘active norm entrepreneurs’ in Hungary’s democratisation and published progress reports to monitor Hungary’s normative record, from the start of membership negotiations through to full membership. These progress reports comprehensively monitored and encouraged the development of the norms of democratic rule of law state in Hungary within the framework of parliament, administration, judiciary, anti-corruption measures, human rights and the protection of minorities, civil and political rights, and economic, social, and cultural rights. Despite concerns in policy areas such as corruption and discrimination faced by the Roma minority, the Hungarian government made a considerable effort to translate and institutionalise the Copenhagen Criteria into domestic policy (European Commission, 1998; 1999; 2000; 2001; 2002).

However, despite the positive atmosphere that rewarded full membership, the continuation of contemporary debates on autocratisation questions the linear nature of the Europeanisation process. Hungary has shifted from being a pioneer in implementing democratic standards to becoming central to discussions about the rule of law crisis, which necessitates an analytical investigation into whether the underlying phenomenon is a process of de-Europeanisation or rather a structural de-EUisation in which the government deliberately rejects the internalisation of EU democratic norms. Consequently, the central research problem moved from a simple evaluation of Hungarian democracy’s institutional deficits toward a comprehensive analysis of the shifting quality of democratic norms and their changing intersubjective meanings from within.

² The process of political change in Hungary points to what Timothy Garton Ash’s called conception-alisation of “refolution” (The New York Review, 1989). This concept is an expression of simultaneous occurrence of revolution and reform.

Against this backdrop, it was useful to examine the building blocks of the broader illiberal political structure to grasp which autocratic procedures led to the current crisis of democratic norms. Numerous academic studies demonstrated Hungary's democratic backsliding with different empirical evidence under the autocratisation umbrella. Despite a considerable amount of research that employs the frame of democratic decline, democratic regression, democratic decay, or de-democratization, the author complementarily adopted the concept of autocratisation as an umbrella term, and democratic backsliding as a gradual and directional sliding from a certain democratic position (cf. Bermeo, 2016; Croissant & Tomini, 2024). Within this framework, the central debate focused on how the Orbán government strategically constructed an illiberal democratic state, and how its constitutive elements were operationalised as a counter-strategy against the EU normative framework. These norm contestations, including the undermining of judicial independence, the restriction of media autonomy, the limitation of academic freedoms, and the securitisation of migration, have generally been evaluated under the heading of a 'rule of law crisis' in Hungary-EU relations.

Academic sources reveal that Hungarian democratic backsliding is approached from different perspectives and phenomena, including: the weakening of judicial independence (cf. Kovács & Scheppele, 2018) following the adoption of a new Constitution based on majoritarianism rather than pluralism; limiting media freedom as a form of illiberal governance (Polyák, 2019; Pap, 2017); the politicisation of the Central Bank and the subsequent undermining of its independence (Bugaric, 2014); the restriction of academic freedoms (Majtényi & Ryder, 2025); the erosion of LGBTQ+ rights, presented as the enemies and other(s) of ideological political construction (Gera, 2023); the stigmatisation of migrants within security frameworks constructed around nationalist and conservative identities (Szalai, 2023).

While all these studies reflect different variations of the illiberal authoritarian policies of the Orbán government (Bozóki & Hegedűs, 2018), from a broader perspective they demonstrate the constitutive elements of the government's invented political myths, represent a top-down personalistic leader democracy and serve as constitutive representations of strategic crisis inventions within a counter-normative framework produced by a nationalist and conservative identity against liberal EU norms. This supermajority, operating within the framework of ideological hegemony construction and regime survival objectives, creates various opportunity structures for the government to consolidate its regime, producing domestic political legitimacy through illiberal counter-normative narratives, and implementing anti-immigrant, anti-EU, and divisive discourses that reinforce the boundaries between 'us' and 'them'.

Within the process of norm contestation, the foundational point of departure point for the Orbán government's construction of an illiberal political regime was the "Fundamental Law of Hungary" that came into force in 2012 (Rupnik, 2012). Rupnik (2012) examined this illiberal turn, touching upon the manner in which the new Constitution was adopted. The Orbán government justified this change by arguing that Hungary had not adopted a new constitution, unlike other post-communist countries, and that

the former constitution symbolised the communist legacy. However, the literature determined that the way this constitution was adopted was incompatible with both participatory and democratic frameworks, as neither the opinions of opposition parties nor civil society organizations were taken into account. Despite these deficits, the constitutional change was legally implemented in Parliament thanks to the two-thirds supermajority held by Orbán's Fidesz party (Rupnik, 2012).

In parallel with this analysis, Scheppele (2015) described the newly adopted constitution and the subsequent political changes as the product of a strict majoritarian approach. Furthermore, the author noted that the Constitutional Court's jurisdiction in financial matters had been severely limited, preventing judicial review over budget and tax laws passed when the national debt exceeded 50% of GDP. Bugaric (2014) similarly stated that the new constitutional order granted immense power to the executive branch, eliminated checks and balances, and constitutionalised an illiberal political order that directly undermined the independence of the Constitutional Court, creating a highly favourable environment for an authoritarian regime.

Another issue incompatible with the EU's democratic norms is the rising concern about media independence, where government control over the media operates as a reflection of illiberal governmentality to achieve political domination over the public sphere. Polyák (2019) examined this transformation through three pillars: the weakening of the independence of regulatory bodies, the manipulation of access to resources, and the control of access to information. In this context, the Orbán government introduced a series of restrictive legislative frameworks as part of its media policies in 2010. Pap (2017) further noted that this media concept within the authoritarian regime-building process significantly contributed to the government's control over print and electronic media, utilising a centralized Media Council whose head was directly nominated by Orbán. In the context of a plebiscitary leader democracy, this process of media capture is understood as a public arena for the performative actions and political communication tools of those in power. In this way, the public sphere transforms into a poetic, political, and performative stage necessary for the circulation of emotionally charged and aestheticized narratives.

One of the explicit targets of this illiberal regime transformation is academic freedom, where visions of an open society, liberal ideas, and multiculturalism are depicted as 'enemies' or 'dangerous' counter-narratives to the nationalist identity that the government seeks to diffuse. In this context, Orbán signed a decree revoking the accreditations for gender studies, effectively banning the discipline (The Conversation, 2018). The government's political engineering aimed at restricting academic freedoms is also evidenced by indexed data showing that Hungary ranked 132nd out of 177 countries between 2011-2021 (Kinzelsbach et al., 2022). Zaccagnino (2021) examined the targeting of the Central European University (CEU) within this framework, demonstrating that discriminatory policies were applied to the CEU to dismantle it as a symbol of liberalism and cosmopolitanism, indicating 'open society, and 'gender' as the political 'others or 'enemies' of the regime.

The normative dissonance between illiberal government policies and liberal EU values has resonated deeply during the mass migration movements since 2015, which the European mainstream framed as a humanitarian crisis, but Hungary re-framed through metaphors of national sovereignty and Christian identity (Almustafa, 2022). Çepel & Abka (2022) demonstrated that Hungary's migration policy structurally diverges from the Union's human rights standards and the core value of human dignity. In this context, this difference does not simply represent a divergence between nationalist and conservative narratives versus liberal human rights norms. This so-called 'migration crisis' has been securitised and shaped people's perceptions, internalised as an ongoing pivotal issue and a populist myth in domestic politics, metaphorised as a struggle for freedom against the EU, Brussels elites, and Soros, thereby paving the way for a top-down plebiscitary leadership authorisation from the electorate as well as forming legitimate grounds for anti-immigrant policy (Körösényi et al., 2020).

