

Broadening the limits of reconstructive leadership: Constructivist elements of Viktor Orbán's regime-building politics

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Abstract:

Hungary's political backsliding, which has transformed it from a former frontrunner of liberal democracy in the post-communist region to an illiberal and/or authoritarian state, has puzzled political scientists. As a contribution to understanding the problem of Viktor Orbán's leadership and the regime change, we apply Stephen Skowronek's concept of 'reconstructive leadership'. The politics of reconstruction, with an emphasis on the introduction of new standards of legitimacy, and the mobilization of support for new modes of governance, leaves ample room for appreciating the role of political leadership. Through an analysis of three policy areas (constitution-making, macroeconomic- and immigration policy) related to Orbán's efforts at reconstruction, we argue that the Hungarian case underscores the formative role of agency even more than in Skowronek's original conception. Reviewing some possible criticisms of Skowronek's perspective and some recent literature about 'discursive institutionalism' we argue that the Hungarian case makes a vital correction to the Skowronekian concept, suggesting the value of taking a more constructivist approach.

Keywords: reconstructive leadership, constructivism, discursive institutionalism, Hungarian politics, Viktor Orbán

The political changes of recent years in Hungary have attracted significant international attention and raised questions about the relationship between the executive leadership and the political regime. The direction of the changes and the controversial leadership style of Hungarian Prime Minister Viktor Orbán have puzzled political scientists. Is Hungary still a liberal democracy, or has it become a 'hybrid regime' (Wigell, 2008)? Or is the 'Orbán-phenomenon' better regarded as a brand of populism (Enyedi, 2016a; Pappas, 2008)?

Various explanations have evolved to account for this backslide. The critical elections and the partisan realignment theory (Enyedi and Benoit 2011; Róbert and Papp 2012) reveal the increased opportunity for political change, but do not explain its direction. The possibility of 'authoritarian diffusion', that is the impact of Putin's Russia is obviously raised, but political science research has found no empirical evidence for this phenomenon (Buzogány, 2017). Economic interest is considered as a variable – either as a pressure by the national capitalist class (Scheiring, 2015), or as the aim of the new ruling political elite to establish some version of 'neoprebendial' property relations with an increased Hungarian ownership share (Csillag and Szelényi, 2015). Populism as an ideology shared by Orbán and his entourage has also been

considered a prominent factor in the illiberal turn (Batory, 2015; Enyedi, 2016b; Pappas, 2014). A recently published study emphasises the role of agency in the process of democratic erosion, focusing on the partisan mobilisation strategy and on the agent-led process of cultural change (Herman, 2016). These explanations, however, do not seem to give a sufficient account of the speed, scope and depth of changes.

In this article, we consider Viktor Orbán's leadership as the main driving force of the changes in Hungary, applying Stephen Skowronek's concept of 'reconstructive leadership' (Skowronek, 1997). Skowronek's concept of 'political time' posits that there are recurrent patterns in the histories of regimes. At the beginning of every political regime a reconstructive leader emerges to change the political settlement. This emphasis on recurrent elements in change contributes a new analytical perspective to mainstream interpretations, which are usually teleological, implicitly or explicitly accepting that history moves towards the global victory of liberal democracy (Fukuyama, 1989; Schedler, 1998; Wigell, 2008). Moreover, the concept of reconstruction, somewhat modified, creates room for better appreciating the role of political leadership. The introduction of new standards of legitimacy, the mobilisation of support for a new mode of governance, the speeding up or slowing down 'political time': these are all instruments that leaders can utilise, through discursive means, to fulfil their goals.

Although Skowronek's work is built on an examination of the US Constitution and Presidency, it also provides a basis for comparative research and a broad explanatory narrative for regime dynamics. The author's theory has recently been explored as a suitable and fruitful model for application in parliamentary contexts as well (Byrne et al, 2017; Laing and McCaffrie, 2013; McCaffrie, 2012; 't Hart, 2011, 2014). Hence, the task of this paper is to engage in an intellectual enterprise of 'conceptual traveling' (Sartori, 1970). We claim that the concept of reconstructive leadership can help us understand the situation in Hungary.

Beyond the aim of using a new perspective to examine recent Hungarian politics, the research described in this paper also has some theoretical ambitions. Based on criticisms directed at Skowronek's concept (Arnold, 1995; Hoekstra, 1999), and the recent literature of 'discursive institutionalism' (Carstensen, 2015; Schmidt, 2008, 2010, 2011) the goal is to give an account of reconstruction that underscores the formative role of political leadership more strongly than in the original concept, and that can be described as 'agency-centred constructivism' (Widmaier et al., 2007). The Hungarian case, as we will argue, provides an expressive illustration of such an agent-centred (although not necessarily voluntarist) view of reconstruction.

The paper consists of three parts. In the first section (1), we sketch out Skowronek's concepts of regime and reconstructive leadership, and review some possible criticisms of these views which serve as a theoretical starting point for our more agent-centred view. In the second part (2) we analyse three specific policy areas in which Orbán's reconstruction took place: the heterodox economic policy pursued by his governments, the drafting of Hungary's new constitution, and Hungarian immigration policy during the refugee crisis (from 2015 onwards). Analysis of each of these areas supplies us with important information about the aims and means of Orbán's reconstruction. In part three (3) we discuss the theoretical implications of the empirical analysis, reflecting on how the Hungarian case supports a more consistently

constructivist approach, and on the differences between Skowronek's original, American case and the Hungarian one.

