### Adv

#### Plan: A Just Hungary ought to recognize the right of workers to strike.

#### Orban is responsible for new anti-strike legislation

Cseresnyes 7/27 [Peter, July 27, 2021. “Orbán Gov’t Prohibits Air Traffic Controllers’ Planned Strike” [Orbán Gov't Prohibits Air Traffic Controllers' Planned Strike (hungarytoday.hu)](https://hungarytoday.hu/orban-govt-prohibits-air-traffic-controllers-planned-strike/) Accessed 11/8 //gord0]

The government has introduced [two new decrees](https://magyarkozlony.hu/dokumentumok/4bf18ce43d5eda4be4a7d07291d00febddef4dcf/megtekintes) that seek to [prevent](https://24.hu/fn/gazdasag/2021/07/27/orban-viktor-ferihegy-sztrajk-veszelyhelyzet/) the air traffic control staff in Hungary from going on strikes, citing the ongoing state-of-emergency situation. The new legislations were published shortly after pro-government paper, *Magyar Nemzet,* [reported](https://magyarnemzet.hu/gazdasag/sztrajkra-keszulnek-a-legi-iranyitok-ferihegyen-10128764/) that air traffic controllers at Budapest Airport were planning to go on an indefinite strike as early as this Tuesday.

The trade union of Hungarian air traffic controllers at Budapest’s Liszt Ferenc International Airport may go on an indefinite strike, *Magyar Nemzet* reported on Monday.

Industry sources told the paper that negotiations between the state-owned air traffic control provider HungaroControl and the company’s three trade unions have been ongoing for three years.  Although agreements with two of them have been reached, wage negotiations with the Control Trade Union of Hungarian Air Traffic Controllers (CMLISZ) have not concluded successfully. Therefore, employees of the company decided to stop working as early as Tuesday.

According to the newspaper, the outcome of the negotiations was also influenced by the fact that the airline has suffered a 60% drop in traffic since March 2020 compared to the same period in 2019, which has led to a similar drop in revenue and a radical reduction in the workload of air traffic controllers of up to 30%. This June, HungaroControl proposed a five percent annual pay increase for the period of 2021-2023, 15% in total to the CMLISZ. The trade union, however, did not find the rate of increase acceptable and claimed that they would go on an indefinite strike.

It seems the two new decrees signed by PM Viktor Orbán and published in Hungary’s official gazette, *Magyar Közlöny,* on Monday are trying to prevent precisely that, however.

In addition to the regulation titled “Measures necessary to ensure the safety of air transport during a state of danger and the swift transport of equipment essential to protect against Covid,” another regulation has been published stating: “air traffic controllers and aeronautical information service officers employed by the civil air traffic control service shall, in accordance with the instructions of the civil air traffic control service, carry out the duties of on-the-job training and further training, and where other statutory conditions so require, fulfill the conditions necessary for the maintenance of the license authorizing them to exercise the privileges of that activity.”

#### Hungary is trapped in a middle ground – authoritarian backsliding is not inevitable, but it’s likely now

Collins 19 Will Collins is a high school teacher in Eger, Hungary. May 6, 2019. “The New Authoritarian Hungary That Isn’t” [The New Authoritarian Hungary That Isn’t – Palladium (palladiummag.com)](https://palladiummag.com/2019/05/06/the-new-authoritarian-hungary-that-isnt/) Accessed 11/9 //gord0]

“Orbán” is Viktor Orbán, the Hungarian prime minister and international avatar of right-wing populism. Before Trump, Salvini, and Brexit, there was Orbán. Since his election as Prime Minister in 2010—following an earlier period in the same office from 1998 to 2002—he has defied traditional barometers of global influence to become a genuinely consequential figure outside Hungary’s borders. To his supporters, Orbán is a vital check on European Union overreach, mass migration, and the excesses of cultural liberalism. To his critics, Orbán is a budding authoritarian, someone who has more in common with Recep Tayyip Erdoğan, Vladimir Putin, and Xi Jinping than his fellow European heads-of-state.

Hungarian directness is an interesting window into the country’s culture. From talking frankly about sex, to relaxed habits of dress, to a certain fondness for casual vulgarity, Hungarians are generally unconcerned with what we might call bourgeois norms. “Budafcknpest,” the capital’s unofficial slogan, adorns signs, stores, and T-shirts throughout the city. Depending on who you ask, Hungary is either the last hope of Christian Europe or a reactionary outpost of hidebound traditionalism. It is also awash in garish tattoos, exotic piercings, and thigh-hugging mini skirts.

Why are bourgeois norms so thin on the ground in Hungary? The simplest explanation is that the country’s bourgeois epoch was notably short-lived. The urban middle class did enjoy a brief period of ascendance in the late 19th and early 20th centuries. Before World War I, Budapest’s famous cafes were populated by writers, journalists, and other liberal intellectuals, while a self-consciously Anglophilic upper class modeled its habits and genteel liberalism on British society. Then came war, and a nationalistic, rural reaction to bourgeois, cosmopolitan Budapest that produced [Admiral Horthy’s interwar regency](https://en.wikipedia.org/wiki/Mikl%C3%B3s_Horthy). The Second World War and Communism destroyed what was left of the urban middle class and the liberal upper crust.

Hungary’s flirtations with Western Europe have always been interrupted by invaders from the East. The medieval kingdom reached its apex under a French dynasty but was crippled by the Mongols and then defeated and occupied by the Turks. Following the Habsburg conquest, Hungary rejoined Europe as an eastern outpost of the continent’s most sclerotic Great Power. The defeated but independent Hungarian state that emerged from World War I balanced its authoritarian and revanchist tendencies with a loose adherence to the norms and procedures of Western parliamentary democracies. This vestigial liberalism was swept away by World War II and the Red Army, the latest invader to sever Hungary from the western half of the continent.