To properly ground the resonances of the four selected cases of normative dissonances, there is a rigorous need for a clear theoretical framework. Understanding which EU democracy mechanisms and their normative interpretations Hungary diverged from, offers a suitable foundation for establishing the research problem theoretically. Social constructivist perspectives, when combined with the analytical tools of plebiscitary leader democracy (Körösényi et al., 2020), provide a theoretical basis for understanding how and why Hungarian illiberal norms based on sovereignty and national identity have systematically contested the democratic rule of law state norms, media pluralism, and civil liberties. While acknowledging the change in contemporary Hungarian politics – a change of government in 2026 – this article empirically focuses on the period 2010-2025, during which the mechanisms of the illiberal state were systematically institutionalised. Therefore, the analysis captures the structural and institutional dimensions of top-down regime building within the 'pre-Magyar era' of contemporary Hungarian politics.

3. Theoretical Framework: Social Constructivism and Norm Contestation

To understand the resonances of normative dissonance between Hungary and the EU, this study employed a social constructivist framework as its primary theoretical approach. In constructivist thought, institutions are defined not by material meanings but by social constructs, intersubjective meaning structures, and shared understandings (Wendt, 1999). In this paradigm, norms serve as fundamental analytical units, defined as collective expectations and standards of appropriate behaviour for actors with a particular identity³ (Finnemore & Sikkink, 1998; Katzenstein, 1996; Krasner, 1982).

³ In this context, EU normative values can be found in Article II of Consolidated Version of the Treaty of the European Union. This points out that *the* "Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in

Importantly, norms possess a dual constructivist function: they are regulatory, meaning they restrict and shape behaviour, and they are constitutive, meaning they actively create new actors, interests, and categories of action (Jepperson et al., 1996).

Within this intersubjective continuum, this article centers on the concept of normative dissonance to capture the tension between the EU legal order and (Treaty on European Union, Article 2) illiberal policies. Rather than a static institutional misfit, this structural dissonance is driven by an active process of norm contestation, through which domestic actors politically and discursively question the validity, meaning, or implementation of established supranational expectations (Wiener, 2007). When a ruling elite systematically maintains these contestations within the domestic sphere, this process results in the creation of a comprehensive counter-normative framework as a top-down architecture of illiberal meanings, discourses, and altered institutional rules designed to ensure regime legitimacy and political survival (Körösényi et al., 2020).

This operational mechanism directly functionalises Wendt's (1999) foundational proposition that social structures are defined by the intersubjective meanings that actors attribute to them. Applied to the contemporary trajectory of Hungary, the post-2010 U-turn demonstrates that "democracy is what Viktor Orbán makes of it." Instead of treating liberal values as an immutable template, the Orbán government has endogenously emptied the liberal meaning of democratic norms (in terms of protecting checks and balances, pluralism, and cosmopolitan human rights) and restructured them to fit an alternative, majoritarian, and ideological vision. In this regard, constructivist theory underlines that norms do not always have to be framed by morally positive narratives, and different identities can exhibit contrasting standards of behaviour for both liberal and illiberal systems of governance within the same overarching structure.

The stabilisation of such an alternative framework becomes apparent when the Government's predefined interests (particularly in the context of being compatible with a specific definition of 'the people' and an ideological understanding of 'us') override external normative obligations, prompting actors to actively seek socially acceptable pathways to violate established standards (Jose, 2017; Shannon, 2000, p. 294). This author argues that this constructivist process of norm reconstruction is fruitfully blended with the conceptual insights of a plebiscitary leader democracy (PLD) (Körösényi et al., 2020), which explains the domestic structural conditions that make such transformation possible. Under PLD conditions, institutional environments and constitutional frameworks are treated as resources that are continuously shaped by the charismatic leader to protect and sustain the manoeuvre of executive action. Relying on a parliamentary supermajority as a structural source of power, the leader implements a top-down form of representation that uses majoritarian understandings as an opportunity structure. This transforms deliberate norm violations into acceptable internal standards, generating legitimacy to reinforce the illiberal order.

a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail" (Official Journal of the European Union, 2012).

Importantly, as Wiener (2007, p. 55) pointed out, norms cannot be generalised because their interactional validity is entirely dependent on the specific cultural and discursive context. Within the PLD theoretical insights, this interactional validity is sustained through a specific populist political style and staging skills (Körösényi et al., 2020). The charismatic leader actively shapes the conditions of internal interaction by controlling the media, transforming the public sphere into a performance stage, and employing emotionally charged and aestheticised political communication to permanently entrench elements of a counter-normative framework in public perception.

Furthermore, while global problems e.g. economic crises, create the necessary normative gaps for norm entrepreneurs to introduce alternative ideas (Finnemore & Sikkink, 1998), the blended framework demonstrates that the Hungarian regime does not only react to external shocks but relies on internal crisis production and continuous crisis performance to maintain its charismatic hold. This cyclical crisis management is rooted in the constitutive relationship between identity and interests, where an actor's socially constructed identity directly determines the definition of their asserted interests (Wendt, 1999).

Within this framework, the 'refugee crisis' as an international social space has profoundly shaped the populist manoeuvres of the Orbán government. Through this interaction, incoming migrants have been discursively securitised as an existential threat to Hungary's national, economic, social, and cultural security. Through the dissemination of a populist myth as a powerful narrative scheme structured around a binary opposition between 'us' (the leader and the homogeneous people) and the ideological 'other' or external enemies (Brussels, Soros, and marginalised enemy representations), sectoral disputes (i.e. migration quota implementation) are systematically transformed into existential 'freedom fight'. Consequently, deliberate violations of institutional norms are successfully transformed into necessary and legitimate actions for the preservation of national identity.

By employing these blended constructivist and PLD analytical tools, the following sections systematically analyse the top-down implementation of these counter-normative frameworks across Hungary's judicial, media, academic, and migration spheres.

4. Methodology and Data Collection Tools

To assess the normative dissonance between EU values and counter-norms within the broader contemporary process of democratic backsliding in Hungary, this study employed a qualitative, interpretive single case study design ($n = 1$) (Lijphart, 1971). By using this approach, a systematic thematic document analysis methodology was applied to investigate four interconnected analytical sectors of democratic backsliding: the judiciary, the media, academic freedoms, and migration. The empirical dataset examined covers the fifteen years between 2010 and 2025 – this timeframe was specifically selected to capture the lifecycle and consequences of normative dissonance between EU normative standards and Hungarian domestic policy. To ensure data

diversity and analytical framework through data triangulation, a comprehensive pool of 79 primary and secondary documents was collected using a purposeful sampling strategy across the four defined analytical sectors (Tajik et al., 2025). These materials were systematically classified into five core categories.