Political leadership and regime change

Executive leadership involves both the destruction and construction of elements of the political environment. As primary agents of change, all leaders attempt to control these forces to make the changes they desire, but very few make significant transformations. Stephen Skowronek (1997, 2011) systematically analyses the relationship between the capacities of leaders and broader economic and social changes through patterns of US presidential behaviour. In his contextual/situational analysis, similarities with leadership recur throughout the 'political time' that leaders find themselves in. In this sense, effective leadership depends not only on personal ability and ambitions, but also on the actual state of the prevailing political regime. The political identity of incumbents may either be oppositional or supportive of a regime; previously established commitments and values determine leaders' modes of leadership. When a regime is resilient, the opportunities of leaders opposed to it are limited. In contrast, when a regime is vulnerable, the political establishment is unable to resolve emerging problems and crisis, and consequently loses public support (in the form of credibility and legitimacy). This political environment creates greater space for oppositional leaders to gain authority and recreate political order in their own favour. Thus, the success or failure of leaders is significantly dependent on how strongly they resonate with the political milieu in which they operate.

In Skowronek's work, the term 'political regime' is used both as a narrower and a broader concept than the formal constitutional traits and institutional arrangements of government. It is narrower in the sense that 'the American Constitution has endured not as a single governmental formation but as a succession of relatively distinctive political regimes, each of which has substantially altered the substantive content and practical operations of federalism and the separation of powers', as Orren and Skowronek (1998: 690) claim. Yet Skowronek's concept of regime, from another perspective, is much broader than 'constitutional setting' since it includes style of governance, the way power is exercised, the pattern of relationships between state and society (for example, in the form of the borders between them), the underlying political and social coalitions (elite arrangements, inter- or intra-party coalitions, electoral /re/alignment, and so on) and the political discourse which legitimises it. It also embraces a central idea about policy (or policy paradigm); that it constitutes 'the governing orthodoxy of the day' ('t Hart, 2014: 216) which is regarded as appropriate for solving the problems of the age by the political and social coalition which supports the regime (see for example McKay, 2014: 446–447). To sum up: regimes are 'sets of basic values, ideas and policy propensities around which the polity and its governance are organised', as 't Hart states (2011: 426). In Skowronek's concept of political time, the trajectory of each regime leads from a 'founding' stage of shorter or longer duration to a stage of crisis or disintegration. The political 'opportunity structure' of leaders depends significantly on their relationship to the regime, as well as on the stage of the regime on its life-trajectory.

Skowronek (1997: 36–45) categorises presidential political identities in relation to the different statuses of regimes (Table 1), thereby creating a typology. In the *politics of articulation*,

presidents are affiliated and committed to implementing a resilient set of governmental priorities (for example, Theodore Roosevelt and Lyndon Johnson). Limiting the potentially disruptive effects of leadership, they seek to maintain and strengthen the status-quo. As ‘orthodox-innovators’ they are forced to rearticulate the regime in a new and more relevant form to demonstrate the flexibility of government in a changing time. In contrast, leaders who come to office affiliated with a failing regime constitute *the politics of disjunction* (for example, Herbert Hoover and Jimmy Carter). These leaders fail to respond to the problems of the day and are thus unable to maintain the political order. Presidents who are opposed to a resilient regime may become trapped in *the politics of pre-emption* (for example, Woodrow Wilson and Richard Nixon). Although they try to challenge the prevailing political order, their leadership is restricted by a politically, institutionally, and ideologically well supported establishment.

Table 1. Recurrent Patterns of Executive Leadership

Previously established commitments	President’s political identity	
	Affiliated	Oppositional
Resilient	Politics of articulation	Politics of pre-emption
Vulnerable	Politics of disjunction	Politics of reconstruction

Source: Skowronek, 1997: 36 (slightly modified)

Finally, *the politics of reconstruction* offers presidents who are opposed to a vulnerable regime the greatest license for change as the founders of a new regime (for example, Abraham Lincoln and Franklin D. Roosevelt). Due to their convincing definitions and posited solutions to pre-existing problems and crises, reconstructive leaders are able to take advantage of widespread electoral discontent with the establishment. The subsequently new arrangements afford leaders the capacity to establish entirely new standards for legitimate action.

Skowronek (1997: 19–23, 37; 2004) distinguishes three, mutually reinforcing components of reconstructive leadership. First, *order-shattering* refers to the destruction of previously established arrangements through the exercise of power of office. Reconstructive leaders use their inherently disruptive power consciously to repudiate old governing formulas and to create space and the need for replacements. Second, *order-affirming* connects leadership to the community and its values. Destructive action must be justified by emphasising the protection and preservation of values identified by the community which have been lost in the past. Finally, *order-creating* clears the space for reconstructive leaders to innovate. In the politics of reconstruction, the opportunity space is wider than at any other phase of the political time, although the new standards for action must stand the test of legitimacy in relation to the leaders’ narrative and definition of the given situation. In this sense, success with ‘order-creating’ depends on how well reconstructive leaders are able to resolve the problem of legitimacy by reconciling the destructive and constructive forces of their office. This theory highlights the fact that Skowronek has created not only a contextual/situational understanding of executive leadership, but one with a constructivist perspective, although it is debatable how much room it truly leaves for political leaders to change their environment and to alter political time. The

following review of some potential critiques of the theory enables us to move the original concept in a more constructivist direction.

A constructivist reading of Skowronek's theory

Peri E. Arnold raised the question of determinism about the affiliated roles in the Skowronekian 'recurrent patterns', asking if they leave enough room for leaders to make a difference (Arnold, 1995: 508)? Douglas J. Hoekstra's critique (1999) is even wider in scope: it highlights the fact that the resilience / vulnerability dimension in Skowronek's theoretical conception tends to eclipse an important problem about the state of a regime, namely, that it is never completely clear whether a regime is resilient or vulnerable. Leaders are 'surrounded by varied contemporary interpretations of their own political environments, interpretations from which they must choose, experimentally testing the extent to which the stances chosen will produce desired outcomes' (Hoekstra, 1999: 661). What might seem *retrospectively* to be clear evidence of resilience may be contestable from the perspective of *prospective* leadership. Therefore, Skowronek's account is deemed guilty of engaging in 'ambivalent determinism', according to Hoekstra (1999: 660): while Skowronek grants actors freedom *within* each unit of political time, he fails to acknowledge that actors can change the natural flow of time and thus can move *across* stages.