Hungary seems trapped in a liminal state, forever tilting between Eastern and Western Europe. You could say the same of many Eastern European countries, but the precarity of Hungary’s position is particularly striking because of its geographic and cultural proximity to the West. When crossing into Austria from Hungary, you won’t notice any profound geographic or architectural changes. The Great Pannonian Plain stretches on, and the buildings and churches on both sides of the border are almost indistinguishable. “It’s as if they took a Hungarian neighborhood and power-washed it,” a friend once remarked while driving through a small Austrian town. One wonders how things would look if the Turks had captured Vienna, or if the Red Army hadn’t withdrawn from Eastern Austria in 1955.

Political scientists have struggled to define the strange middle ground that Hungary now occupies. None of the academic terminology is particularly satisfying. A “transitional democracy” raises the question of what, exactly, Eastern Europe is transitioning towards. The Western European model has been tarnished by economic stagnation and political conflict, and Hungarians are unlikely to be enticed by the prospect of becoming a miniature, landlocked version of the United States. “Competitive autocracy” implies a degree of authoritarianism that does not exist. “Managed democracy” sounds like it could apply to any country with institutional checks on majoritarian rule.

Hungary’s status is ambiguous, but Orbán’s critics are not always wrong. State-backed media outlets usually parrot the ruling Fidesz party’s talking points, and the scarcity of independent journalism is noticeable. The media landscape is particularly barren in rural areas, where alternative outlets are scarce and most older, Fidesz-leaning voters get their news from slanted state TV programs. The December 2018 protests in Budapest that erupted over a [controversial change](https://www.bbc.com/news/world-europe-46651428) to the country’s labor laws culminated in opposition political leaders trying (and failing) to get a hearing on state television.

#### Our internal link argument is three-fold:

#### 1] Reversing status quo strike rules is key – uniquely cements authoritarianism due to governmental crackdowns

Verseck 18 Keno. December 17, 2018. “Hungarians protest draconian 'slave law' as Orban cracks down on dissent” [Hungarians protest draconian ′slave law′ as Orban cracks down on dissent | Europe | News and current affairs from around the continent | DW | 17.12.2018](https://www.dw.com/en/hungarians-protest-draconian-slave-law-as-orban-cracks-down-on-dissent/a-46778497) Accessed 11/9 //gord0]

For days, thousands of Hungarians have been protesting against the Orban government's social policies and against the anti-democratic restructuring of their country. It's [a wave of protests](https://www.dw.com/en/hungary-15000-take-to-streets-in-4th-day-of-protests/a-46766318) the likes of which Hungary hasn't experienced in a long time.

In some cases, police have been using violence and teargas against protesters in the last few days, even though before that there had merely been some scuffles with the officers. Dozens of people, some of them not even part of the protests, were arrested, and many were only released after 12 hours or more.

On Sunday, a large-scale peaceful rally organized by opposition parties and Hungarian trade unions took place without problems — initially. But late on Sunday evening the police again used tear gas against demonstrators when they mobbed the building of Hungary's public radio station.

Sunday night, a group of members of parliament, who have free access to the radio building, demanded in vain to be allowed to read a live petition on the news. They continued their protest in the radio building on Monday. At one point, one of the parliamentary protesters was forcibly thrown out of the building, although this is not permitted under current law for various reasons including parliamentary immunity.

**Workers further disenfranchised**

The wave of protests was triggered by an amendment to Hungarian labor law, now known to the public as the "slave law," which was passed in parliament last week. The law increases the possible number of overtime hours per year per employee from 250 to 400. At the same time, employers can now take three years instead of one year to pay overtime.

The amendment was passed over massive protests by trade unions, the opposition and civil organizations. The vote was riotous because the opposition had occupied the podium of the parliamentary president.

When Orban and his government reformed labor and tax law years ago in favor of companies, there were hardly any protests. In the meantime, the right to strike has been severely restricted and companies pay lower taxes in Hungary than anywhere else in the EU.

Hungarian trade unions are now weak and politically fragmented. Most opposition parties are only marginally concerned with sociopolitical issues, while non-governmental organizations have concentrated mainly on the issue of undermining the rule of law in recent years.

But now, a certain part of the Hungarian public is directing all of their anger toward the "slave law." The amendment is putting major social problems — which Orban's system has created in the first place — on the shoulders on employees, and doing so in a brazen way that many consider humiliating. In addition, there is a massive shortage of labor in Hungary as a result of the large number of people leaving the country, which in turn is largely a result of the frustration of many Hungarians with Orban's policies.

Over the past eight years, some 600,000 mostly well-educated citizens have migrated from Hungary because of the oppressive political climate, the poor organization and underfunding of some parts of the education and health care systems, and the high dependence of private companies on government support. Now the government apparently wants to combat the massive labor shortage simply by increasing overtime.

#### 2] Rigid Labor protection and democratic protests create room for democratization, and it spills over

[Hegedüs](https://www.gmfus.org/find-experts/daniel-hegedus) nd Daniel, Visiting fellow in the Berlin office, specializing in Democratic Decline and Central and Eastern Europe. Writing for the German Marshall Fund of the United States. No Date. “Hungary’s Sudden Protests Punch a Hole in Orban’s Legitimization Narrative” [Hungary’s Sudden Protests Punch a Hole in Orbán’s Legitimization Narrative | Strengthening Transatlantic Cooperation (gmfus.org)](https://www.gmfus.org/news/hungarys-sudden-protests-punch-hole-orbans-legitimization-narrative) Accessed 11/15 //gord0 \*I cannot find the date for the life of me but if I do I will add it.