The first category concerned supranational legal and institutional documents, comprising Treaty provisions, e.g. Article 2 of the Treaty on European Union (TEU), European Commission infringement files, and formal judgments of the European Court of Justice (ECJ) establishing the supranational liberal baseline. The second category is devoted to discursive frameworks and speech acts, including official prime ministerial speeches (such as the 2014 Bálványos address), government legislative decrees, and state justifications that reveal the exclusionary 'us/other' dichotomies deployed by the Fidesz administration to perform crises and manufacture domestic social consent. The third category covered international datasets and index indicators, i.e. indicator data imported from the Variety of Democracy (V-Dem) Dataset (v16, Released 2026), providing quantitative data on the process of democratic backsliding and norm contestations to support cross-methodological comparison. The fourth category was related to media outlets: newspaper articles, journalistic reports, and official media statements that track the 'field reflections' and empirical outputs of the illiberal regime's counter-normative frameworks. The final category concerned secondary academic literature: peer-reviewed studies indexed in the Web of Science, Scopus, and Google Scholar used to ground the empirical insights within the established democratic backsliding studies and address existing gaps in the literature.

To systematically functionalise this qualitative analysis, the source materials were manually processed through a thematic coding matrix. Based on the conceptual framework of social constructivism, the texts were coded using key analytical concepts of contemporary norm research (Finnemore & Sikkink, 1998; Wiener, 2007): the discursive construction and emergence of counter-norms, norm diffusion, norm internalisation, elite-driven agenda setting, internal regime legitimation, and political survival. This approach allowed the study to move beyond mere description, systematically tracing how democracy is redefined from within, how the Hungarian government internally empties liberal democratic expectations, and how they replace them with an alternative, majoritarian, nationalist, and conservative institutional vision. To complement these qualitative findings, quantitative data from the V-Dem dataset were used to enhance the methodological diversity of the research design. This methodological support helped with avoiding subjective reductionism by establishing a structural correlation between counter-normative frameworks and actual normative dissonance.

It should also be noted that this research design faced certain methodological limitations. As a single interpretive case study ($n = 1$), the findings demonstrate extensive internal validity and deep contextual insight into the trajectory of Hungary, yet they cannot be directly generalised to autocratic events occurring outside supranational legal structures such as the European Union. Nevertheless, this specificity does not diminish the analytical value of the study – on the contrary, by examining how an EU

member state internally challenges a supranational legal order from within, this article offers important theoretical insights and policy lessons for the study of democratic backsliding in comparative politics scholarship.

5. Analysis. Resonances of Normative Dissonances in Hungary-EU Relations: is Democracy what Viktor Orbán Makes of it?

Norms do not appear out of thin air (Finnemore & Sikkink, 1998). This constructivist proposition offers an analytical starting point for assessing Hungary's contemporary illiberal transformation under Prime Minister Viktor Orbán. In tracing this trajectory, the Orbán government has systematically reshaped liberal EU norms in domestic politics by mobilising nationalist, conservative, and sovereignty-focused metaphors, thereby constructing a comprehensive counter-narrative against the EU's liberal normative system.

Through this constructivist path, Orbán's sovereignist, nation-state-centric, nationalist, and conservative approach has actively reshaped Hungary's identity within the EU and called into question its pluralistic democracy governed by the rule of law state norms. Viewed from this perspective, the domestic counter-rhetoric confirms the assumption that "democracy is what Viktor Orbán makes of it", providing the necessary intersubjective legitimacy for the implementation of illiberal policies. When Viktor Orbán's foundational speech at the Bálványos Free Summer University and Youth Camp in 2014 is analysed, the intentional strategy of normative deconstruction and regime consolidation becomes explicitly visible:

"(...) the new state that we are constructing in Hungary is an illiberal state, a non-liberal state. It does not reject the fundamental principles of liberalism such as freedom, and I could list a few more, but it does not make this ideology the central element of state organisation, but instead includes a different, special, national approach (...)" (Website of the Hungarian Government, 2014).

In his speech, he also stated that:

"(...) Hungary's citizens are expecting Hungary's leaders to find, formulate and forge a new method of Hungarian state organisation that, following the liberal state and the era of liberal democracy and while of course respecting the values of Christianity, freedom and human rights, can again make the Hungarian community competitive and which adheres to and completes the unfinished tasks and unperformed duties that I have just listed (...)" (Website of the Hungarian Government, 2014).

To justify this systemic break from the "Western dogma", Orbán based his counter-narrative on the performance of successful non-Western models and put forward the following argument:

“(...) the most popular topic in thinking today is trying to understand how systems that are not Western, not liberal, not liberal democracies and perhaps not even democracies, can nevertheless make their nations successful. The stars of the international analysts today are Singapore, China, India, Russia and Turkey. And I think that our political community recognised and touched on this challenge correctly several years ago and perhaps also succeeded in processing it intellectually, and if I think back on what we have done over the past four years and what we will be doing during the upcoming four years, then things can indeed be interpreted from this perspective. Meaning that, while breaking with the dogmas and ideologies that have been adopted by the West and keeping ourselves independent from them, we are trying to find the form of community organisation, the new Hungarian state, which is capable of making our community competitive in the great global race for decades to come (...)” (Website of the Hungarian Government, 2014).

This discursive rhetoric demonstrates the constitutive function of a restructured nationalist and conservative identity on the identified further interests of the state. Under the operating conditions of the PLD, this populist political style is instrumentalised not only as rhetoric, but for elite transformation and the construction of authority. These constitutive representations of identity have found far-reaching empirical reflections in a top-down process of state capture, ranging from the loss of judicial independence and the seizure of the media to academic censorship and the strategic securitisation of immigrants.

Judicial Independence

One of the key steps in this institutional restructuring was the adoption of the Hungarian Fundamental Law. In this context, the manner in which the new Constitution was adopted following its rise to power, the way constitutional norms are applied, the government's offering of significant economic incentives to judges to prevent them from returning despite rulings from the European Court of Justice, and the adoption of new laws to date that undermine the EU's normative standards, all reflect the illiberal counter-normative construction and demonstrate that the liberal EU norms have not yet been fully internalised in Hungary (Bugaric, 2014; Kochenov & Bárd, 2018; Rupnik, 2012; Scheppele, 2015;). To legitimise this new political order based on majoritarianism, the regime instrumentalised the plebiscitary democratic technique. The 2011 National Consultation on Fundamental Law involved approximately 900,000 participants (Körösenyi et al., 2020). This top-down form of representation provided a normative legitimacy from the public for what the literature conceptualises as “autocratic legalism” (Scheppele, 2015), paving the way for a widespread system of cronyism filling the Constitutional Court with loyalists and centralising patronage appointments across the ordinary judiciary (Körösenyi et al., 2020). This institutional erosion and subsequent

emergence of normative dissonance with EU standards is captured in the empirical records of international indices. The data parameters are specified in Figure 1 below.