Although Hoekstra's remarks on determinism may seem too stern in the light of Skowronek's recent work (see for example Skowronek, 2011: 167–194), he captures well some of the conceptual lacunae in the Skowronekian theory of reconstruction. The nature of regime vulnerability and the exact role of political agency in bringing about change need further conceptualisation. In the recent literatures on the American political development, we find at least two ways to fill this conceptual void. The first is to take a look at the larger, more systemic patterns of the polity (for example: the loss of coalitional cohesion, the weakening efficacy of institutional arrangements) surrounding reconstruction (Nichols and Myers, 2010). The main merit of this view is that, by describing certain 'reconstructive tasks', it provides leverage to differentiate between successful and unsuccessful reconstructions. However, by introducing the concept of 'enervation' instead of 'vulnerability' it draws close to the deterministic position described by Hoekstra above, because enervation implies 'a *necessary* reordering once the political system has entered a high entropy state' (Nichols and Myers, 2010: 813 – emphasis added). The second way is to lay greater emphasis on entrepreneurial leaders and the discursive means used by their leadership (Polsky, 2012). Emphasising the role of political entrepreneurs in forming citizens' perceptions about events may transform the somewhat ambivalent Skowronekian concept of reconstruction into a more constructivist theory. However, the constructivist perspective presented by Polsky still needs further elaboration, which he himself also acknowledges (Polsky, 2012: 80).

To underscore further the role of agency and political discourse, the Skowronekian view may be situated within contemporary new institutionalist debates. A tendency to overemphasise path dependencies and unconscious or exogenous processes of change is often ascribed to historical institutionalism (which Skowronek's work comes close to admitting). In this logic, periods of

path-dependency are interrupted by exogenous shocks, which serve to explain changes. This ‘static’ view of change has recently been criticised by proponents of discursive and constructivist institutionalism (Carstensen, 2011a; Hay, 2011; Schmidt, 2010, 2011; Béland and Cox, 2011). While not denying that ‘stuff happens’ (that is, there exist exogenous and unconscious sources of change), discursive institutionalism ‘shows that much change can and should be explained *in terms of sentient agents’ ideas about what to change (or continue)* – if nothing else, in response to occurrences on the outside, that is, to the stuff that happens’ (Schmidt, 2010: 13 – emphasis added). These ideas are manifested in discourse, which has the capacity to challenge existing institutional and ideational patterns. Therefore, political actors can play a more formative role in change through discursive means.

The main point of the discursive institutionalists, that political agents are able to criticise institutional logics and ideational orthodoxies with their ‘foreground discursive abilities’ (Schmidt, 2008), may be seen as a vital correction of the Skowronekian picture. Although ideas and institutions can create path-dependency, political agents also have the opportunity to redefine those ideas and institutional logics by coupling them with others (Carstensen, 2011b; Carstensen, 2015), or by borrowing elements from alternative ideational sets to create some kind of ‘bricolage’ (Carstensen, 2011a). Bringing in insights from discursive institutionalism may enable us to appreciate better the role of discourse and the mechanisms through which it effects change. Elaborating on these features can be considered as a refinement of Polsky’s claim that ‘prospective regime creators engage in a discursive project’ (Polsky, 2012: 62) by giving us a more detailed picture of how that project is carried out. In addition, by emphasising the role of ideological flexibility, we show that events empower stories (Polsky, 2012: 64), and that narratives operating with generic terms or ‘empty signifiers’ (Laclau, 2005; Schmidt, 2017) can more easily accommodate changing circumstances, which is vital for their success. As a third addition, we seek to identify some other types of the constraints to the formative power of discourse than those listed by Polsky (Cook and Polsky, 2005; Polsky, 2012).

In this paper, we seek to modify Skowronek’s concept along these lines. Analysis of the case of political changes in Hungary is helpful in this theoretical endeavour as it provides a forceful illustration of the power of agency to bring about the need for regime change through the creation of a robust legitimating discourse. What follows from this analysis is the recognition that a more constructivist approach may yield additional insights into the mechanisms of regime change.¹ However, adopting a constructivist viewpoint does not entail the elimination of the resilience – vulnerability dimension, because the conditions that make regime change possible can be conceived of in constructivist terms, be they changes in public opinion, the weakening appeal of rival narratives in the discursive struggle, or the weakening of elite commitments towards certain goals. However, we argue that these changes do not *necessarily* translate into any form of regime crisis; in themselves they do not turn the political settlement into an ‘enervated’ regime (compare with Nichols and Myers, 2010). Sometimes, it is the task of leaders to channel responses to such phenomena into change through their action and discourse, to translate fuzzy, diffuse forms of popular dissatisfaction into a wish for certain concrete and fundamental changes – or at least to secure the passive permission of citizens for these changes by satisficing their discontent with symbolic gestures. In short: the vulnerability of an existing regime has to be manufactured.

On the other hand, regime change cannot succeed on *completely* voluntaristic grounds: the political leader can give more definite contours to popular opinions, but this possibility does not mean that the leader's opinion is the only game in town. Existing commitments, institutional logics, rival narratives, and others naturally constrain the voluntarism of political leaders. Therefore, an additional and important task of the constructivist approach is to map these external factors.

