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Democracy without the people?

The fact that the Hungarian government dismisses mandatory immigration quotas and initiates a referendum concerning the issue shows that one of the fundamental and central paradoxes of liberal democracies today are still universal human rights and popular sovereignty, otherwise stated as the paradox of liberalism and democracy. The following unfolds just one of the aspects of this, to show that the Hungarian government resolves this paradox by supporting democracy at the expense of liberalism.

Brussels’ proposal on refugee/immigrant quotas stipulates proportions that the EU Member States would allocate refugees/immigrants arriving to Europe among each other. The Hungarian government’s stance on the matter however, is that none other than the Hungarian parliament can make legally binding decisions on Hungary’s obligations to accommodate refugees. In the meantime, the government initiated a referendum, though its standpoint is clear (migrants are not welcome here!), claiming that neither the Hungarian government, nor Brussels can make binding decisions on the matter without consulting with the people. The government argues that in an issue that fundamentally changes the cultural composition and thus the everyday life of a political community, only the people have the right to decide whether they support the proposal or not. No higher entity should be able to restrict this freedom of choice, let that be the European Union or Universal Human Rights.

This takes us back to the Declaration of the Rights of Man and of the Citizen, passed by France’s National Constituent Assembly on 26 August 1789, a fundamental document of the French Revolution. The revolutionary nature of the document comes from declaring the unconditional freedom and equality of every man. That is, all men are born free and equal and do not become so in the frameworks of a man-made order. In other words, every man’s “natural rights” take precedence over all political order, law, privity or ordinance in being. At the same time the 1789 Declaration embedded human rights into the framework of the nation-state and connected it with the sovereignty of the people that identifies as a nation. In this case the latter is more relevant for us, meaning that people are free and equal if and when the nation/people governs itself. That is, if and only if the people are subjected to and are subordinates of laws to which they have given their full consent. Here is an aspect of the
paradox of universal human rights and sovereignty: Universal human rights on the one hand, oblige nations/people to comply with these rights and the laws deriving from them. On the other hand, a sovereign nation/people cannot be coerced by any universal law, and no entity can be recognized as a higher order. This paradox can be defined as the paradox of liberal democracies; the first is the liberal, the latter the democratic aspect of it.

The Hungarian government’s explanation of their position on the mandatory refugee quota and the reasons for their corresponding referendum initiative does not preserve, but rather dissolves this paradox. Specifically, the government votes in favor of democracy instead of liberalism. “I have not decided this way against Europe, but for protecting European democracy. What is the basic principle of democracy? In the end, it is loyalty to the nation,” said Viktor Orbán, Prime Minister of Hungary, in an interview to the German newspaper Bild.

“Nation” in this context means a sovereign nation, and loyalty to her means the fact that no one can oblige sovereign nations/people (not even on behalf of the idea of universal human rights) to, for example, accept immigrants/refugees, and to cooperate with people whose culture is different from theirs, and their world views are incompatible. Therefore, Viktor Orbán does not use the argument that any historically developed community has the right to keep their borders closed to protect their culture and their ways of life. Instead he argues that any sovereign nation/people has the right to choose what they want – for example, that they do not want to integrate immigrants into their own community, regardless of whether it complies with the idea of universal human rights or not. “Here,” as Viktor Orbán explained in an interview to a Hungarian radio program, “liberalism collides with democracy; liberal thinking is in conflict with democratic thinking.”

Indeed. After all, liberalism considers an immigration policy to be correct only if it is consistent with the idea of human rights, regardless of whether this policy complies with or contradicts the will of the people. In contrast with this, and calling itself a democrat, the Hungarian government says that no immigration policy is correct if it contradicts the will of the people, regardless of whether it is morally correct, i.e. that it complies with or contradicts the idea of human rights. Here liberalism and democracy, or liberal and democratic thinking do not just collide, but even diverge, and the Hungarian government clearly votes in favor of the latter: it believes that there is no democracy without a sovereign nation.
No matter how great or dreadful that sounds, as analysts we have to stay even-tempered, and make it clear: it would be wrong to think that the enforcement of people’s sovereignty (and thus: democracy) necessarily precludes liberal policies. It does not, because people’s will is not permanent, not unipolar and not uniform. In other words, what people identify with is basically and essentially open: it may crystallize in liberal as well as in non-liberal claims.

Given that the Hungarian government initiated a referendum in Hungary about the rejection of the mandatory refugee quota, it is clear that it will do everything rhetorically it can to ensure once again that the hegemonic identity of the Hungarian people do not crystallize in liberal claims.