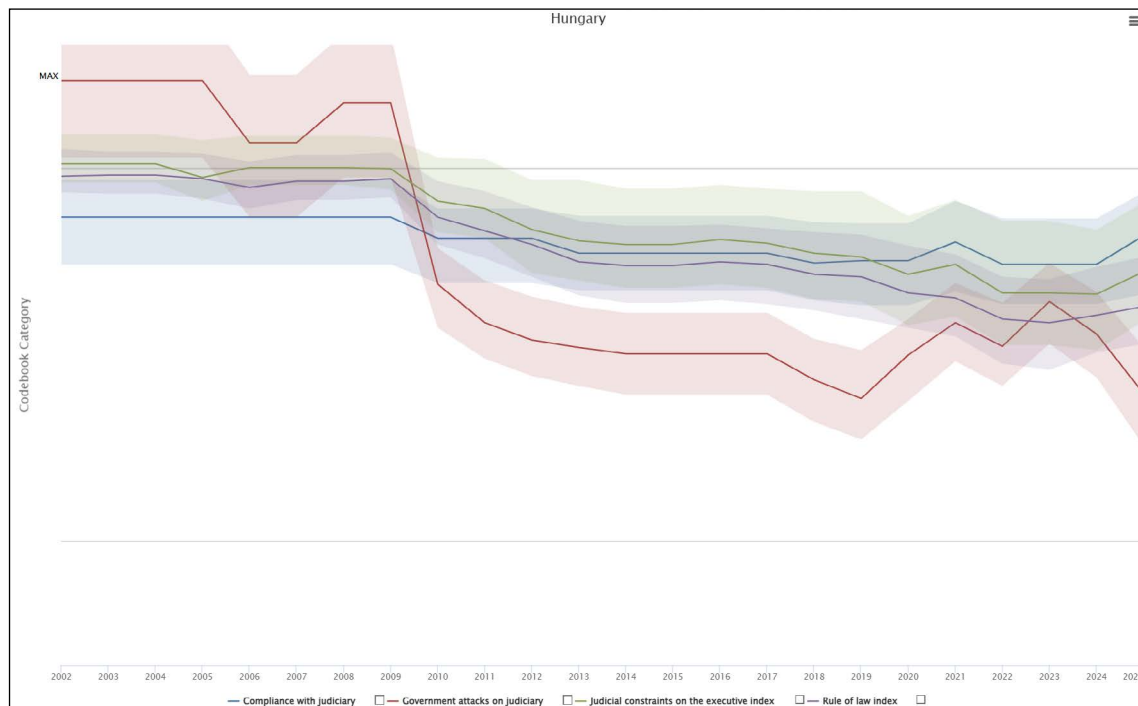


Figure 1. Variety of Democracy Country Graph by Selected Indicators⁴

Source: compiled by the author based on the Variety of Democracy Institute's specific indicator data (Variety of Democracy Institute, 2026a)⁵

⁴ The author's reason for showing the trend in Hungary before 2010 in the chart was deliberate, as it provides a comparative perspective on the situation before and after 2010.

⁵ Judicial Constraints on the Executive Index (v2x_juon), an index of the extent to which the executive branch respects the constitution and complies with court decisions, and the extent to which the judiciary can act independently. This index's scale is interval, ranging from low to high (0-1). Its sources are "v2exrescon", "v2jucomp", "v2juhccomp", "v2juhccind", "v2juncind". Its data release is 1-16.

Rule of Law Index (v2x_rule), an index of how transparently, independently, predictably, impartially, and equally laws are applied, and how lawful the actions of government officials are. The scale is an interval, varying from low to high (0-1). Its sources are "v2exrescon", "v2exbribe", "v2exembez", "v2excrtps", "v2exthtps", "v2juaccnt", "v2juccorrdc", "v2juhccind", "v2juncind", "v2juhccomp", "v2jucomp", "v2cltrnslw", "v2clrspct", "v2xcl_acjst". Its data release is 9-16.

Compliance with Judiciary (C) (v2jucomp), i.e. how often the government complies with important court decisions that it does not agree with. Based on responses equivalent to 0: Never; 1: Seldom; 2: About half of the time; 3: Usually; 4: Always. Its scale is ordinal, converted to interval by the measurement model. Its data release is 1-16.

Government attacks on the judiciary (C) (v2juoatck), i.e. how often the government attacks the integrity of the judiciary. Based on the responses equivalent to 0: Attacks were carried out on a daily or weekly basis; 1: Attacks were common and carried out in nearly every month of the year; 2: Attacks

The empirical data in Table 1 show that the rule of law in Hungary has been deliberately and significantly undermined. Tracing the transformation from the baseline pre-2010 situation to the contemporary consolidated era, the Judicial Constraints on the Executive Index shows a serious decline from 0.90 to 0.68, coinciding with a drop in the overall Rule of Law Index from 0.88 to 0.60. These changes, consistent with the logic of autocratic legalism, do not only reflect an institutional transformation but also map how judicial mechanisms have been politicised through the systematic application of executive aggrandisement for regime consolidation and political survival (Bermeo, 2016). This systematic subversion of legal norms is further reinforced by the changing behavioural patterns of those in power. Compliance with the Judiciary indicator shows a steady erosion, falling from 1.66 to 1.44. Within the constructivist logic, this institutional challenge manifests the consolidation of the primacy of politics over law, where legal frameworks are systematically weaponised by the ruling elite to maintain their capacity to act, confirming that democracy is indeed what Viktor Orbán makes of it (Körösényi et al., 2020; Scheppele, 2015; Wendt, 1999). This institutional defiance is also empirically corroborated by the dramatic drop in the Government Attacks on the Judiciary index, which falls from a positive 1.44 post-accession score to a highly declining score of -1.21 (Variety of Democracy, 2026a). Within this broader autocratic legalistic counter-normative framework against the rule of law, the instrumentalisation of crises as permanent tools for persuading the masses and producing legitimacy reached its empirical peak during the globally spreading COVID-19 pandemic. Benefiting from the "state of danger" legal regime, the Fidesz supermajority enacted the Authorisation Act of 30 March 2020, granting the executive branch the right to rule the country by decree with virtually no temporal limitations (Hegedus, 2020). This law represents the ultimate manifestation of an alternative counter-normative framework where the leader does not adhere to existing institutional frameworks, but instead exploits the state of exception to endogenously invent alternative ones.

Media Freedom

Within the broader context of democratic backsliding, a second empirical manifestation of illiberal state-building, directly opposed to liberal EU norms, concerns the restriction of media autonomy (European Parliament, 2011; Organization for Security and Co-operation in Europe, 2012; Polyák, 2019; Sedelmeier, 2014). In stark contrast to pluralistic liberal EU norms, the Hungarian government's media policies have been systematically instrumentalised to generate social consent for its nationalist and conservative ideology, transforming political communication and meaning-making into an institutional apparatus of state propaganda. This transformation represents a manifestation

occurred more than once; 3: There were attacks, but they were rare; 4: There were no attacks on the judiciary's integrity. Its data release: 1-16.

Data interpretation: A lower value indicates a more autocratic situation.

of the constitutive influence of a reconstructed nationalist identity on pluralistic media standards. Beyond mere descriptive censorship, this trajectory demonstrates the deployment of specific authoritarian apparatuses designed to localise the ideology desired by the ruling government and to strategically legitimise its constructed enemies/others. Within this anti-normative political communication order, 'immigrants', 'Brussels', 'EU', and 'Soros' function as key intersubjective representations of the "ideological other". Thus, the charismatic leader Viktor Orbán centralised public and private media structures, homogenising the public media space and transforming it into a performative stage for constructing ideological others (Körösenyi et al., 2020). The homogenisation of media policy and its transformation into an elite-focused propaganda tool was empirically confirmed by the continuous downward trends in international indexes such as Variety of Democracy, see the data from Variety of Democracy in Figure 2 below.