Viktor Orbán's reconstructive leadership

The Hungarian transition to democracy in 1989-90 was a system change that also involved a regime change. The newly shaped post-communist regime lasted for two decades until Orbán's post-2010 reconstruction put an end to it. Orbán recurrently expressed his dissatisfaction with the post-1990 settlement as early as his first premiership (1998-2002) (Janke, 2015), blaming the 1989-90 transition for failing to depose the communist 'nomenklatura' elite, and often characterising his politics as a fight against 'post-communism'. However, his struggle to change the regime remained largely unsuccessful in terms of changing power relations in the cultural or economic sphere, or in the media.

The post-communist regime became more vulnerable after 2006 for various reasons. A leaked speech in which socialist PM Ferenc Gyurcsány admitted to lying during the electoral campaign, the cabinet's austerity measures, the recurrent corruption scandals surrounding the government, and the global financial crisis which started in the autumn of 2008 eroded popular support for the ruling socialist-liberal coalition. Gyurcsány tried to keep the system going through borrowing from the IMF and by introducing new austerity measures, but he lost his 'control over the political definition of the situation' (Skowronek, 1993: 40). Orbán and his then-opposition party, the Fidesz-KDNP alliance, contributed effectively to weakening the legitimacy of the regime through promoting a persuasive narrative of crisis, and pushing through the 2008 referendum which vetoed Gyurcsány's neoliberal policy reforms (introduction of co-payment in health service and tuition fee in higher education). Gyurcsány lost his struggle for credibility, and in 2009 he was replaced by Gordon Bajnai as Prime Minister. The technocratic image of the Bajnai-cabinet (McDonnell and Valbruzzi, 2014) recalls Skowronek's view, that 'only technocratic warrants are available for disjunctive presidents' (Byrne et al, 2017: 211). To sum up: the premiership of Gyurcsány (2006-2009) and his successor Gordon Bajnai (2009-2010) can be described as the politics of disjunction. Following the change in citizens' party preferences, the Hungarian party system, formerly composed of two poles of nearly equal strength, collapsed: in the 2010 elections, Fidesz-KDNP gained an unprecedented two-thirds majority in parliament. Orbán could rely on Fidesz-KDNP, his hierarchically organised and hyper-centralised party, that he has been leading since 2003 unchallenged, and also on the loyal and disciplined parliamentary group of his party (Janke, 2015). These factors gave Orbán the opportunity to bring in 'heterodox' policy measures and found a new regime, and reconstruct even the whole constitutional settlement, as described below.

Macroeconomic policy

Order-shattering. Conflicts of authority are part of both the Skowronekian process of regime change and changes in policy paradigms.² However, the battlefield in which these conflicts are resolved is that of social construction. Just as the vulnerability of a regime is not self-evident, economic anomalies in themselves do not lead to the questioning of old paradigms. Rather, ‘it is politics, not economics, and it is authority, not facts, that matter for both paradigm maintenance and change’ (Blyth, 2013: 210). The Orbán governments after 2010 tried to interpret economic anomalies as signs of the systemic failure of the old neoliberal macroeconomic paradigm, leading to authority conflicts with both internal (the Hungarian National Bank) and external (the International Monetary Fund and the European Central Bank) actors.

As recent literature suggests (in contrast to the earlier posited ‘no change’ thesis), the macroeconomic mainstream itself underwent incremental change during the international financial crisis and the resultant Great Recession (Baker and Underhill, 2015; Moschella, 2015). However, we suggest that the changes introduced by the Orbán governments were more far-reaching and radical than these corrections required. For example, the government introduced ‘crisis taxes’ to widen its fiscal room for manoeuvre: most notably, a tax on banks that was (in international comparison) unique in its size, calculation basis (total assets instead of profits), and *ex post facto* nature, and served as a tool with which to reduce the budget deficit, instead of stabilising the banking system (Várhegyi, 2012: 223–224; Voszka, 2013: 1293–1294). Other sectors such as telecommunications, advertising and energy were also subject to such taxation. These crisis taxes were among the main triggers of the authority conflicts with the IMF, the European Commission, and with the Hungarian National Bank (the latter only until early 2013, when new, government-friendly leadership was parachuted in).

Orbán used a framing narrative of crisis to translate such measures into more everyday terms, interpreting the scope of the crisis in a much wider way than suggested by economic authorities (Illés, 2016). For him, the global financial crisis was the symptom of a civilisational crisis, ‘the fall of scientific capitalism’ (Orbán, 2010a). He continued by saying that this crisis had destroyed all orientation points and role models, so a new beginning was necessary; one which could only be revealed through trial-and-error, not economic theory (Orbán, 2011a). The appropriate alternative to ‘scientific capitalism’ was said to be the ‘workfare state’, characterised as an ‘illiberal state’ in his controversial 2014 speech given at Tusnádfürdő (Orbán, 2014). It is within this broader narrative-ideational framework that Orbán framed the need to modify earlier macroeconomic policy.

Order-affirming. Orbán’s discursive strategy of raising specific policy problems to a more general level, while at the same time dramatising them and making them more easily comprehensible, is a central part of the order-affirming method of his reconstruction. Specific technical policy problems thereby become attached to general normative concepts such as ‘independence’, ‘liberty’ and ‘sovereignty’. One method of legitimation Orbán often uses is to connect the action of his government to the Hungarian freedom fights of 1848–49 (against the Habsburgs) and 1956 (against the Soviets). The foreign power in the current scenario is most often ‘Brussels’, which is sometimes explicitly compared to ‘Vienna and Moscow’ (Orbán, 2011b). A second ploy often used by Orbán is to appeal directly to individuals’ ‘sense of

justice'. Orbán speaks a 'neoconservative political language' (Szűcs, 2006) which employs easily understandable formulations and references to unchanging moral values and which contrasts strikingly with the rather technocratic discourse of the Hungarian Left. Using Schmidt's categories (Schmidt, 2014), we claim that while the latter mainly use cognitive arguments (for example, economic necessity and efficiency) to legitimise their policies, the former usually resorts to normative arguments to obtain support for their more heterodox policies.

