Antigypsyism in Hungary: the Gyöngyöspata case versus ‘the people’s sense of justice’

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Introduction

In the ten years since Viktor Orbán’s ‘revolution in the polling booths’ delivered Fidesz an unprecedented two-thirds majority, and established a ‘new regime of national unity’ (Dunai and Than, 2010), Hungary’s Romani community has found itself constantly targeted by a broad constituency of far-right politicians and pundits. One consequence of the consolidation of authoritarian nativist rule in Hungary and the regime’s constant aggressive xenophobia has been the effective mainstreaming of antigypsyism. Nonetheless, the prime minister’s intervention in the recent Gyöngyöspata case marked an unprecedented escalation. Chapter Three in this volume by Marius Taba charted the rise of the radical right in Europe, and how nativist demagogues seem to have taken their cue from the Carl Schmitt playbook by peddling an antagonistic friend–enemy concept of the political, and a polarizing, exclusivist notion of the nation that frequently
deployed anti-Romani racism. This short chapter provides insights into one such process.

I argue that in its perpetual Schmittian search for an enemy in a state of exception, the Orbán regime in Hungary made a calculated decision to turn its fire on the Roma. Stung by its partial defeat in the 2019 municipal elections (Kovács, 2019), especially the loss of Budapest, which deflated the illusion of regime invincibility, Fidesz lurched even further to the right. The diminishing returns from demonizing Muslims, migrants and refugees prompted Orbán and his propagandists to revive an older hatred and weaponize antigypsyism.

The pretext was a four-month-old court ruling by the Debrecen Court of Appeal in favour of Romani families in the town of Gyöngyös who whose children were forced to learn in segregated settings between 2004 and 2014. On 18 September 2019, the Debrecen Court of Appeal upheld the first instance judgment of Eger Regional Court and concluded that the Hungarian state was required to pay HUF80 million (£205,382) in compensation to Romani children who had been segregated for a decade from their peers in school. Seemingly out of the blue, Orbán described this decision as having violated ‘the people’s sense of justice’. Before recounting what occurred after this first prime ministerial intervention into the Gyöngyös case, the next section provides some context concerning the school segregation and desegregation of Romani pupils in Hungary over the past decade.

A brief history of school segregation

Immediately prior to the launch of the Decade of Roma Inclusion in 2005, the European Roma Rights Centre (ERRC) reported to the European Commission that the ‘recent legal and policy amendments aiming to combat racial segregation in schooling in Hungary’ were ‘among the most far-reaching and innovative policies on Roma anywhere in Europe’ (Rorke, 2015).
However, by late 2010, some months after Fidesz came to power, the Hungarian Civil Liberties Union reported that efforts to integrate Romani children and introduce innovative pedagogic methods into the educational system had come to a halt, and that the government had started to question ‘the hegemony of an integrated system’ (Rorke, 2015). What followed was that a national commitment to school desegregation came to be displaced by a cynical policy of ‘separate but equal’-style segregation, repackaged as ‘social catching up’.

In 2013, in the case of Horváth and Kiss v. Hungary, the European Court of Human Rights ruled that the two Romani applicants who were diagnosed as having mild mental disabilities as children and were placed in remedial school suffered indirect ethnic discrimination. Furthermore, the Court insisted that the state has a substantive positive obligation to ‘undo a history of racial segregation’ (Timmer, 2013).

November 2014 saw Minister for Human Resources Zoltán Balog file a Bill to amend Hungary’s Public Education Act 2011 to effectively legalize school segregation (Tóth, 2014) following a court decision in a case filed by the Chance for Children Foundation (CFCF), which ordered the closure of a segregated school in Nyíregyháza run by the Greek Catholic Church. The amendment circumvented legal verdicts by exempting some schools from the requirements of the Equal Opportunities Act. Opposition MP Tímea Szabó called the modification of the law a disgrace and declared that Balog’s idea of ‘benevolent segregation’ was contrary to both the statutes of Hungary and the European Union (EU) (Rorke, 2015).

The amendment would prove unnecessary following the subsequent decision of Hungary’s Supreme Court (the Kuria) in April 2015 to overturn the earlier ruling and exempt the Greek Catholic Church from anti-discrimination provisions in law. This judgment effectively declared the segregation of Romani pupils legal in religious-run schools, and was memorably described by CFCF board member Gábor Daróczi
as ‘apartheid under the aegis of religious freedom’ (Hungarian Spectrum, 2015).