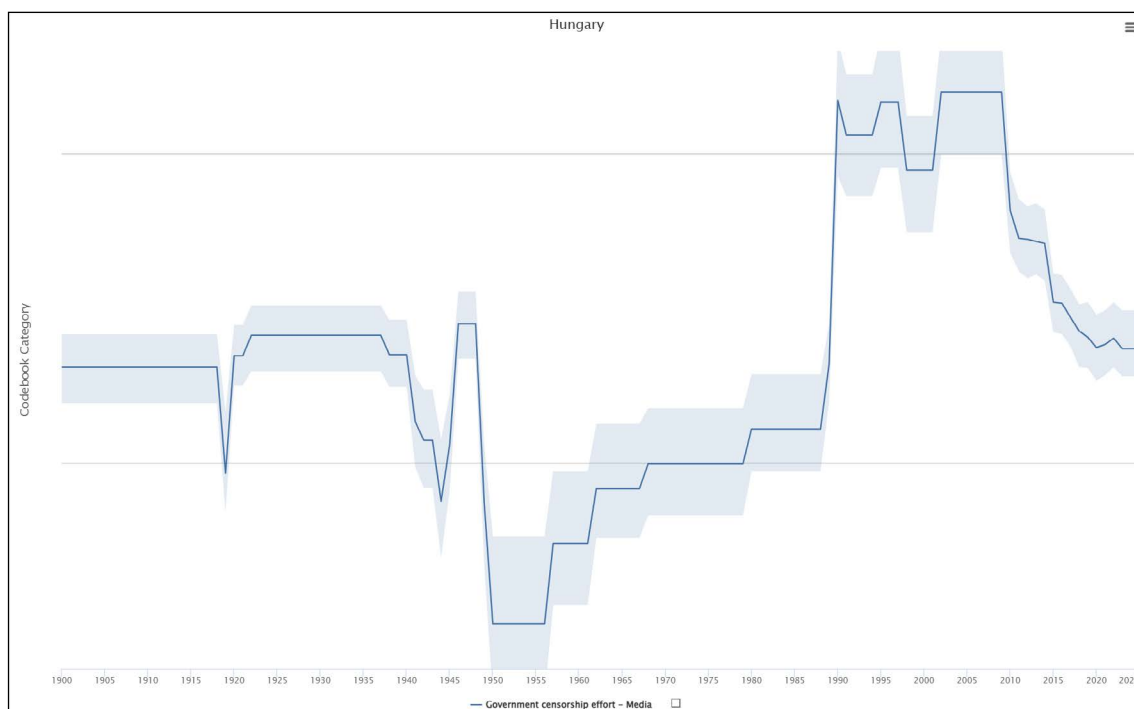


Figure 2. Variety of Democracy Country by Government Censorship Policy – Media Indicator by Years

Source: compiled by the author based on the Variety of Democracy Institute's specific indicator data (Variety of Democracy Institute, 2026b)⁶

⁶ Government censorship policy – Media (C) (v2mecenefm): According to the Variety of Democracy Institute (2026b) formal methodological guidelines, the Government Censorship Effort Indicator (v2mecenefm) assesses both direct and indirect attempts to censor print or visual media. The data release of this indicator is 1–16, with scores ranging from 0 to 4. Specifically, a score of 0 indicates routine and direct censorship, while a score of 1 indicates routine but indirect repression. Scores of 2 and 3 represent direct or indirect censorship limited to highly sensitive topics, respectively. Conversely, a score of 4 indicates that public authorities rarely interfere with major media outlets.

In terms of data interpretation, lower values reflect a more autocratic environment with systematically higher levels of censorship.

Empirical data included in the Variety of Democracy indicators show that the concentration of power in the Hungarian media landscape accelerated after the Fidesz government came to power. Accordingly, a sharp decline was recorded from an initial value of 2.46 in 2009 to a marginal score of 0.04 in 2025. This sharp decline demonstrates that the restricted media freedom in Hungary is progressing through a structurally implemented top-down centralising strategy, in which a key step were the new media laws adopted after the Orban government came to power, not aligned with the normative frameworks of the Union's Audiovisual Media Services Directive (Directive 2010/13/EU) (Polyák, 2019). This institutional restructuring significantly increased executive control over both print and electronic media sectors, and the media space was instrumentalised for regime legitimacy and mass approval through the establishment of a centralised Media Council filled with government loyalists (Pap, 2017).

Furthermore, the sharp decline in this indicator was also an expression of the institutional erosion of the media. The Council actively manipulated access to market resources by controlling frequency auctions, and previously successful independent radio stations were excluded from the market due to regulatory decisions (Polyák, 2019). The centralised consolidation of media autonomy and its erosion for political survival has led to external normative objections; the European Parliament warned that media pluralism in Hungary was seriously endangered, while the OSCE Representative on Freedom of the Media, Dunja Mijatović, stated that the new media laws created unprecedented risks of direct political control (OSCE, 2012).

This systematic media control transformed the public sphere into a performative stage necessary for the circulation of simplified and aestheticised discourses that reinforce rigid "friend/enemy" polarisations (Körösényi et al., 2020). The regime used top-down disinformation campaigns to construct and discredit external and internal enemies it has invented, all in pursuit of further political survival and regime consolidation. The most significant empirical manifestation of this strategy was the state-sponsored anti-Soros campaign. George Soros is discursively presented as the central "ideological other" and the malevolent actor behind a populist myth that organizes illegal immigration to undermine European sovereignty. In 2017 alone, the Hungarian government spent €7.5 billion on state-directed anti-Soros media campaigns (Polyák, 2019). Following this ideological identity politics, Fidesz, which holds a supermajority, enacted the "Stop Soros" legislative package in 2018, legally making a highly polarising, media-marginalised political myth an official instrument of state and security policy.

However, as corroborated by data from Variety of Democracy, the use of crises as enduring tools for the production of counter-normative frameworks and legitimacy peaked during the COVID-19 pandemic. Under the umbrella of the emergency legal regime, the government integrated a highly restrictive anti-disinformation clause into the Authorisation Act of 30 March 2020, imposing prison sentences of up to three years on individuals who spread "distorted facts" or "false claims" related to the emergency. While framed by the executive branch as a necessary measure to protect public order, independent journalists, civil society organizations, and academics have pointed out

that the law is deliberately being instrumentalised to silence critical reporting and punish public dissent (Hegedüs, 2020).

Academic Freedoms

Within the broader context of democratic backsliding, the third empirical manifestation of illiberal state-building is the systematic restriction of academic freedoms (Bárd, 2020; Enyedi, 2018; Helms & Krizsán, 2017; Ryder, 2020). Rather than occurring as a series of separate academic interventions, the erosion of higher education autonomy has been deliberately functionalised to facilitate a comprehensive, top-down reconstruction of knowledge designed to serve the hegemonic ideological strategies of the ruling elite.

One of the most prominent cases of this strategy explicitly targets the boundaries of higher education, systematically replacing cosmopolitan and autonomous academic norms with traditionalist and conservative ideological structures. The most significant empirical manifestation of this ideological limitation occurred in 2018, when Orbán signed an executive decree unilaterally revoking university accreditations for Gender Studies programmes, effectively banning the discipline across the domestic landscape (The Conversation, 2018). This ideological counter-move directly targeted the public curriculum, including that of elite institutions such as Eötvös Loránd University (ELTE). It is worth noting that the banning of this discipline represents a classic demonstration of the exclusionary identity politics necessary for regime consolidation. As the critical framework of gender studies directly opposes the traditional family structures and majoritarian gender roles that Fidesz sought to institutionalise, higher education has been systematically securitised to protect the domestic sphere from the perceived so-called "Western cultural imperialism."