A new wind of [political protest has been blowing in Hungary since last Wednesday](http://hungarianfreepress.com/2018/12/13/budapest-gripped-by-second-night-of-furious-anti-orban-protests/?fbclid=IwAR3EFhmJYWrEW-MltTwiaP7rAaJTwA4rQiVK-UWf5EqPsAqpz9_hVsXlG_c). Contrary to previous waves of dissent against the autocratizing regime of Prime Minister Viktor Orbán, the current one is not only firmly embraced by all parties of the political opposition, from the socialists to the greens to the liberals and the radical-right Jobbik, but also by the labor unions and a colorful spectrum of resolute protesters on the streets. The geographical scope of the protests is more comprehensive than ever; not only Budapest was paralyzed during the past days, but demonstrations were reported from a couple of major cities and roadblocks were put up by union activists throughout the country in a way resembling the rise of France’s “Gilets Jaunes”.

The prime demand of the protest movement – the withdrawal of a recent change in the labor law that has been dubbed the “slavery act” and of the administrative-court reform – cannot conceal the deeper, straightforwardly anti-regime characteristics of the last days’ events. These not only underline the regime’s increasing irresponsiveness to the public and unwillingness to refrain from a further concentration of power and autocratization, but they have also punched holes in its legitimizing narrative and they can create a strategic opportunity for the opposition to shake off its paralysis.

European and other countries and institutions should watch the events in Hungary closely and address the issue of the administrative-court reform in the same way they did with the controversial judiciary reform in Poland. The protests offer a window of opportunity for the European institutions that have long complained about the weak political opposition in Hungary. The sudden spark of democratic protest can easily be snuffed, but it may offer the chance to ignite a transition back to liberal democracy. Missing this opportunity would not be a simple political mistake by the EU, it would be an offense against the principles of democracy and rule of law.

**The last straws?**

The protests were triggered by the scandalous adoption of an amendment of the Labor Code on December 12. The law increased the amount of overtime that employers are allowed to demand from the current 250 hours a year to 400 hours, and it extended the accounting and payment period of overtime from one year to three years. To avoid public consultations about planned legislation that is compulsory for government proposals, the [motion was submitted instead by two individual MPs](http://www.parlament.hu/irom41/03628/03628.pdf) of the governing party, Fidesz. The legislation was then rushed through parliament, and the debate was accompanied by controversial measures, like refusing opposition members the permission to speak. On December 12 the governing majority also refused to discuss amendments proposed by the opposition parties and rejected all of them in a single vote. Protesting members occupied the Speaker’s pulpit to obstruct the final vote, but the governing parties passed the law without a proper chairing of the session and without the use of members’ electronic ID voting cards, which is unprecedented. This raises serious questions with regard to the law’s constitutionality.

During the same session, the governing parties also passed a bill that gives the administrative courts and the newly established Administrative High Court the authority to rule in politically highly sensitive cases, like electoral or public procurement complaints, and that also empowers the minister of justice alone to select and appoint the members of all administrative courts. The change resembles in several aspects the judicial reform in Poland and [severely undermine the independence of the judiciary](https://www.helsinki.hu/wp-content/uploads/Blurring-the-Boundaries-Admin-Courts-HHC-20181208-final.pdf).

Spontaneous demonstrations started last Wednesday and resulted [in tumultuous scenes in front of the Fidesz headquarters and of the parliament](https://kepek.444.hu/2018/12/13/a-rendszervaltas-utani-magyar-demokracia-egyik-legsotetebb-napjanak-legfontosabb-fenykepei). The riot police deployed tear gas against the crowd without prior warning and since then a mounting number of police abuses have been revealed by the remaining independent media outlets, from arbitrary arrests to [illegal data gathering](https://merce.hu/2018/12/14/tasz-jogellenesen-mondatta-be-a-kameraba-a-tuntetokkel-a-rendorseg-a-nevuket-tegnap-este/) and [violence against arrested protesters](https://444.hu/2018/12/14/mit-mondtam-neked-senki-nem-latott-semmit-fel-tudod-fogni). The [vice-chair of the Momentum party, Anna Donáth, was also put under temporary arrest](https://444.hu/2018/12/14/par-masodpercig-a-fejem-felett-tartottam-egy-lila-fustot-kibocsato-partikelleket) overnight on Wednesday, while on Sunday opposition parliamentarians were removed by armed security guards from the state television’s building, although their office gives them the right to enter all public institutions.

The government media has called protests illegal and “anti-Christian” riots and accused the [American philanthropist-billionaire George Soros of organizing them](https://888.hu/article-a-bevandorlasparti-soros-halozat-all-az-eroszakos-tuntetesek-mogott). Some went as far as [claiming the “Maidan screenplay” was being deployed in Budapest](https://888.hu/article-budapestbol-nem-lesz-majdan).

After the political escalation in the parliament and on the streets of Budapest, an alliance was forged by all opposition parties, from the center-left Hungarian Socialist Party and Democratic Coalition to the liberal and green parties Momentum, Politics Can Be Different, and Dialogue, and the radical-right Jobbik. Building on the initial protests of the labor unions, demonstrations have spread throughout the country. The option of a general strike has also been raised by the unions.

**What is new?**

What is new about these protests is not only the overarching anti-regime coalition of opposition parties (something that utterly failed when attempted in the run-up to the elections earlier this year) or the break out from the opposition heartland of Budapest. The amendment of the labor law signals the regime’s growing irresponsiveness to the public, while the court reform reflects its unwillingness to avoiding further steps to concentrate power, but these features are not really new either. The real novelty is that Orbán was bold or careless enough to punch two holes in his own legitimation narrative, and the damage caused will not be so easily repaired as in the case of the [internet tax demonstrations in 2014](https://www.bbc.com/news/world-europe-29846285).

First, the use of force and tear gas against a mostly peaceful crowd and the irregularities of the police measures have torn down the Fidesz myth of political victimhood that, since protests against the earlier Socialist government in 2006, associated disproportionate police violence with the left, while it may trigger solidarity with the protesters among broader society.