In its June 2015 communication on the implementation of the EU Framework for National Roma Integration Strategies, the European Commission (2015) called for an end to school segregation and noted that Hungary counts 45 per cent of Romani children being placed in segregated schools or classes, one of the highest percentages among EU member states. On 26 May 2016, the European Commission launched an infringement procedure into systemic discrimination against Romani children in Hungary. In response, the government accused the EU of ‘getting revenge’ because Hungary had earlier contested the EU decision on mandatory refugee quotas, and described the procedure as ‘absurd’.

The EU’s Education and Training Monitor 2018: Hungary (European Commission, 2018) revealed a system that had become even more segregated and more unequal. The report found that early school leaving was more than six times higher (59.9 per cent) among Roma than among non-Roma (8.9 per cent), and that segregation had ‘accelerated’ in the last decade to the extent that ‘most Roma children still attend schools where all or most children are Roma’ (European Commission, 2018).

In short, evidence, research and court judgments over the past decade show that there was nothing incidental or accidental about the practices that have perpetuated segregation and inequality. Denying Hungarian Romani children equal access to integrated quality education is a deliberate, knowing and systemic practice.

‘The people’s sense of justice has been wounded’: undermining the rule of law

Four months after the Debrecen Court of Appeal reached its decision that the state should compensate the Gyöngyöspata Romani families, Orbán suddenly picked up on the issue. In a succession of provocative broadcasts to the nation, he stated that the Court’s decision ‘violated the people’s sense of justice’,
stigmatized the local Roma as workshy and their children as violent, unruly and uneducable, and asserted that what went on in Gyöngyöspata was not segregation, but ‘catching up’ (MTI-Hungary Today, 2020).

For their part, the Romani children testified that: they rarely met their non-Romani peers as they were educated in separate classes on a separate floor; they were not allowed to take part in the carnival ball; they were not taken on class trips; and they were denied information technology (IT) and swimming lessons. The reality of segregation was that many children were unable to graduate, and so poor was the quality of education that many barely learned to read or write (Szurovecz, 2020).

In a move favoured by white supremacists worldwide, Orbán (Miniszterelnöki Kabinetiroda, 2020) portrayed the majority ethnic group as the victims: ‘Non-Roma in Gyöngyöspáta began to feel that they had to back down and apologize, despite being the majority. They feel like they are in a hostile environment in their own homeland.’ The Prime Minister further opined:

I am not from Gyöngyöspáta, but if I were to live there, I would be asking how it is that, for some reason, members of an ethnically determined group living in a community with me, in a village, can receive significant sums of money without doing any work, while I work my butt off every day. (Bayer, 2020)

Dismissing ‘the whole thing as a provocation’, fomented by Soros organizations, Orbán (Cseresnỳés, 2020) stated that ‘there is a boundary that a Hungarian will never cross, or believes cannot be crossed. That boundary is giving people money for nothing.’

Forging a robust social mandate for racism

Pro-government media further polarized opinion, with anchors, columnists and other assorted hacks queuing up to
back the leader and stigmatize the Gyöngyöspata Roma. The far-right Hír TV reported that 97 per cent of viewers who responded to a poll backed Orbán on the issue (Rorke, 2020). The question Hír TV asked in the ad hoc poll was predictably loaded: ‘Do you agree with Viktor Orbán, who says it is unjust that some people be paid millions without any work or with the Soros-backed organization which advocates for Roma people in Gyöngyöspata to receive a 100 million [forints] in compensation for segregation?’ (Hungarian Spectrum, 2020a). Orbán then announced a new ‘national consultation’ on the Gyöngyöspata case, and declared ‘we take the side of the 80 percent who are decent, working Hungarians who demand a suitable education for their child’ (Gulyás, 2020). The national consultation is nothing more than a blatant manoeuvre to invoke the will of the people to influence the deliberations and decision of the Supreme Court on this issue. The issue is further skewed by being sandwiched between two other questions on ‘the rights of violent criminals’ and judicial corruption. Over the last ten years, the regime has repeatedly resorted to national consultations as part of propaganda campaigns against imagined enemies of the nation. Orbán characterizes the consultations, with their leading and loaded questions, as ‘demonstrating the power of national consensus’ (Gulyás, 2020). As to the outcome, the government stated that it already has clear answers to questions that have provoked social debates; ‘however, it needs a robust social mandate in order to represent them in the international arena as well as within Hungary’ (Gulyás, 2020).

**Intimidating and stigmatizing the Roma of Gyöngyöspata**

This is not the first time that the Roma of Gyöngyöspata have been targeted by the far-right. Back in 2011, uniformed neo-fascist paramilitaries, backed up by skinhead auxiliaries with whips, axes and fighting dogs, set up checkpoints and patrolled the Romani neighbourhood with seeming impunity,
as policemen stood by, in a siege that lasted almost two months. As *The Guardian* reported, militiamen ‘roamed the streets day and night, singing, hammering on doors and calling the inhabitants “dirty fucking Gypsies”’ (Pidd, 2012). Back then, Orbán stood accused of failing to protect Romani citizens from arbitrary force and intimidation.