In addition to this curriculum limitation, the second case lies at the intersection of the PLD's theoretical insight into the primacy of politics and Scheppele's conceptualisation of autocratic legalism, since legal frameworks are used as weapons to carry out institutional exclusions (Körösényi et al., 2020; Scheppele, 2015). This mechanism was institutionalised with the adoption of the amendment, widely known as "Lex CEU," by the Fidesz parliamentary supermajority in April 2017 (European Commission, 2017). Although framed in neutral language, the law introduced highly discriminatory structural conditions designed specifically to restrict the activities of foreign accredited institutions in Hungary. The amendment stipulated that foreign universities could only operate domestically if they maintained active higher education campuses in their home countries and a formal bilateral international agreement was signed between the Hungarian government and the country of origin; this condition targeted the Central European University (CEU), the only foreign institution in Budapest without a US-based campus (Zaccagnino, 2021). Despite CEU officials taking immediate and transparent steps to comply with the new regulations and New York State successfully negotiating the necessary bilateral framework, Prime Minister Orbán used his personal veto to prevent the agreement from being signed. This veto activism reveals the true

nature of the initiative: a highly calculated political engineering manoeuvre designed to wage a targeted ideological war against dissenting intellectual spaces. As a result, CEU, one of Central Europe's most prestigious higher education institutions, was forced to relocate all its core academic activities to Vienna in 2019 (Zaccagnino, 2021).

From a traditional liberal perspective, this forced displacement presents a stark paradox. CEU maintained a high degree of scientific quality, operated independently of public funding, paid significant internal taxes, and created significant intellectual employment (Bárd, 2020). However, within top-down ideological transformation and enemy-creation logics, these objective institutional benefits are systematically invalidated by the regime's overriding political survival logic (Körösényi et al., 2020). As CEU was founded by George Soros, who is discursively indicated as the ultimate external other/enemy organizing mass migration to dilute European culture, the university was targeted as an existential other-enemy. By attacking the institution, the charismatic Hungarian leader successfully mobilised a powerful populist myth and transformed a blatant violation of academic freedom into a necessary "freedom struggle" for the preservation of national sovereignty. This progressive erosion of academic autonomy is strongly corroborated by empirical data provided by international indexes, see The Variety of Democracy data presented in Figure 3.

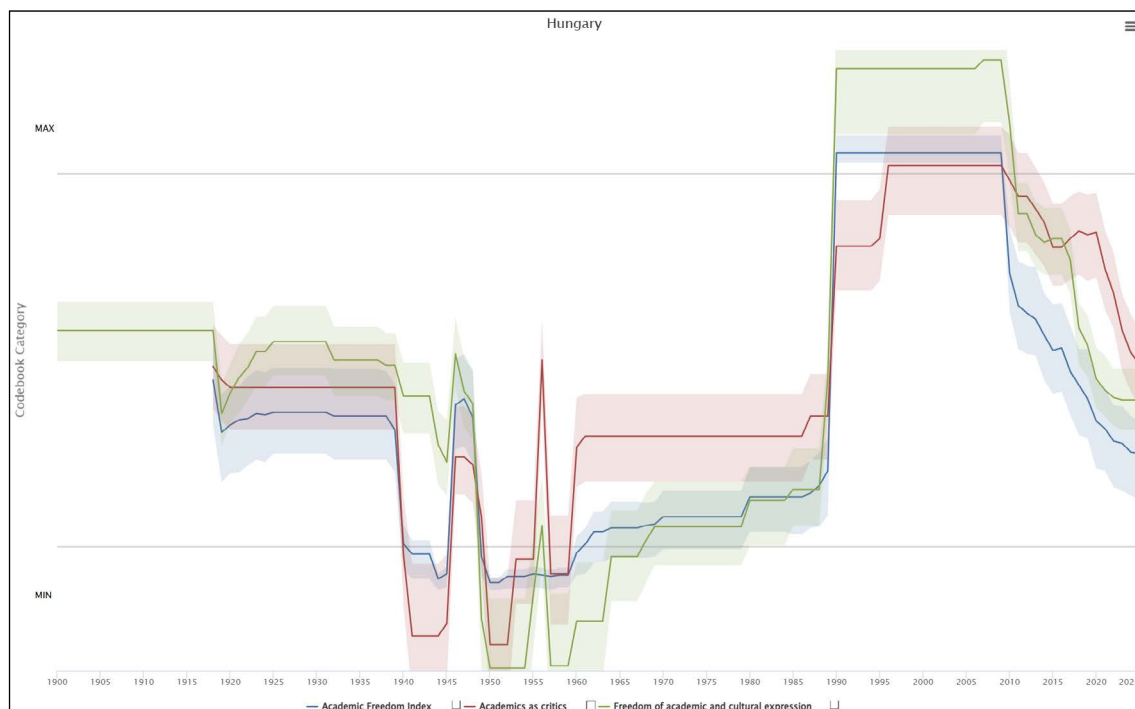


Figure 3. Variety of Democracy Country Graph by Academic Freedoms – Selected Indicators by Years

Source: compiled by the author based on the Variety of Democracy Institute's specific indicator data (Variety of Democracy Institute, 2026c)⁷

⁷ Academic Freedom Index (D) (v2xca_academ): according to the Variety of Democracy Institute (2026c) formal methodological guidelines, this indicator is related to the extent to which academic

The trends presented in Figure 3 provide robust empirical confirmation of the progressive and directional erosion of higher education autonomy under Fidesz rule. The overall Academic Freedom Index, tracing the trajectory from the pre-transformation baseline to the present, shows a dramatic decline, falling from a near-perfect score of 0.95 in 2009 to a worrying 0.30 in 2025. Examining the severity of this structural decline through an international triangulation lens, the global Academic Freedom Index report shows that in the decade following Orbán's constitutional restructuring, Hungary ranked 132nd globally, alongside states such as Somalia, Palestine, and Brazil, placing it in the bottom 20-30% of higher education autonomy worldwide (Kinzelbach et al., 2022, p. 7).

This institutional deterioration is further highlighted by the changing behavioural and communicative indicators of Hungarian academic life. The Freedom of Academic and Cultural Expression Index declined from a score of 3.04 in 2009 to a negative score of -0.16 in 2025. This shift to negative indicates that academic expression in Hungary was transformed from a legally protected routine to a highly restricted space marked by frequent pressure from public authorities and structural censorship, particularly on political issues.

Within the Hungarian political structure, this restrictive environment directly targets academics, who are the primary source of internal, horizontal criticism. This is clearly confirmed by the sharp drop in the Academics as Critics Index from 2.06 to 0.10, indicating that the discernible environment of academic criticism in the public sphere has

freedom is respected. This indicator's scale is interval and scores range from low to high (0-1). Its sources include "v2cafres", "v2cafexch", "v2cainsaut", "v2casurv", "v2clacfree". Its data release is 10-16.

Academics as critics (C) (v2cacritic): according to the Variety of Democracy Institute (2026c) formal methodological guidelines, this indicator is related to the extent to which academics and university students openly criticise government policies. Based on five scores, a score of 0 signifies a total absence of academic criticism, while a score of 1 represents only minor, limited academic criticism. Moderate forms of public scholarly disagreement are coded as 2, whereas a score of 3 indicates that academics routinely voice substantive critiques against government policies. Finally, the maximum score of 4 is reserved for environments where higher education actors can openly engage in fundamental criticism of government policies. Its data release: 10-16.

