PART TWO

Extending the Politics of Free Speech

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8 Designing Limits on Public Speaking: The Case of Hungary

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Introduction

Anthropologists have long asserted that all speech – indeed all expression – is constrained by social and linguistic conventions – that is, by political and cultural principles. Linguistic anthropologists have noted, in addition, that statements about language and language use – for instance, as "free" and "unfree" speech – are never only about language and are never only statements; they are also forms of action. As statements, they are reflexive metadiscourse and entail evaluations of other features of social life than language; as action, they display and often transform aspects of speakers' identities, values, and institutions. Reflexive metadiscourse – talk-about-talk – defines the social scene of speaking while enabling speakers/listeners to take up ideological locations in such scenes and in social life more broadly. "Ideological" is here understood as a positioned stance, within a world of alternatives, and not a matter of truth or falsity. Ideologies, in this sense, are frames about linguistic and expressive practice, with consequences for all social projects – motivating, justifying, and changing them (Gal and Irvine 2019). Importantly, metadiscourses about speech and its limits are always comparative; they imply a differentiating vision, establishing relations of contrast and often disputes among ways of (non) speaking and among those who speak.

In any comparison, many possible dimensions of contrast and sameness can be defined. Comparison itself is ideological work, and techniques of comparison differ in their starting points and consequences (Gal 2016). Standardizing measurement that submits each example to the same widely agreed-upon and often quantitative scale is a technique that erases the interested viewpoint from which the measures are made. Nevertheless, there is always a perspective, a point of departure, even if hidden. Decisions must be made about what is worth measuring and with what metric. Another technique of comparison divides the world into binaries: modern/traditional,

public/private, North/South, liberal/authoritarian. Though not necessarily a quantitative metric, it can be fitted with numbers. It is familiar in social science and ubiquitous in the social world generally. Notably, it is amenable to fractal recursions that redivide each side – for example, finding the modern in tradition, the public in the private, and so on. This often lines up with an us/them distinction in which the analyst participates. It can create hierarchical scales along which ethnographic examples are placed, valuing or critiquing one side or perhaps the binary itself (Gal 2002; Candea in this volume). Indeed, during the Cold War, the rubric "freedom of speech" became a brand of the United States and its allies (the self-styled "free world"). Fractal recursions of this contrast were evident as further subdivisions evincing the same distinction within both sides in that era. In this chapter, I offer a related comparison, finding similarity, not difference, in the handling of the Cold War divide (as pluralism vs. centralized control).

Within a single chronotope – Hungarian public talk in the early twenty-first century – I juxtapose three disputes about constraints on speech. In each, there is an element of "design," a matter of "form-giving" through situated action, with design defined as an "invasive mode of intervention in the world" (Murphy and Wilf 2021, 9). That is, each stretch of talk and action is arguably dealt with in a way that is planned and organized for expected effects. The reigning political party's interests are effectively imposed to control the speech, despite legal protections against such control by the government itself. The protections are loudly avowed but at the same time undermined, hollowed out, often *by legal means*. The overarching ideological distinction between pluralism and centralized control is still in evidence. Yet the three disparate examples suggest that the dedication to pluralism evident in Hungary before 2010 is systematically circumvented in practice by the Fidesz government that has gained power since then. Evidence for this emerges in the way otherwise disparate incidents unfold in quite similar ways.

In the first episode I describe, Hungary's Prime Minister Viktor Orbán declared in a 2022 public address that Hungarians do not want to live in a "mixed-race society." Much discussion followed, interpersonally and in mass media: Did Orbán overstep legal constraints against harmful speech in a liberal, pluralist society? This reverses the more common concern about speech limits imposed by governments – today, Orbán and his party are, in effect, Hungary's government. I examine the "recipient design" of the speech and the scandal it evoked. How was responsibility for it deflected and turned to Orbán's advantage? The second incident occurred in 2018, when a humorist-journalist published a brief, satirical analogy between ancient Hungarian chiefs who were plunderers and the current prime minister's family. Protection of the press against libel in such cases is inscribed in the Constitution. Yet anonymous citizens claimed to have been harmed, and the journalist was heavily fined by

