

Dear Ms. Scheppele,

I have read with interest your analyses published on Paul Krugman's blog in the New York Times. As the Ambassador of Hungary to the US, I must call attention to factual errors or misconceptions if they occur. Your articles contained such errors and misconceptions, so please allow me to make the following observations.

First, the question of legitimacy. You rightly point out that the current government, led by Prime Minister Viktor Orbán, enjoys a supermajority in Parliament as a result of free and fair elections. It is worth mentioning that Hungary's mixed election law is the very reason why the socialist opposition party still has a relatively large representation in the National Assembly. Were Hungarian elections organized based solely on a "winner-takes-all" system used both in the United Kingdom and the United States, and not on the so called "mixed" system, the Socialist Party would today be represented by only two MPs out of the 176 individual constituencies.

The new electoral law, which you criticize, maintains this mixed system. The redrawing of the electoral districts was necessary in order to allow a reduction of the size of the Parliament from 386 deputies to 199, a much more reasonable number for a small country like Hungary. It also balances out the unconstitutionally uneven districts that prevailed under the former law. Your statement that the new electoral districts "are drawn in such a way that no other party on the political horizon besides Fidesz is likely to win elections" strikes one as a rushed, emotional opinion. The numbers run by the think-tank you refer to are contradicted by the calculations of other think-tanks. The problem with all these calculations is that they assume people will vote the same way as before, a hazardous assumption in any country, but particularly in Hungary where governments have changed hands five times out of six elections. Parties win or lose elections not because of election systems but because of the appeal of their messages presented to voters.

Second, your assertion that Hungarian voters had no idea before the elections of 2010 that Fidesz would make significant changes to the constitution is not correct. There had been a long-standing consensus among the major political parties in Hungary that the current constitution was in need of an overhaul. The text of the constitution itself explicitly stated that this was a provisional constitution. Therefore, it had been widely understood among constitutional scholars and politicians of all stripes that whoever is able to get the needed majority would and should touch this issue. You might recall that the last Hungarian government to have a two-thirds majority, the Socialist-Liberal coalition of the mid-nineties, actually wanted to change the constitution, but the two coalition partners were unable to agree between themselves how to go about the changes. Furthermore, the Socialist Party during the last elections was campaigning hard on this issue, telling voters that if Fidesz were to receive a supermajority in Parliament, it would adopt a new constitution. This claim by the Socialist Party was widely covered in the media and Fidesz never denied it. In fact, Orbán said publicly during the campaign that: "Little majority, little changes; big majority, big changes".

Third, I would respectfully ask that you to take a closer look at the judicial branch and the new law governing it. You say that the courts are increasingly dependent on the Government – but your assertion is a collection of "what ifs". I know of no law that could not potentially be abused. But to pre-judge the outcome of the reforms is to deny judges their professional independence and doubt their personal integrity. This is a sweeping insult to not only the newly appointed justices but also to thousands of judges across Hungary. Just the other day,

the expanded Constitutional Court – which you call “functionally dead” – struck down several provisions of the new penal code and the media law, and abolished the entire law on churches. These are hardly the decisions of judges that would be mere puppets of politicians.

Similarly, why do you assume that the new Budget Council will be out to overthrow a non-Fidesz government, rather than do what it is meant to do, that is, endeavor to prevent the type of totally irresponsible fiscal policy that the previous two socialist governments had followed?

Fourth, I was surprised to read your insinuation that it is undemocratic for the length of the terms of certain high office holders to go beyond the election cycle. As you know, it is actually very common in democracies to divorce the terms of appointment of certain high office holders from the political cycle in order to assure their independence and freedom from political pressure. This is the case in the US and in many other democratic countries.

That said, you made some factual mistakes. The term of the head of the State Audit Office is 12 years both under the old and the new law – thus, no change. In the case of the head of the Budget Council, there is actually a shortening of the term of office: under former law, the head of the Council was appointed for nine years, while the new law says that it is appointed for six years.

I do not mind fair and informed criticism, but as an economist my belief is that facts should always come first. There is usually a good, innocuous explanation for Fidesz’s initiatives if you look into the facts. Factual mistakes and prejudices undermine the credibility of your arguments in the eyes of those who know the facts and mislead those who are not familiar with the facts, i.e. the vast majority of your readers. I doubt that this was your intention. I agree that the speed and depth of changes can be overwhelming, even to experienced observers of Hungary such as you. But to impute at every turn nefarious intentions to Fidesz is tabloid journalism, not serious scholarship.

Yours sincerely,

György Szapáry
Ambassador of Hungary

Washington, DC
December 27, 2011