Freedom of academic and cultural expression (C) (v2clacfree): according to the Variety of Democracy Institute (2026c) formal methodological guidelines, this indicator relates to the interconnectedness of academic freedom and freedom of cultural expression with political issues. Based on five scores, a score of 0 indicates that public authorities disregard these freedoms, routinely apply censorship, and impose significant restrictions on academic and cultural freedoms. A score of 1 indicates that academic freedom and freedom of cultural expression are weakly respected by public authorities, with occasional enforcement, but direct criticism of the government is often met with repression. A score of 2 indicates that academic freedom and freedom of cultural expression are partially respected by public authorities, with routine enforcement, but strong criticism of the government is sometimes met with repression, whereas 3 points represent a predominantly libertarian structure characterised by minimal and infrequent academic interference. Finally, a maximum score of 4 indicates environments with full institutional respect and no restrictions on academic freedom or cultural expression. Its data release: 10-16.

In terms of data interpretation, lower values reflect a more autocratic environment.

been damaged. In an illiberal and personalistic Hungarian context where academic freedoms are increasingly undermined, the silencing of academics and students is a fundamental requirement for the regime's authority and political survival (Körösenyi et al., 2020).

Analytically, this multifaceted academic restriction reveals a profound normative inconsistency that violates both supranational legal standards and Hungary's own constitutional obligations. Articles 11 and 13 of the European Union Charter of Fundamental Rights and Article 10 of the European Convention on Human Rights (ECHR) explicitly prohibit public authorities from imposing arbitrary restrictions on scientific research and academic expression, and this provision directly contradicts them. Furthermore, this anti-normative framework undermines Hungary's international obligations under the General Agreement on Trade in Services (GATS), overseen by the World Trade Organization (WTO). By applying discriminatory criteria that violate the fundamental principle of national treatment, the Fidesz government's higher education policies deal a serious blow to the normative vision of international law. In response to this challenge, the European Commission initiated a formal infringement procedure and ultimately referred Hungary to the European Court of Justice (ECJ), which ruled that Lex CEU weakened freedom of association, academic freedom, and the right to do business (European Commission, 2017). By strategically instrumentalising the academic field for its own political survival, the Hungarian regime succeeded in transforming higher education from a critical and cosmopolitan field of inquiry into one tightly regulated by ideological alignment, thereby providing a legitimate basis for the institutionalisation of alternative meaning-making processes.

Migration

The fourth empirical manifestation of the normative debates surrounding the EU's liberal framework rests in the transfer of migrants to the state's security agenda (Euronews, 2017; Guardian, 2016). Due to the spillover effects of the Syrian civil war and widespread regional displacement in the Middle East, the mass movement of over one million refugees arriving in Europe by mid-2015 triggered an "existential crisis" in EU member states (Almustafa, 2022; Demir & Soyupek, 2015). To manage this "humanitarian influx", the European Commission (2015a; 2015b) introduced a mandatory quota system based on solidarity and fair burden-sharing, aiming to relocate 120,000 refugees among member states according to indicators such as GDP, population size, and unemployment rates. However, this supranational initiative revealed profound normative dissonances within the EU, accelerated trends of Euroscepticism and anti-EU sentiment, and led to the construction of exclusionary physical and symbolic policies against newcomers.

The fundamental source of the normative dissonance between the EU and Hungary regarding the phenomenon of migration was the securitising policies of the Orbán government, which systematically weaponised nationalist, sovereignist, and nation-state metaphors to reject EU solidarity frameworks. In this process, the government was not

only a passive participant in an external crisis, but rather, as its strategy operationalises Wendt's (1999) proposition regarding the constitutive link between identity and interests, demonstrating how the phenomenon of migration is endogenously utilised to generate and sustain permanent domestic crises to maintain the internal authority of the charismatic elite (Körösenyi et al., 2020). In this trajectory, which serves the goals of political survival and further regime consolidation, the so-called "existential crises" in international social spheres are strategically filtered through the nationalist-conservative identity of the leader, which directly determines the definition of his advanced state interests. The regime, having transformed migration into a tool for domestic political survival, employed specific speech figures to turn incoming migrants into security reference objects, systematically circulating metaphors of "fear," "violence," "terrorism," "invasion," and "influx" in public discourse. This expanding, multi-layered securitisation process successfully achieved centralist policies, generating broad domestic consent for anti-immigrant policies shaped on a traditionalist basis.

This discursive polarisation has been increasingly reinforced through concrete physical and symbolic policies. In 2015 the Fidesz government constructed a 175-kilometer barbed and razor-wire fence along Hungary's borders with Serbia and Croatia (Euronews, 2017; Guardian, 2016). Beyond its role as a physical deterrent, this border barrier represented a counter-normative struggle designed to deliberately blur established supranational border management traditions and deter asylum seekers (Antal, 2019). To stabilise these anti-immigrant normative frameworks within domestic public opinion, Orbán instrumentalised plebiscitary techniques and populist political methods designed to generate social approval (Körösenyi et al., 2020). The first major manifestation of this strategy was the initiation of the 2015 National Consultation on Migration and Terrorism. The twelve-question survey functioned as a top-down tool for public opinion manipulation; by explicitly repeating the term 'terrorism' seven times, it linked economic migration to existential violence and framed newcomers as welfare-chauvinist threats who directly jeopardised local employment and cultural integration (Hungarian Government, 2015).

To reinforce these top-down centralist and populist policies, the regime also implemented a highly strategic counter-response to the radical right-wing pressure within party politics. Initially the radical right-wing party Jobbik had proposed a constitutional amendment to nullify international refugee obligations, which was rejected by Fidesz parliamentary group leaders led by Lajos Kósa due to international legal restrictions (Hargitai, 2020). However, considering the potential agenda-setting risks in domestic party politics, the Orbán government promptly embraced this agenda and formally announced the Immigration Quota Referendum on October 2, 2016 (Hargitai, 2021). The referendum campaign was conducted entirely on an anti-EU and anti-immigrant platform, asking voters whether they should allow the EU to force the displacement of non-Hungarian citizens without parliamentary approval (BBC, 2016).

Although voter turnout fell short of the official legal validity threshold, the government strategically exploited the 98% "No" vote among participants to assert political

and legal authority. Seeking to legitimise societal consent from this plebiscitary source, the Prime Minister utilised this retrospective, ex-post legitimacy to push through the policy changes which explicitly declared that no foreign population could be settled in Hungary, and legally mandated all state organs to protect the nation's constitutional identity and Christian culture (The Government of Hungary, 2018). This structural move directly subverted the foundational principle of the primacy of EU law, asserting that accession to the EU could not restrict Hungary's inalienable right to determine its territorial and demographic structure.