the Hungarian Supreme Court. I ask how this legal manoeuvre was designed and accomplished. In the final set of examples, the main independent Hungarian newspaper unexpectedly ceased operation from one day to the next in October 2016. Many citizens were shocked by the closure of the popular paper that often criticized the government. Official state news declared it folded due to bankruptcy. Readers did not know what exactly to protest in this and numerous similar cases of magazine and website closures. No laws were broken; no one's rights had been violated. Yet access to news and a range of opinion were drastically curtailed.

In tracking talk-about-talk in these incidents, the focus here is on discussions among literate Hungarians with higher education in person-to-person exchanges with me and in a range of mass media that I have followed for each example, including the reporting of the few independent websites and magazines that are still in operation. The events were all well-publicized, but puzzles and major disagreements remained in their characterization. They provide a glimpse of a wide-ranging design by Orbán's ruling party (Fidesz). The importance of a plurality of voices and opinions in public expression is explicitly endorsed by government spokespersons. Newspapers, websites, and TV and radio stations abound. Yet in the experience of participants and watchdog organizations, public speech is curtailed and central control exerted, but the government's responsibility for that constriction is hard to locate and everywhere denied.

This pattern is also evident – as observers of Hungary have noted – in legal, financial, scholarly, and artistic institutions whose routine activities have been diminished, defunded, and hollowed out through legislation. The institutions are not entirely destroyed – a carapace and an aura of legality remain. Yet organizations capable of shaping public opinion and previously run by trained personnel (theatres, museums, universities, the Academy of Sciences) are now managed by the ruling political party's loyalists, often without the relevant skills, and with changed agendas. Some observers have called this pattern "autocratic legalism," and it has been noted in polities in many regions. Popularly elected leaders, such as Prime Minister Orbán, use the rules and customs of a liberal order – the regulated and ideal separation of the economic, legal, and political sectors – to undermine that order's institutions (Corrales 2015). Kim Scheppele (2018, 545) summed up this irony when she observed that they "dismantle by law the constitutional systems they inherit" in order to entrench themselves in office for the long-run (see also Magyar 2013; Gal 2019). In the case of public speech, this might well be called "media capture" (Selva 2020). I attend to the communicative, language-related aspects – and the scalar reach – of these processes, showing how they rely on a delicate handling of expectations about ideological difference.

Ideologies and Metapragmatic Struggles

Sometimes, disputes about public speech are matters of clashing ideologies. Indeed, as Judith Irvine and I have argued, there are always alternative ideologies that can be invoked in any scene, and all ideologies are inherently contestable (see Gal and Irvine 2019). But Hungarian disputes today should be distinguished from the grand Cold War ideological confrontations in Hungary's past. Presuppositions and explicit statements of what could/should be expressed in Hungarian public life were quite different under state socialism – now often captioned as an "authoritarian state" – than after that system's demise. Public expression in state socialism, especially in its early days, was explicitly focused on a centralized shaping of citizen consciousness. For instance, the ruling parties in East Germany, Hungary, and Romania during the Cold War justified mass cultural production (the arts, schools, press and other mass media) as cornerstones of their programs of social engineering, very much a matter of design and planning (i.e., the inculcation of their avowed values and the manufacture of their own legitimation). What did not fit these goals was not allowed, and there were punishments. The black Ziguli car that arrived at the journalist's house at night to take him away was one result of overstepping party directives and expectations about what could be said during the height of the Cold War. In the West, this was stereotyped and derogated as "ideologically motivated interdiction" or "information dictatorship" and was usually called censorship (Boyer 2003).