Second, the “[economic freedom fight](https://openeuropeblog.blogspot.com/2010/08/hungary-declares-economic-freedom-fight.html)” against the interests of multinational companies has been a cornerstone of the Fidesz discourse since 2010 that also framed left-liberal opposition parties as puppets of “foreign capital”. The economic and social policies of Fidesz might always have emphasized the primacy of “workfare” over “welfare”, but its political discourse embraced social paternalism. However, the change in the labor law has severely damaged the perception of a protective paternalistic state and made the government’s old-fashioned neoliberal views rather obvious. Government-friendly circles hinted that the legislation had become necessary due to the pressure that was exerted by important international investors. Some suggest that [changing overtime rules might have been part of the deal last July between the government](http://hungarianspectrum.org/2018/12/12/will-budapest-follow-paris/?fbclid=IwAR2Wiynm2JWuHB8iImPYujK-ru4myZVvMVltEsNFeqH_mH7aR76pOwfMxMI) and BMW, which will build a new manufacturing plant in Debrecen.

The use of disproportionate force by the police and the abandoning of social protectionism by the government have demolished two important legitimacy discourses of Fidesz in quick succession. Orbán’s strategy to isolate different political and social groups to prevent any solidarity that could create leverage against the regime has apparently failed due to his own arrogance and unwariness. What happened in parliament may have opened the eyes of several opposition politicians and voters to the fact that Fidesz does not shy away from the violation of basic parliamentary rules to reach its political goals.

The current situation can open broader prospects for the opposition if the demonstrations can be sustained. Leaving the parliamentary setting and exploring the terrain of extra-parliamentary protest was a logical choice in a country that, after “free but not fair” elections in [2014](https://www.osce.org/odihr/elections/hungary/121098?download=true) and [2018](https://www.osce.org/odihr/elections/hungary/385959?download=true), resembles more and more a [competitive authoritarian regime](https://www.tandfonline.com/doi/full/10.1080/13510347.2018.1455664). Due to the near-complete absence of a tradition of political violence, the protests will hardly turn into any Maidan-like events, except in case of serious provocations by the government or radical-right groups. However, they may rebalance the completely uneven political power relations in the country and can open new prospects for a democratic renewal.

European and other countries and institutions need to pay serious attention to the current situation in Hungary. EU institutions must address the issue of the administrative court reform as they did in the case of the judicial reform in Poland, or else they will lose any credibility with regard to the protection of European fundamental values. The launch of the Rule of Law Mechanism by the European Commission to complement the already running Article 7 procedure constitutes the most obvious and unavoidable step in this regard. Outsiders have always complained about a lack of political opposition in Hungary that impedes challenging the regime’s autocratization process at EU level. The protests give a window of opportunity to the European institutions. Missing this chance would be more than just a political mistake, it would be an offense against the principles of democracy and rule of law in the EU. The democratic protests offer the chance to enable a transition back to liberal democracy for Hungary.

#### 3] The right to strike spurs collective bargaining and a shift to democracy

Nkabinde 09 Bess Nkabinde, The Right to Strike, an Essential Component of Workplace Democracy: Its Scope and Global Economy, 24 Md. J. Int'l L. 270 (2009). [The Right to Strike, an Essential Component of Workplace Democracy: Its Scope and Global Economy (umaryland.edu)](https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1508&context=mjil) Accessed 11/9 // gord0 \*Bracketed for gendered language

Viewing labor rights as part of a wider struggle for democracy is essential for the growth of the labor movement. Most people believe in democracy in their polity but seem to be unable to imagine having democracy in their workplace. For more than a century, trade unions have sought to identify the right to strike as an essential part of democracy, along with many other rights. However, the common law courts have always regarded strikes as a breach of contract and picketing, depending on the violence employed, as a criminal act. Most courts declined to hear plaintiffs who sought redress from union militancy by directing them in the first instance to industrial relation tribunals.11 Although the Universal Declaration of Human Rights is not legally binding, its principles have acquired the status of standards respected by many states and its impact has moved it in the direction of universal acceptance. It has also become a common reference in the human rights field for many nations. Many governments have incorporated the provisions of the Declaration in their constitutions, making it legally binding upon those states. Interestingly, although South Africa was one of the eight countries that abstained when the UDHR was presented and adopted in Paris in 1948, South Africa is the quintessence of countries in the world that have incorporated the provisions of the Declarations and most of the subsequent Conventions in its Constitution and labor laws. The exploitation of workers was a feature of life in South Africa for a long time. Apartheid thrived on cheap labor: workers had to contend with the migrant labor system, passes and influx control, job reservation, poverty and oppressive laws. Trade unions were nevertheless an important source of resistance.12 The South African Constitution contains a detailed provision directed towards balanced protection for workers and trade unions as well as employee and employer associations in labor relations and collective bargaining.13 Section 23 guarantees workers the right to fair labor practices, to form and join trade unions, and to participate in union activities and strikes.14 Likewise, employers have the right to form and join employers’ organizations and to take part in their activities. These groups have the right to organize, form federations, and engage in collective bargaining.15 The right to strike is entrenched in the South African Constitution;16 but, the right of employers to lock out their workers is not expressly included.17 The Labour Relations Act (LRA) came into force on November 11, 1996, and was intended to bring labor law into conformity with the Constitution and with international law. It recognizes and regulates the rights of workers to organize and join trade unions, as well as the right to strike. The LRA guarantees trade union representatives access to the workplace and regulates the right of employers to lock workers out in certain situations. In addition to these guarantees, the LRA facilitates collective bargaining and makes provision for bargaining councils. It establishes bodies such as the Commission for Conciliation, Mediation and Arbitration, which creates simple procedures for the arbitration and resolution of labor conflicts, and the Labour Court and Labour Appeal Courts, which adjudicate disputes. The legislation prohibits unfair dismissal and defines dismissal as automatically unfair if it is due to the exercise of labor rights (including participation in or support for a legal strike or protest), pregnancy, or unfair discrimination on the grounds of race, gender, and others grounds. The South African Constitution recognizes that there are potent lessons to be learned not only from the apartheid past, but also from the experience of other countries around the world. It enjoins the Constitutional Court, when interpreting the Bill of Rights, to consider international law and it encourages the courts to use foreign law. The conventions and recommendations of the International Labour Organization (ILO),18 one of the oldest international organizations in existence, are some of the important resources for the interpretation of the labor provisions in the Constitution and the LRA. THE SCOPE OF THE RIGHT Traditionally, the ability of workers to take industrial action was an important factor in the maintenance of fair wages and reasonable working conditions, thereby improving the economic and social welfare of a significant proportion of the population. This was and continues to be based on the understanding that there is an imbalance in bargaining power between an employer and employee such that, in the absence of a right to strike, collective bargaining would amount to ―collective begging.‖ The social justice argument seems to have won judicial and legislative recognition of the entitlement of workers to take industrial action in certain countries. A worker has no other means of defending his or her [their] real wage other than seeking an increased money wage. If an employer does not grant such an increase, he or she [they] can be forced to come to a negotiation table by striking workers. The worker can do this because employer earnings are contingent upon the workers continuing to work. The argument is based on the fact that the employer’s income is nothing other than what is alienated from the worker in the process of production. When workers stop working, employers stop earning. It needs to be said, however, that the withdrawal of labor has a detrimental effect on the profits of business and the economy as a whole,19 indirectly placing pressure on business and state to heed workers’ demands.20