Order-creating. Economic heterodoxy refers to a mix of unconventional and orthodox measures.³ Here, we emphasise four characteristics of the new, heterodox economic order.

The first is its remarkable ideological flexibility. The best example of this flexibility involves fiscal rigour. After winning the election in 2010, Orbán pleaded for a relaxation of fiscal targets in Brussels, but was declined. Following this rejection, he founded an ideological campaign to 'fight against the national debt' (of which fiscal restrictions were considered an important part), connecting it to the notions of 'sovereignty' and 'independence', claiming that 'a nation can be subjugated in two ways: either with a sword or with debt' (Orbán, 2011b). Orbán's turn is a good example of how agency can change the meaning of ideas by connecting them to others (Carstensen, 2015).

The second important feature of the new macroeconomic policy is that although the related measures often seem consonant with Western trends, this similarity is usually deceptive. For example, the expansion of state ownership in Hungary differs from its Western counterpart in terms of the scale of sectors affected (which includes the transport, automotive, and telecommunications sectors and public works), the occasional use of direct or indirect pressure on owners to sell company shares, and the aims (Voszka, 2015). An economically activist state has been a cornerstone of Orbán's political discourse since at least 2010. In his opinion, only such a state can enforce the public interest against private interests (Orbán, 2010b), and guarantee the primacy of the national interest against the 'supranational elite': 'A country the size of Hungary – not the size of Germany or the United States, but similar in size to us – can only be strong if there is robust majority national ownership in the strategic industries which determine its fate.' (Orbán, 2017).

A third, related feature is the goal of building an economic coalition that supports the new regime (Orbán, 2017). For this reason, the Orbán governments created circumstances that in certain respects resemble 'neoprebendial' relations (Csillag and Szelényi, 2015): the resource redistributed to political loyalists is not private property, but rather takes the form of licences and public procurements. The receivers may be loyal oligarchs (for example, in the media), or minor players (for example, in the case of the introduction of a state monopoly and distribution of new licences for tobacco sales).

Fourth, heterodox policies in some cases were a partial response to electoral attitudes. The second Orbán government succeeded in boosting its popularity at the time of reducing domestic utility costs and thematising the topic in the media (Böcskei, 2016), repeatedly emphasising that the state ownership of public works was a prerequisite for these reductions.

To sum up: while some elements of the mainstream macroeconomic paradigm were called into question during and after the global financial crisis in Europe and the USA, the mainstream opinion was not that the role of the state needed to be *fundamentally* reinterpreted. Neither was the scale nor the practice of ‘emergency taxation’ in Hungary consonant with international trends, because the *aim* of these measures was different: they were implemented to widen fiscal room for manoeuvre and support the building of a new regime. To use Blyth’s categories (Blyth, 2013), these changes did not involve the Bayesian logic of social learning, but were rather constructivist in nature; Hungary’s economic problems being a political construct. With his powerful narrative of crisis, Orbán tried to construe the Western model of ‘scientific capitalism’ as a failure, and thereby instrumentalise the crisis to further more statist political projects.

Constitution-building

The post-2010 constitution-making was neither a consequence of a manifest constitutional-crisis, nor was it due to the ‘exigency of constitution-making’ as a consequence of an external shock, but it was rather a clear example of political agency and part of Orbán’s political endeavour to found a new regime (Körösenyi et al., 2016). Since the 2006 political crisis the legitimacy of the constitution has been undermined on the right of the political spectrum, but constitutional issues have remained marginal in political discourse. However, Orbán has turned his landslide victory in 2010 and the accompanying constitutional supermajority in parliament into a ‘constitutional moment’. He has successfully integrated concerns with the legitimacy of the constitution into a wider discourse of crisis, framing the codification of the new constitution as a symbolic issue in the regime change (compare with Boin et al., 2008).

Order-shattering. Orbán’s aims with constitution-making were multiple. First, the new constitution became a symbolic expression of revolutionary change and the founding moment of a new regime (The Fundamental Law). Dramatisation of the break with the post-communist regime has been reinforced by a series of conceptual and symbolic gestures, such as renaming the constitution as ‘Fundamental Law’, incorporating the Hungarian ‘Holy Crown’ into the constitution, and eliminating ‘Republic’ from the official name of the state. Second, in a substantive sense, it represented a break with the ‘legal constitutionalist’ (Bellamy, 2007) approach which had characterised the previous regime and supported the supremacy of judicial review over politics. Like the Supreme Court for Franklin D. Roosevelt, Orbán regarded the Constitutional Court as the key stronghold of the previous regime, which indeed turned out to be the major counter-power vis-a-vis his political and legislative programme. Third, constitution-making became Orbán’s means of weakening and de-legitimising authorities which were interwoven with the status quo, such as the constitutional court itself, the ‘ombudsman’, media authorities, and the central bank. The process lasted from 2010 to 2015, involving a few crucial constitutional amendments before and after the ceremonial introduction of the Fundamental Law which became an essential part of the political struggle between Orbán’s political majority and the constitutional forces representing the status quo, including the parliamentary opposition, the Constitutional Court, NGOs and prominent constitutional lawyers. Clashes with international actors such as the EU Commission, the European Parliament, the Venice Commission, and the US government, who all expressed concern about

certain changes in the constitution, were perceived and framed in Orbán's political discourse as part of his cabinet's 'freedom fight' to regain Hungarian national sovereignty.