The operational effectiveness of this newly created counter-normative framework was further enhanced by the systematic criminalisation of civic activities. Following its victory in the 2018 general elections, Fidesz's overwhelming parliamentary super-majority enacted the "Stop Soros" legislative package, formally punishing civil society organizations and individuals providing legal or humanitarian assistance to refugees with up to one year of imprisonment (Guardian, 2018). The regime, leaning on an exclusionary populist myth constructed around a dichotomy of heroes versus villains, spent €7.5 billion in state advertising to stabilise this narrative by portraying billionaire philanthropist George Soros as an external enemy organizing mass migration to dilute European civilisation (Polyák, 2019). The law granted the Ministry of the Interior unlimited powers to ban NGOs deemed a national security risk and imposed a 25% punitive tax on foreign funds received by civil society bodies (Boros, 2018; Deutsche Welle, 2018). This aggressive encapsulation led to the forced relocation of the Open Society Foundations from Budapest to Berlin, with the foundation explicitly justifying the move by citing the systematic suppression of civil society for executive political interests (Open Society, 2018; Ryder, 2022).

The Orbán government's securitisation policies, designed with xenophobia in mind, directly violated fundamental international asylum directives, generating a severe normative dissonance. The "Stop Soros" framework stood in direct contradiction to Articles 8(2) and 12(1) of the EU Asylum Procedures Directive (Directive 2013/32/EU), which legally bind member states to guarantee international protection applicants effective access to legal counsel, advice, and NGOs at border crossing points and transit zones (European Commission, 2019). In response to this blatant breach of the Union's legal framework, the European Commission initiated formal infringement proceedings under Article 258 of the Treaty on the Functioning of the European Union (TFEU) and referred Hungary to the European Court of Justice (ECJ). The court explicitly ruled that Hungary had systematically failed to fulfill its obligations under Union law and declared the criminalisation of aid to asylum seekers an unlawful restriction of rights guaranteed under EU directives (The European Court of Justice, 2024).

However, instead of changing course in the face of international cases, the Orbán government used subsequent international problems (particularly the global pandemic) to reinforce biopolitical representations of the other. During the COVID-19 pandemic, the discovery of the first local coronavirus cases among Iranian university students was immediately integrated into the leader's anti-immigrant nationalist

narrative. The executive branch 'scapegoated' foreign students as undisciplined, transforming a public health emergency into a new battlefield in its broader strategy of endogenously inventing continuous crises (Batory, 2022; Bohle & Eihmanis, 2022). Using the pandemic emergency "state of danger" legal regime, the government issued an executive decree permanently integrating asylum procedures into the emergency framework. The regulation stipulated that asylum applications could no longer be made on Hungarian territory or at border crossing points – instead, applicants were forced to undergo a highly restrictive pre-asylum procedure at designated Hungarian embassies abroad, such as in Kyiv or Belgrade (Szente & Gárdos-Orosz, 2022).

By implementing this comprehensive strategy of 'othering', the Fidesz government systematically emptied the content of fundamental components of human dignity, such as identity-based acceptance, inclusion, and recognition, failing to meet any criteria of normative refugee protection (Abka & Ünalp Çepel, 2022). Consequently, by constantly manufacturing threat narratives through sectoral security policies, the Hungarian regime successfully completed the transition of the domestic public sphere into a government-directed securitising performative stage. By polarising a strict "us and them" dichotomy, the executive transformed the external crisis into a permanent internal crisis narrative, successfully turning its political survival goals into mandatory, legitimate actions for national survival.

At the intersection of democratic backsliding and EU norm dissonance, the four analytical sectors assessed above serve as profound empirical manifestations of how systemic normative contestations are directly linked to top-down counter-normative frameworks constructed by the ruling elite. Illiberal and populist practices pursued for regime consolidation and political survival imply the spread of an exclusionary ideological line at micro level, while simultaneously producing a highly securitised counter-narrative against the macro-identity of the EU, an identity structurally based on liberal, cosmopolitan, pluralistic, and rule-of-law standards.

Importantly, Péter Magyar's recent electoral success and the changing dynamics in the Hungarian political landscape raise intriguing questions about the future trajectory of norm contestation projections. While this study acknowledges that internal political restructuring presents a historic window of opportunity to potentially re-establish democratic rule-of-law standards in Hungary, it adopts a cautious approach regarding the institutional and practical pace of a rapid re-democratisation transformation. Comparative perspectives based on the fluid interaction between identity and normative visions demonstrate that mapping these shifting internal structures provides a significant research gap for future studies investigating the dismantling of counter-normative architectures or broader re-democratisation efforts in Hungary-EU relations.

6. Discussion and Conclusion

In the broader context of contemporary autocratisation research, the social constructivist perspective provides a fertile analytical ground for assessing the systemic norm

contestations between Hungary and the European Union. This article systematically supports and validates the hypothesis that the gradual, directional decline in the quality of Hungarian democracy is driven by a structurally designed, illiberal, counter-normative framework engineered by the ruling elite. Blending constructivist norm dynamics with theoretical insights from the plebiscitary leader democracy (PLD) concept (Körösényi et al., 2020), this article presents a four-sector analysis explaining how and why a consolidated illiberal political order internally empties supranational expectations to guarantee the political survival of the executive branch and the longevity of the regime.

The empirical analysis conducted across the four selected policy sectors demonstrated that the post-2010 trajectory reveals a profound normative dissonance where “democracy is precisely what Viktor Orbán makes of it” (Wendt, 1999). Instead of creating straightforward institutional gridlocks, the charismatic leader strategically functionalised his parliamentary supermajority to implement a top-down restructuring of legal and communicative meaning structures. In the judicial sphere, this was manifested through autocratic legal mechanisms (Scheppele, 2015), successfully establishing the primacy of politics over law. Regarding media freedom, the domestic public sphere was systematically restructured through aggressive, top-down executive control, transforming it into an elite-directed performative stage designed to manufacture social consent and circulate simplified, emotionally charged discourses (Körösényi et al., 2020). In academic freedoms, the forced relocation of the Central European University via “Lex CEU” and the unilateral banning of Gender Studies programmes imply a calculated top-down reconstruction of knowledge, where autonomous cosmopolitan institutions are systematically securitised as ideological threats to the traditional identity constructed by the state. Finally, the securitisation of migration reveals another critical dimension of this counter-normative framework, as the executive branch, through the “Stop Soros” legislative package and pandemic-era restrictive decrees, criminalised civil solidarity and tightened asylum procedures, directly defying supranational court rulings (The Court of Justice of the European Union, 2024). Taken together, this article fills a critical gap in the literature by offering a comprehensive framework that triangulates the EU legal and institutional bases, contemporary academic literature, discourse and speech acts, and empirical data from the Variety of Democracy (V-Dem) indices. The article demonstrates how intersubjective interpretive politics, the fluid nature of norm contestation (Wiener, 2007), and the mutually constitutive effects of identity politics can be functionalised by an elite in power to create an alternative, resilient structure.

However, while recent internal political shifts and electoral success of the opposition in Hungary present a historic window of opportunity for potential democratic renewal, this study adopted a rigorous and cautious approach to the practical and institutional pace of any rapid re-democratisation. It is worth noting that the deeply entrenched bureaucracy alongside the formal and informal counter-normative structures built during sixteen years of Fidesz rule cannot be easily dismantled simply by electoral results. Consequently, the theoretical and empirical insights suggested in

this article confirm that social constructivist frameworks, when intertwined with the political realities of plebiscitary leader democracy, possess significant explanatory power in revealing the internal logic of autocratisation. Mapping the future trajectory of these shifting structures and the ongoing normative dissonances between the domestic polity and the EU prepares the groundwork for a critical research agenda in future comparative political studies on international law, identity politics, and democratic resilience.

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