#### Hungarian authoritarianism is awful – disrupts democratic norms and erodes global democracy

Serhan 20 Yasmeen Serhan is a London-based staff writer at *The Atlantic.* April 2, 2020. “The EU Watches as Hungary Kills Democracy” [The EU Watches as Hungary Kills Democracy - The Atlantic](https://www.theatlantic.com/international/archive/2020/04/europe-hungary-viktor-orban-coronavirus-covid19-democracy/609313/) Accessed 11/25 // gord0

The coronavirus has proved a great boon to the world’s authoritarians. From the imposition of border closures to the utilization of mass digital surveillance, moves that may have once been classed as dangerous expansions of state power are now being lauded as necessary steps in the global effort to curb a pandemic. Extraordinary times, it has been collectively agreed, call for extraordinary measures.

But there is a line between using emergency powers and outright authoritarianism—one that Hungary has undoubtedly crossed. With this week’s passage of a law effectively removing any oversight and silencing any criticism of the Hungarian government, Prime Minister Viktor Orbán can now rule by decree for an indefinite period of time. That such an erosion of democracy could happen openly in the heart of Europe has caused an uproar, with many questioning what, if anything, the European Union can do to stop one of its own from undermining the very values that underpin the bloc.

So far, the answer has been, well, nothing. For while the EU has long been regarded (particularly by its detractors) as an entity that has become all too powerful—able to set rules that national parliaments must accept, implementing bloc-wide standards that must be adhered to—this pandemic is proving the exact opposite: that, in the face of a global crisis in which nation-states are leading the response, a multinational force such as the EU is largely powerless. As norms have been overturned to contain the coronavirus, the EU, which is built on, and gains strength from, promoting and upholding a rules-based order, has demonstrated itself incapable of keeping up.

Hungary was hardly a beacon of democracy before this pandemic started. Since resuming the premiership a decade ago (his first stint was from 1998 to 2002), Orbán has overseen the steady dismantling of the country’s democratic institutions, eroding its press freedoms, undermining its education system, and limiting the power of its judiciary. As an open advocate of “illiberal democracy”—his country is the [first](https://www.bloomberg.com/news/articles/2019-02-05/hungary-becomes-first-partly-free-eu-nation-in-democracy-gauge) and only EU member state to be considered just “[partly free](https://freedomhouse.org/country/hungary/freedom-world/2020)” by the think tank Freedom House—Orbán has never tried to sugarcoat his autocratic aims, and has justified them by invoking national sovereignty and national security.

In the outbreak of the coronavirus and the disease it spreads, COVID-19—which has infected more than [950,000 people worldwide](https://coronavirus.jhu.edu/map.html), including at least 585 people in Hungary—Orbán has found an ideal pretext for his latest power grab. Under the new emergency legislation, his far-right Fidesz party can effectively govern unchallenged, bypassing both Parliament and existing laws. It also permits the government to hand out jail terms for those deemed to be spreading misinformation. Though other countries have imposed their own emergency measures to combat the crisis, Hungary’s are among the most far reaching—and the most permanent. Though the Hungarian government [insists](https://www.politico.eu/article/coronavirus-hungary-no-power-grab/) that these measures will last only as long as the crisis does, the duration is entirely up to Orbán. After all, the emergency powers can be lifted only with the support of two-thirds of Parliament (a majority that Orbán holds).

The Hungarian crisis probably couldn’t have come at a more difficult time for the EU, which, in addition to facing a huge public-health disaster, must now contend with one of its members taking advantage of the pandemic. So far, the bloc’s response has been relatively muted. European Commission President Ursula von der Leyen [expressed concern](https://news.trust.org/item/20200402100718-9f3pd/) about the situation in Hungary, telling reporters today that emergency measures must be proportionate to the pandemic and subject to scrutiny (a notable step up from her initial [statement](https://ec.europa.eu/commission/presscorner/detail/en/statement_20_567) on the matter, in which she did not mention Hungary by name). A [statement](https://www.government.nl/documents/diplomatic-statements/2020/04/01/statement-by-belgium-denmark-finland-france-germany-greece-ireland-italy-luxembourg-the-netherlands-portugal-spain-sweden) by 13 EU countries—not even a majority of the bloc’s member states—warned that such measures would risk undermining rule of law, democracy, and fundamental rights (though this statement also failed to mention Hungary specifically).