Now, in 2020, it is the Prime Minister who is the direct source of racially motivated intimidation. On orders from Budapest, local Fidesz MP László Horváth began campaigning against the verdict and ‘the Soros network’s goal to obtain money’. In language that amounts to incitement, Horváth (Hungarian Spectrum, 2020b) predicted that the discord in the village ‘will lead to a nationwide storm’ and declared that ‘Every time strangers come to Gyöngyöspata from far-away places to fight for justice, war follows.’

‘Schmittian shenanigans’ would be a pithy characterization of what has unfolded here, and even more apt in light of subsequent developments. The whole package is there: the plainly daft evocation of war; a concept of the political that rests on a friend–enemy distinction, brooking no dissent when it comes to collective will-formation; and a sovereign who decides on the exception. Orbán’s constant invocation of ‘the authentic people’, decent fair-minded Hungarians, is textbook nativism, especially when he presents them as pitted against the ‘ethnically determined group’, the feckless work-shy Roma, aided and abetted by foreign-funded, money-grubbing, shyster lawyers.

Orbán has further posited that there is no cultural identity in a population without a stable ethnic composition, and that economic prosperity depends on preserving ethnic homogeneity ‘as life has proven that too much mixing causes trouble’ (EURACTIV, 2017). Little wonder that the authors of a recent United Nations (UN) report (UNCERD, 2019), which expressed ‘high concern’ at the persistence of structural discrimination against, segregation of and extreme poverty faced by Roma, were ‘deeply alarmed’ at the prevalence
of hate speech against Roma, migrants, refugees and other minority groups, as well as ‘reports that public figures in the State party, including at the highest levels have made statements that may promote racial hatred’. In reaction to what he described as Orbán’s ‘increasingly delusional’ racist rhetoric, the UN High Commissioner for Human Rights was moved to declare that ‘the increasingly authoritarian – though democratically elected – Viktor Orbán is a racist and xenophobe’ (Al-Hussein, 2018).

The ‘Gyöngyöspata case’ marked the moment when the Prime Minister turned his fire from migrants onto Roma. Orbán’s assertion that ‘the people’s sense of justice has been wounded’, and that ‘we need to give justice to the Gyöngyöspata people’, clearly excludes the Roma from the body of ‘the people’. This message was not lost on the thousands of Roma who turned out to protest against the proposed national consultation.

Then, just as opposition momentum was gathering, the pandemic hit and lockdowns kicked in all over the world. Under cover of COVID-19, the Hungarian Parliament approved a so-called enabling act on 30 March, which let Orban rule by decree without any time limit, and included a ban on elections and referenda. Regime claims that these extraordinary measures were somehow unexceptional in the time of the virus were met with incredulity and condemnation abroad; the European Parliament issued a statement describing the new measures as ‘incompatible with European values’ (Radio Free Europe/ Radio Liberty, 2020).

In an attempt to wrongfoot its critics, at the end of May, the government announced its intent to revoke the state of emergency decree; but as Human Rights Watch and many legal scholars have pointed out, the Revocation Bill is yet another political sleight-of-hand, for it does not revoke anything, ‘but rather double-downs on Orban’s power grab’ (Gall, 2020).

In the midst of all these shenanigans around the state of exception, on 17 May, the Supreme Court delivered its ruling
in favour of the children and parents of Gyöngyöspata, much
to the fury of Orbán, who described the judgment as unfair.
He said the government would decide how to honour the
court ruling and was preparing new legislation to prevent any
future such decisions. On national radio, Orbán launched into
a chilling tirade against minorities, asking whether Hungarians
can feel at home in their own country:

It cannot happen that in order for a minority to feel at
home, the majority must feel like strangers in their own
towns, villages, or homeland. This is not acceptable. And
as long as I am the prime minister, nothing of the sort
will happen. Because this is the country of the natives,
our country, and I see that this whole [Roma court] case
was initiated by the Soros organizations. (Mák, 2020)

This nativist rhetoric resonates with right-wing extremists,
whose squadristi have already recently massed on the streets
in anti-Roma rallies.Observers are acutely aware that the
new powers assumed by Orbán provide scope aplenty for
this vengeful autocrat to settle scores, and it’s only a matter of
time before Roma find themselves once again in the regime’s
crosshairs.

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