Order-affirming. Orbán's constitution-building efforts were also designed to re-confirm some of the common values and constitutional traditions shared by the community in the past, or which he sought to create anew through the new constitution. First, the Preamble (National Avowal) of the 2011 Fundamental Law, as well as the constitutional discourse of Fidesz-KDNP, recalled the Christian and national traditions that were prevalent in Hungary prior to the communist era. The Preamble emphasises these traditions and the honouring of 'the Holy Crown, which embodies the constitutional continuity of Hungary's statehood and the unity of the nation' (The Fundamental Law). Second, the Hungarian nation is defined in an ethnocentric way in the Fundamental Law, which not only embraces symbolically the ethnic Hungarians of neighbouring countries in the constitution, but enfranchises them to participate in Hungarian general elections through a newly introduced dual citizenship scheme.

Order-creating. Regime foundation, according to Skowronek, does not necessarily include any formal constitution-making (Orren and Skowronek, 1998). However, Orbán made his new regime more robust with the new Fundamental Law, which was presented in his political discourse as the codification of a 'new social contract' emerging from the 2010 'revolution in the polling booth' and from the National Consultation with the people (Orbán 2013a). A few features of the new regime were manifested by the change of emphasis and priority among constitutional values, as well as some institutional restructuring. As far as fundamental rights are concerned, there was a shift away from liberal individualism in a more collectivist direction, as Orbán explored in his 2013 Bálványos speech. He emphasised that '[t]he new Fundamental Law, unlike liberal constitutions that defines exclusively rights and liberties, became a national constitution, which is based on liberties, but it wants to keep an equilibrium between rights and obligations' (Orbán 2013b). Regarding public law, there has been a certain refurbishment of the major constitutional powers and institutions, which has strengthened the power of the office of Prime Minister and the parliamentary majority and added to the hyper-centralisation of state administration.

Although the Orbán-regime is distinguished mostly by its new patterns of power-wielding and the accompanied legitimacy discourse, constitution-making has refurbished the power structure, reinforced Orbán's reconstructive leadership, and highlighted the symbolic caesura during the change of political times. Moreover, Orbán's constitution-making underlines both Skowronek's thesis about the necessarily divisive nature of reconstructive leadership, and also the fact that diffuse support for Orbán's policy in general has created significant autonomy for leadership in less salient policy fields such as constitutional issues. In spite of the concern of the domestic political and professional elite and international authorities, most Hungarians gave tacit consent to the constitution-making, meaning that the legitimacy discourse of Fidesz-KDNP was rather efficient. As a result, the combination of Orbán's discursive power and his disciplined parliamentary supermajority produced a rather voluntarist constitutional policy: de facto, he was able to pass all desired constitutional amendments between 2010 and 2015. However, after the loss of the party's supermajority, in 2015 compromise with some of the parliamentary opposition again became a serious constraint, as the failure of the scheduled

amendment in 2016, which would have prevented the application of resettlement quotas scheduled by the EU demonstrates.

Migration policy

Order-shattering. Some critical elements of Orbán's reconstructive politics such as the new Fundamental Law, the constitutional amendments and extensive media legislation (Sonnevend et al., 2015) came under constant attack from the EU. Thus, the need to redefine the regime's relationship with the European Union became critical. The 'old order' was based on the normative power of the EU (Pace, 2007), which focuses on promoting the values of liberal democracy (rule of law, human rights, and social justice). It determined the EU-related affairs of the countries, such as the migration policy, which is fundamentally and prominently built on these principles (Boswell, 2000). In 2015, the migration crisis provided an opportunity for Orbán to disrupt this governing formula by weakening the EU's normative power, as represented by Angela Merkel and Jean-Claude Juncker's moral leadership (Radu, 2016), and to strengthen domestically as well as internationally the regime vis-a-vis the EU. In short, the issue of migration was important in Orbán's reconstruction because of the potential for conflict.

The migration crisis became much more pronounced than the sudden increase in the number of refugees and migrants would have warranted. Dysfunctional European crisis management and the series of terrorist attacks and other related incidents provided more space for Orbán to form a securitisation narrative of immigration (Huysmans, 2000; Szalai and Göbl, 2015) in order to shatter the prevailing order. Through populist rhetoric, Orbán consequently raised the stakes of the crisis, making a clear connection between illegal immigration, organised crime, and terrorism. Initially, his crisis narrative (Metz, 2017) built on the impact of immigration on the economy, culture, and public safety; then in time it focused more on the lack of confidence, leadership, and democracy in the EU, and the collapse of a European Christian identity. In addition he strongly opposed the European liberal and left-wing political elite ('Brusselian bureaucrats') and civil activists. To support this narrative, Orbán initiated legal action against the EU's migrant resettlement quota plan at the European Court of Justice in December 2015, along with Slovakia, claiming that the decision infringed EU law.

In the domestic arena, Orbán put great emphasis on dominating public discourse and applied a plebiscitary strategy to support his messages. On 24 April 2015, the government launched a 'national consultation' regarding the migrant crisis. This suggestive political questionnaire, mailed out to citizens, involved issues such as terrorism, the economic impacts of immigration and the incompetent politics of the EU, and resulted in the government raising the terror threat level. To legitimate its anti-immigration policy, the government also initiated a referendum about the EU's compulsory migrant resettlement quotas which was held on 2 October 2016. The low turnout resulted in the invalidation of the referendum, although the overwhelming majority of voters rejected the EU proposal for a migrant quota.⁴

Order-affirming. Orbán interpreted the migration crisis as an enormous threat, not just against the welfare state and public security, but also against Christian civilisation, European values, and nation states. One of the messages on a government billboard during a period of campaigning made his standpoint clear: 'If you come to Hungary, respect our culture!' Orbán's

reconstructive leadership rested heavily on a process of collective identity-building.⁵ He provided a strong vision of a Christian Europe, contrasting this vision with Islamic culture, and consciously promoted his own role as defender of the Schengen area borders, of ‘old Europe’ and ‘real’ European values.