Part of the EU’s hesitation to clamp down on Hungary is political. Orbán extracts a great deal from the bloc—including money (much of which is [siphoned off](https://www.economist.com/europe/2018/04/05/the-eu-is-tolerating-and-enabling-authoritarian-kleptocracy-in-hungary) to his cronies). But he also benefits from Fidesz’s membership in the European People’s Party (EPP), a center-right grouping in the European Parliament that also includes German Chancellor Angela Merkel, Irish Prime Minister Leo Varadkar, and both the current and former presidents of the European Commission. The EPP has thus far been relatively reticent to punish Fidesz or Orbán, worried that isolating him politically or forcing him out, as was [called for](https://twitter.com/ShonaMurray_/status/1245345437286117381?s=20) this week by Donald Tusk, the EPP leader and former European Council president, could risk hurting the group’s overall influence. “In his political family, in the EPP, there is a view that Orbán delivers a large number of votes,” Mujtaba Rahman, the managing director for Europe at the Eurasia Group, a research firm and consultancy, told me. Isolating Orbán by revoking his membership of the EPP, for example, would also go against the consensus that has governed how the EU has responded to Hungary’s democratic backsliding up to now: put simply, “to hold your enemies close,” Rahman said. “The German position has long been that we’ve got to work as a unit. Poland has been drifting, Hungary has been drifting, but ultimately they’ll come back into the European fold.”

The other, perhaps greater, reason for the EU’s inaction is that it doesn’t have much of a choice. Contrary to the belief of [some European politicians](https://twitter.com/matteorenzi/status/1244631516510072834?), the bloc cannot unilaterally expel a member state. It can suspend certain rights of a country under Article 7 of the Treaty of Lisbon if there is “[a clear risk](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012M007)” that a member state is breaching the EU’s fundamental values, including freedom, democracy, equality, and the rule of law. In this case, however, the procedure is largely toothless: Article 7 is effective only if all the other EU members agree to enact it, and that requirement of unanimity makes it easy to undermine. “Hungary and Poland will back each other up,” Garvan Walshe, the executive director of TRD Policy, told me. Both countries have had Article 7 proceedings triggered against them in the past, [to little effect](https://www.europarl.europa.eu/news/en/press-room/20200109IPR69907/rule-of-law-in-poland-and-hungary-has-worsened).

#### Democratic failure cascades and causes nuclear war

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The most obvious response to the ill winds blowing from the world’s autocracies is to help the winds of freedom blowing in the other direction. The democracies of the West cannot save themselves if they do not stand with democrats around the world. This is truer now than ever, for several reasons. We live in a globalized world, one in which models, trends, and ideas cascade across borders. Any wind of change may gather quickly and blow with gale force. People everywhere form ideas about how to govern—or simply about which forms of government and sources of power may be irresistible—based on what they see happening elsewhere. We are now immersed in a fierce global contest of ideas, information, and norms. In the digital age, that contest is moving at lightning speed, shaping how people think about their political systems and the way the world runs. As doubts about and threats to democracy are mounting in the West, this is not a contest that the democracies can afford to lose. Globalization, with its flows of trade and information, raises the stakes for us in another way. Authoritarian and badly governed regimes increasingly pose a direct threat to popular sovereignty and the rule of law in our own democracies. Covert flows of money and influence are subverting and corrupting our democratic processes and institutions. They will not stop just because Americans and others pretend that we have no stake in the future of freedom in the world. If we want to defend the core principles of self-government, transparency, and accountability in our own democracies, we have no choice but to promote them globally. It is not enough to say that dictatorship is bad and that democracy, however flawed, is still better. Popular enthusiasm for a lesser evil cannot be sustained indefinitely. People need the inspiration of a positive vision. Democracy must demonstrate that it is a just and fair political system that advances humane values and the common good. To make our republics more perfect, established democracies must not only adopt reforms to more fully include and empower their own citizens. They must also support people, groups, and institutions struggling to achieve democratic values elsewhere. The best way to counter Russian rage and Chinese ambition is to show that Moscow and Beijing are on the wrong side of history; that people everywhere yearn to be free; and that they can make freedom work to achieve a more just, sustainable, and prosperous society. In our networked age, both idealism and the harder imperatives of global power and security argue for more democracy, not less. For one thing, if we do not worry about the quality of governance in lower-income countries, we will face more and more troubled and failing states. Famine and genocide are the curse of authoritarian states, not democratic ones. Outright state collapse is the ultimate, bitter fruit of tyranny. When countries like Syria, Libya, and Afghanistan descend into civil war; when poor states in Africa cannot generate jobs and improve their citizens’ lives due to rule by corrupt and callous strongmen; when Central American societies are held hostage by brutal gangs and kleptocratic rulers, people flee—and wash up on the shores of the democracies. Europe and the United States cannot withstand the rising pressures of immigration unless they work to support better, more stable and accountable government in troubled countries. The world has simply grown too small, too flat, and too fast to wall off rotten states and pretend they are on some other planet. Hard security interests are at stake. As even the Trump administration’s 2017 National Security Strategy makes clear, the main threats to U.S. national security all stem from authoritarianism, whether in the form of tyrannies from Russia and China to Iran and North Korea or in the guise of antidemocratic terrorist movements such as ISIS.1 By supporting the development of democracy around the world, we can deny these authoritarian adversaries the geopolitical running room they seek. Just as Russia, China, and Iran are trying to undermine democracies to bend other countries to their will, so too can we contain these autocrats’ ambitions by helping other countries build effective, resilient democracies that can withstand the dictators’ malevolence. Of course, democratically elected governments with open societies will not support the American line on every issue. But no free society wants to mortgage its future to another country. The American national interest would best be secured by a pluralistic world of free countries—one in which autocrats can no longer use corruption and coercion to gobble up resources, alliances, and territory. If you look back over our history to see who has posed a threat to the United States and our allies, it has always been authoritarian regimes and empires. As political scientists have long noted, no two democracies have ever gone to war with each other—ever. It is not the democracies of the world that are supporting international terrorism, proliferating weapons of mass destruction, or threatening the territory of their neighbors.