Order-creating. In Orbán’s vision, there was no need for the further integration of immigration policy, because only nation states were able to manage the crisis effectively. However, he not only re-evaluated the EU affairs of the country, but also created wide public support for his policies. In other words, Orbán used the migration crisis to redefine and revitalise the role of nation states.

The Hungarian PM showed strong leadership by responding quickly and effectively to the crisis. For a couple of weeks in 2015, hundreds of thousands of uncontrolled migrants marched through Hungary, and violent incidents occurred at the country’s southern border, as well as at Budapest’s main railway station. Orbán dramatised the events further in spite of the fact that the migrants were heading towards Germany and other western and northern European countries. On June 17, 2015 the government announced the construction of a fence along the Serbian border. At the end of that year, Hungary closed its ‘green’ border with Croatia as well. After a huge wave of criticism on Hungary, many countries such as Austria, Slovenia, Bulgaria and Croatia also erected border fences. Meanwhile, the Hungarian Parliament tightened the legal framework for asylum-seekers and illegal immigrants. On 7 June 2016, the governing alliance of Fidesz-KDNP and the right-wing opposition Jobbik approved the Sixth Amendment to the Fundamental Law, which widened the government’s emergency powers in the case of significant and direct risk of terrorist attack.⁶ After the invalid referendum of October 2016, Orbán submitted another amendment to prevent the imposition of compulsory resettlement quotas, but the proposal failed because it lacked the necessary majority.

Orbán’s reconstructive leadership had successfully influenced public opinion. Since autumn 2014 the issue of migration became increasingly important in national and EU politics.⁷ Simultaneously, trust and positive attitudes toward the EU decreased significantly among Hungarians,⁸ while by 2016 xenophobia in Hungary had reached a record high (Simonovits and Bernát, 2016). Measures applied by the government, such as closing the southern borders (Medián, 2015; Nézőpont Intézet, 2015; Századvég, 2015a), and tightening immigration laws (Medián, 2015; Századvég, 2015b), had broad cross-party support. Overall, this situation indicates how Orbán was able to strengthen his position and regime vis-a-vis the normative power of the EU to a certain extent, but also that his policy choices were domestically constrained – as the unsuccessful referendum of October 2016 demonstrated.

Discussion

The Hungarian case raises three theoretical questions: (1) In what sense is constructivism a more important factor than one may think reading Skowronek? (2) Which factors limit the opportunities of leaders to interpret the situation (that is, how does our picture of these changes avoid the label voluntarism?). Finally (3), what are the most important contextual differences between the American case (as described by Skowronek) and the Hungarian case?

First, as the Hungarian case suggests, the vulnerability of the old regime was not self-evident. That means that it was not only the content of the change that depended on political leadership – as Skowronekian theory implies – but that the need for regime change itself was construed by political leadership. Orbán translated certain elements of popular dissatisfaction and wants into a desire for regime change.

- *Macroeconomic policy.* Orbán's interpretation that the recent financial crisis involved the 'failure of scientific capitalism' was renegade rather than mainstream. This crisis narrative was instrumental in legitimising the unique measures that sufficiently widened the government's fiscal room for manoeuvre ('crisis taxes', the 'nationalisation' of private pension funds, and so on), and for building up an economic coalition to support the new regime. An increase in the role of state ownership was communicated as a prerequisite for satisficing the popular demand for a decrease in utility bills. This scenario shows how the nature of Hungary's economic problems were debatable, and that Orbán was required to engage in an extensive discursive struggle to legitimate his more statist vision of capitalism.
- *Constitution-building.* Although Orbán's party gained a two-thirds, constitution-making majority at the 2010 elections, opinion polls showed that in the period prior to the remaking of the constitution, less than one third of the Hungarian population saw the need for a new constitution (Medián, 2011). However, Orbán's constitutional discourse successfully connected the new constitution to his general narrative of post-communist regime change triggered by a 'revolution in the polling-booth'. The low salience of constitutional matters to the Hungarian population made his task easier, and the repeated electoral victories of Fidesz-KDNP in 2014 signalled *implicit* or tacit popular approval for constitutional change.
- *Migration policy.* Constant criticism of his regime-building strengthened Orbán's Eurosceptic position and his 'freedom fight' against the EU. The PM dramatised migration as a threatening phenomenon and built up an impressive narrative of crisis, along with a widespread campaign that not only questioned the wisdom of a common migrant policy, but also undermined the normative power of the EU and redefined Hungary's relationship with the EU.

The second question posed above concerns the problem of voluntarism. Maintaining a focus on the changes brought about by agents and on the content of political discourse can easily lead the researcher to fail to observe structural constraints on action (Schmidt, 2010: 60; Hay, 2011: 68–69). Our three examples indicate that if Orbán's reconstruction was indeed voluntarist, this voluntarism was contingent: in some issues salient to the population the government attempted to be responsive, or backed down after witnessing the unpopularity of its measures. So, although internal 'institutional friction' (Orren and Skowronek, 1994) – understood in a narrow sense as a clash between *formal* institutions – was mainly of secondary importance, the attitudes of the Hungarian population, international institutions, and the 'brute facts' of reality created effective structural constraints on government agency.

- *Economic heterodoxy.* Regarding macroeconomic policy, two factors should be mentioned. The first one is again international institutional pressure, this time from the European

Commission and IMF, with a view to enforcing fiscal rigor. The second factor is the attitude of the Hungarian electorate. The case of a decrease in utility bills following the monitoring of popular attitudes has already been mentioned. A second example is when the government withdrew legislation designed to force stores to close on Sundays, also in response to popular attitudes – the perceived unpopularity of the measure led the government to undertake *ex post facto* action.

- *Constitution-building*. The constitution-making of Fidesz-KDNP appears to be the most voluntarist activity. This is because besides the two-thirds parliamentary majority threshold, there were no other effective constraints built into the pre-2010 political settlement. The only somewhat effective formal institutional constraint on the government was pressure from international institutions (for example, the European Central Bank, and the Venice Commission of the Council of Europe), which pressure led to several changes being made to the constitution.
- *Migration policy*. Limits to social construction may be equivalent to Searle's 'brute' facts, which are distinguishable from institutional facts (Searle, 1995, 2010). The latter are dependent on human agreement, while the former are not. In this sense, the migration narrative of the government perhaps lacked the 'brute' ground: a near-total absence of refugees who desired to remain in Hungary. Besides a short period (some weeks) during which their (relatively restricted) presence was noticeable, the 'migration-threat' emphasised by the government appeared as relatively imaginary to major segments of the population. This absence of migrants was probably one of the main factors that limited the effectiveness of the 'migration-narrative' and which contributed to the low turnout for the government-initiated referendum on the topic.

Finally, some remarks about the differences between the American and the Hungarian case. In the 1997 introduction to his book, Skowronek states that it offers 'an analysis of the leadership patterns that are repeatedly produced through the American constitutional system by the peculiar structure and operation of its presidential office. In this sense, it is about the politics that the American *presidency* makes.' (Skowronek, 1997: xvi – emphasis in original) This framing indicates that the recurrent patterns of the presidency, and the four fundamental roles – including reconstructive leadership – should be interpreted *within* a relatively fixed constitutional settlement. Although presidents can significantly widen their opportunities by *reinterpreting* these rules, they cannot fundamentally *rewrite* those rules and are thus required to operate *within* the given constitutional framework. Here lies the main difference with the Hungarian case, in which a political leader, by acquiring a supermajority in parliament, secured himself a place *outside* that settlement. The fact that obstacles constraining the leader's voluntarism are different follows from this fact. Consequently, the 'thickening' of the institutional context (the emergence of new veto players with the advent of the welfare state) that brings about the 'waning of political time' (the declining importance of the leader of the executive in political change) does not apply to the Hungarian case. In the latter, we can rather speak of the institutional context getting 'thinner'. By getting a 'quasi-superweapon' (parliamentary supermajority) to eliminate almost any of the opposing institutions (except for the supranational players mentioned), Orbán did not face strong veto players that would have

opposed the changes he had initiated. Therefore, in the Hungarian context a more voluntaristic reconstructive leadership could be realised than in the American context (Laing, 2012; Nichols, 2014, 2015).

Through these differences we arrive at a new and broader concept of reconstructive leadership than that posited by Skowronek. In this new concept, traditional institutional conflicts (conflicts between formal institutions), although not absent, lose their primacy to ideational conflicts and contests about meaning in which political agents may play a more formative role, but are still constrained by popular preferences and widely held ideas. Of course, the mechanisms of these ideational struggles require further elaboration than we have opportunity for in this paper. However, this Hungarian case analysis opens the door to a modified view of reconstruction more in line with contemporary constructivist and ideational approaches than the original Skowronekian view.

Acknowledgements

We would like to thank our colleagues at the IPS CSS HAS; the attendants of the ‘Destructive leadership’ panel at the 2017 PUPOL Conference; our panel discussant, Ben Worthy; the editors of BJPIR and the two anonymous reviewers for their helpful comments. The usual disclaimer applies.

Funding

The author(s) received no financial support for the research, authorship, and/or publication of this article.

Notes

¹ Skowronek, in his answer to Hoekstra’s critique (Skowronek 1999) may be attempting to balance between the constructivist and structuralist (or positivist) viewpoints. However, in our view, his position remains somewhat ambivalent.

² Policy paradigms (Hall, 1993) and policy discourse can be considered components of Skowronek’s broad conception of ‘regime’.

³ ‘Orthodox’ not in the sense of conforming to an economic theory, but rather in the sense of conforming to the *best practise* that is recommended by economic authorities. We use ‘orthodox’ here in the sense Dequech uses the term ‘mainstream’ (2012: 354–355).

⁴ The referendum question was: ‘Do you want the European Union to be able to mandate the obligatory resettlement of non-Hungarian citizens into Hungary even without the approval of the National Assembly?’ Turnout was only 44.04%, which did not reach the threshold for validity of 50%. 98.36% of participants rejected the EU’s quota proposal (National Election Office, 2016).

⁵ See Orbán’s vision on common identity in his interview (Köppel and Koydl, 2015).

⁶ On 22 February 2015, after by-elections in two single-member constituencies, Orbán lost his supermajority in Hungarian parliament, hence his governing party needed external support to pass constitutional amendments.

⁷ Between 2014 and 2016 Standard Eurobarometer reports indicate an increase in the proportion of people who considered migration to be one of the two most important issues facing Hungary. In the autumn of 2015, a clear

majority of Hungarians (68%) found migration the single most important issue facing the EU (European Commission, 2016).

⁸ According to Eurobarometer, between 2015 and 2016 trust in the EU declined from 56% to 41%. During the same period, positive attitudes towards the EU also decreased from 43% to 33% (European Commission, 2016).

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