**Dyadic DPT is true – prefer our evidence, it uses survey empirics instead of assumptions about history.**

**Tomz and Weeks ’13** (Tomz, Michael, and Jessica L. Weeks. “Public Opinion and the Democratic Peace”. *American Political Science Review 107, no. 3*. August 2013. https://web.stanford.edu/~tomz/pubs/TomzWeeks-2013-02.pdf)

The fact that democracies almost never fight each other is one of the most striking findings in political science. Yet scholars continue to debate whether the relationship between democracy and peace is causal, and what mechanisms explain it. This article uses experiments, embedded in public opinion polls, to shed new light on the democratic peace. Our research supports the hypothesis that peace among democracies could be due, at least in part, to public opinion. Countless studies have shown that democratic leaders are responsive to public opinion on matters of foreign policy; we demonstrate that the public discriminates between democratic and autocratic targets. Public opinion may, therefore, foster a special zone of peace among democracies. Moreover, our experimental approach allows us to conclude with confidence that the effect of democracy is genuinely causal. Democracy affects preferences independent of confounders such as alliances, power, and trade. While our experiments confirm the intuition of skeptics that at least part of the peace among democracies is due to shared interests, military power, and economic ties, we nonetheless find clear evidence that democracy has an independent effect on support for war. Our experiments also reveal the mechanisms through which democracy dampens support for war. The finding that democracies view other democracies as less threatening, which in turn reduces support for using force, accords with major works on the democratic peace emphasizing threat perception (Russett 1993, Risse-Kappen 1995). Understanding how and why democracies trust fellow democracies, but not autocracies, is an important avenue for future research (Kahl 1998, Williams 2001). We also found that perceptions of cost do not explain the public aversion to fighting democracies, and that expectations about success explain only a small amount of the effect. Finally, we found that morality plays an important role in the democratic peace. The regime type of the target affects moral calculations, which in turn changes preferences about the use of force. Surprisingly few scholars have explored morality as a potential source of peace. This should be a major topic for future research. There are numerous opportunities for follow-up studies. For example, the experiments in this article cannot distinguish between “normative” and “structural” theories, both of which predict that democracy reduces threat perception. Do democracies seem less threatening because people think democracies will externalize their domestic values of peaceful coexistence, because they believe democratic institutions will slow or prevent the march to war, or both? Researchers could find out by randomizing information about the normative and structural attributes of regimes. One could also test whether the perceived credibility of threats and promises varies by regime type (Fearon 1994, Schultz 2001, Slantchev 2005, 2011), whether people think democracies would be more willing to make peaceful bargains (Debs and Goemans 2010), and whether democracy leads to perceptions of shared preferences (Oneal and Russett 1999). Moreover, our study provides a template for research on issues other than nuclear proliferation. Historically, no issue has driven countries toward war more often than national boundaries (Ghosn, Palmer, and Bremer 2004). While shared democracy may prevent territorial disputes from escalating, some have claimed that the militarization of territorial disputes should not vary by regime type (Gibler 2007). Countries also spar over domestic policies such as respect for human rights and cracking down on terrorism. Democracy may contribute to peace in these instances, but since changing the domestic policies of another country involves interference in that country’s internal affairs, democracy could matter mainly by affecting beliefs about the morality of intervention, rather than by reducing perceptions of threat. Researchers could design experiments to assess these predictions. Future studies could also explore policy responses other than military force. Countries can deal with international disputes in a variety of ways, including diplomacy and mediation (Dixon 1994); appealing to international law and organizations (Russett and Oneal 2001); or applying economic sanctions. New surveys could ask respondents to evaluate a wide range of military and nonmilitary options, thereby revealing how democracy affects not only decisions about war, but also the use of non-violent foreign policy tools and the willingness to escalate from peaceful measures to violent ones. Finally, our study focused on the public in the U.K. and the U.S. Researchers could replicate our experiments in other countries, to see how our findings generalize to other parts of the world. Additionally, researchers could interview government officials and other policy elites to assess how democracy affects the preferences and perceptions of the people who ultimately decide whether to go to war. Some scholars have found that elites and the public have similar beliefs about foreign policy issues, 24 while others have concluded that elites and masses respond differently to international cues, with elites demonstrating more complex strategic thinking.25 Future studies could assess whether policymakers respond to democracy differently than the masses. For decades, U.S. and foreign leaders have cited the democratic peace when analyzing foreign affairs and justifying efforts to spread democracy around the globe. This topic remains critical today, given the tremendous pressure for democracy around the world. By providing micro-level evidence about the democratic peace and its causes, this article has important implications for policymakers, as well. For example, policymakers who want to cooperate with autocracies must recognize that citizens in democracies distrust dictators and have fewer moral reservations about using force against them. On the flip side, our findings suggest that democratization may have security benefits. When a democracy and an autocracy take identical actions, the democracy receives the benefit of the doubt from citizens in fellow democracies, while the autocracy is viewed with much greater suspicion. Advocates of democracy promotion could therefore cite our findings as evidence that joining the club of democracies confers significant benefits not only at home, but also abroad.

#### Nuke war causes extinction – nuke winter and ag production

PND 16. internally citing Zbigniew Brzezinski, Council of Foreign Relations and former national security adviser to President Carter, Toon and Robock’s 2012 study on nuclear winter in the Bulletin of Atomic Scientists, Gareth Evans’ International Commission on Nuclear Non-proliferation and Disarmament Report, Congressional EMP studies, studies on nuclear winter by Seth Baum of the Global Catastrophic Risk Institute and Martin Hellman of Stanford University, and U.S. and Russian former Defense Secretaries and former heads of nuclear missile forces, brief submitted to the United Nations General Assembly, Open-Ended Working Group on nuclear risks. A/AC.286/NGO/13. 05-03-2016. <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/OEWG/2016/Documents/NGO13.pdf> //Re-cut by Elmer

Consequences human survival 12. Even if the 'other' side does NOT launch in response the smoke from 'their' burning cities (incinerated by 'us') will still make 'our' country (and the rest of the world) uninhabitable, potentially inducing global famine lasting up to decades. Toon and Robock note in ‘Self Assured Destruction’, in the Bulletin of Atomic Scientists 68/5, 2012, that: 13. “A nuclear war between Russia and the United States, even after the arsenal reductions planned under New START, could produce a nuclear winter. Hence, an attack by either side could be suicidal, resulting in self assured destruction. Even a 'small' nuclear war between India and Pakistan, with each country detonating 50 Hiroshima-size atom bombs--only about 0.03 percent of the global nuclear arsenal's explosive power--as air bursts in urban areas, could produce so much smoke that temperatures would fall below those of the Little Ice Age of the fourteenth to nineteenth centuries, shortening the growing season around the world and threatening the global food supply. Furthermore, there would be massive ozone depletion, allowing more ultraviolet radiation to reach Earth's surface. Recent studies predict that agricultural production in parts of the United States and China would decline by about **20 percent** for four years, and by 10 percent for a decade.” 14. A conflagration involving USA/NATO forces and those of Russian federation would most likely cause the deaths of most/nearly all/all humans (and severely impact/extinguish other species) as well as destroying the delicate interwoven techno-structure on which latter-day 'civilization' has come to depend. Temperatures would drop to below those of the last ice-age for up to 30 years as a result of the lofting of up to 180 million tonnes of very black soot into the stratosphere where it would remain for decades. 15. Though human ingenuity and resilience shouldn't be underestimated, human survival itself is arguably problematic, to put it mildly, under a 2000+ warhead USA/Russian federation scenario. 16. The Joint Statement on Catastrophic Humanitarian Consequences signed October 2013 by 146 governments mentioned 'Human Survival' no less than 5 times. The most recent (December 2014) one gives it a highly prominent place. Gareth Evans’ ICNND (International Commission on Nuclear Non-proliferation and Disarmament) Report made it clear that it saw the threat posed by nuclear weapons use as one that at least threatens what we now call 'civilization' and that potentially threatens human survival with an immediacy that even climate change does not, though we can see the results of climate change here and now and of course the immediate post-nuclear results for Hiroshima and Nagasaki as well.

### 1AC – Framing

#### The standard is maximizing expected well-being

#### 1) Actor-specificity: side constraints freeze action because government policies always require trade-offs since they have finite resources—the only justifiable way to resolve those conflicts is by benefiting everyone. Actor-specificity first -- different agents have different ethical obligations.

#### 2) No act-omission distinction – choosing to omit is an act itself – governments actively decide not to act so there is no omission. Also, If we foresee a consequence, then it is intrinsic to our action since we intend it to happen

#### 3) Util is a lexical pre-requisite to any other framework: Threats to life preclude the ability for moral actors to effectively utilize and act upon other moral theories since they are in a constant state of crisis – that inhibits the ideal moral conditions which other theories presuppose, which turns and outweighs their framework.

#### 4) Phenomenal introspection --- it’s the most epistemically reliable --- historical moral disagreement over internal conceptions of morality such as race prove the fallibility of non-observational based ethics --- introspection means we value happiness because we can determine that we each value it --- just as I can observe a lemon’s yellowness, we can make those judgements about happiness.

#### 5) Only consequentialism explains degrees of wrongness—if I break a promise to meet up for lunch, that is not as bad as breaking a promise to take a dying person to the hospital. Only the consequences of breaking the promise explain why the second one is much worse than the first.

#### 6) Reject calc indicts:

#### A] Empirically denied—both individuals and policymakers carry out effective cost-benefit analysis which means even if decisions aren’t always perfect it’s still better than not acting at all

#### 7) Nothing in the 1AC triggers presumption or permissibility – but they should affirm:

#### A] The skewed 4min 1AR has to answer 7min of offense and hedge against a 6min 2nr collapse, if the neg can’t prove the aff false you should presume its true

#### B] You presume statements true unless proven false – If I tell you my name is Chris you believe me unless you have evidence to the contrary

#### C] Presuming statements are false is impossible – we can’t operate in the world if we can’t trust anything we hear

#### D] Triggers kill substantive education and force a 1ar restart so you should punish them for doing so

#### E] Don’t evaluate presumption or permissibility because there’s always a 1% risk of offense

#### 8) Use epistemic modesty –

#### Philosophical accuracy: Ross 06’

Jacob Ross [USC Associate Philosophy Professor. “Rejecting Ethical Deflationism.” Ethics , vol. 116, no. 4, pp. 742-768, 2006. www-bcf.usc.edu/~jacobmro/ppr/deflation-ross.pdf] AJ

It is possible to believe a proposition or theory to a greater or lesser degree, and degrees of belief or credence may be represented on a scale from zero to one, inclusive. And the same is true of acceptance. For while some have insisted that acceptance is an all-or-nothing phenomenon, if one understands accepting a proposition or theory as employing it as a premise in practical reasoning, then acceptance, like belief, can admit of degrees. For in practical reasoning we can treat a proposition or theory as having any probability between zero and one, inclusive. We may refer to this quantity as one’s “degree of acceptance” in the proposition or theory in question. Thus, in solving a given practical problem, it is possible to take a number of alternative theories into consideration by assigning a nonzero probability to each, or in other words, by partially accepting each. I might, for example, aim to choose the option that [what] would be optimal if there was a .5 chance that utilitarianism is true and a .5 chance that Kantianism is true. If I did this, I would have a degree of acceptance of .5 in each of these theories. For any such set of alternative theories, we may refer to one’s respective degrees of acceptance in these theories as an “acceptance distribution.”

#### B] Clash—disincentives debaters from going all in for framework which means we get the ideal balance between topic ed and phil ed—outweighs since we only have 2 months to debate the topic.