Yet, as I have argued elsewhere (Gal 1991), the various rhetorical techniques used in Eastern Europe in later years of the Cold War – allegory, circumlocution, suppressed premises, indirection, wooden bureaucratic speech, "ready-made" shibboleths in talk (Boyer and Yurchak 2010), and "messages between the lines" – were not limited to state socialism. They were also evident in speech strategies of what was then called small-scale egalitarian societies (Brenneis and Myers 1984). Roland Barthes (1957) discussed many of them in explicating bourgeois images and formulas. And they were and continue to be evident in the hidden messages ("dog whistles") of public media in capitalist-democratic social orders as well, even if quite different contradictions were/are hidden from view in say, US public discourse, than in Hungary (Stone 2004; McIntosh and Mendoza-Denton 2020). By the 1980s, before the system's collapse in Hungary, canny observers and participants diagnosed a situation in which artists and writers were seduced into silent self-censorship in collaboration with, not against, state requirements. In short, the language ideologies of the late socialist period could be summarized as "the artist and the censor – the two faces of the official [state] culture – diligently and cheerfully cultivat[ing] the gardens of art together" (Haraszti 1987, 7).

Now, however, the general understanding avowed by domestic and foreign observers alike is that Hungary, as a member of the European Union (EU) and the North Atlantic Treaty Organization (NATO), is operating under the same ideological presuppositions and political dispensation about public expression as the rest – the West – of Europe. Pluralism and disparate voices are supposedly everywhere in evidence, opinions of the left as well as the right. That image enables Hungary to participate in the idealized and self-congratulatory story about European "freedom of speech." As the narrative goes: the dark repressive forces of church, bourgeois morality, and the state have been giving way, since the Enlightenment, to reason, progress, artistic creativity, pluralism, and democracy (Rosenberg 2021). Never mind that this is not an accurate reflection of European publics today. Hungary's post-1989 Constitution followed this idealized playbook, rejecting communist-era arrangements concerning speech by borrowing or building on Western models. It included safeguards for a range of political speech in public and a diverse, autonomous press. Accordingly, early generations of post-socialist artists, journalists, and political leaders celebrated "freedom of speech" and the achievement of a plurality of voices in Hungarian mass media.

But within these expectations, disputes have flared, especially since 2010 and the second rise to power of Victor Orbán's increasingly extreme-right Fidesz party. It seems fitting to analyze these disputes not as ideological clashes, in the Cold War mode, but as what Webb Keane (this volume) has called "metapragmatic struggles." These are struggles that occur while more encompassing ideological presuppositions are shared among disputants. Metapragmatic struggles, as I understand the term, draw on alternative ways to define the particular situation at issue within a generally accepted acknowledgment that there is/should be expression of diverse opinions about public policies, and that criticism of public figures is important in a democracy, even one explicitly labelled an "illiberal" democracy by Orbán himself. The question becomes: Is the current event at issue a case of politically or legally authorized and ethical expression, or some other type of situation? What is appropriate expression in the given situation? What values are enacted by the speech or event? Who or what is responsible for the systematic limits on expression that are noticed and experienced by some?

Definition of an ongoing social interaction, as managed by participants, constitutes a foundational topic in linguistic anthropology (Goffman 1981; Gumperz 1982; Duranti and Goodwin 1992). Metapragmatic categories name and frame relationships and ways to change them in an ongoing event. In a familiar example, two speakers in a Euro-American scene can transition from a relation of strangerhood to amicable acquaintanceship with a mere change of address forms (Silverstein 2003a). A simple matter of reducing the volume of one's voice can change a conversation from public to private. Keane's proposal of the term "metapragmatic struggle," however, aims to highlight how fraught these

metapragmatically mediated changes can become when they are scaled up, entailing positions taken by groups, not individuals, and between opposed principles in confrontation. It dramatizes the high social and ethical stakes when cultural or political disputes pertain to key activities of an institution, and not to single events. The incidents I discuss are metapragmatic struggles in institutions of public speaking within an ostensibly shared ideological frame. Under the aegis of a presumed pluralism, how is centralized, government control manifested – and denied? How are news media captured by government control? These are semiotic aspects of "autocratic legalism." They are not a Hungarian specialty but rather occur widely. That is precisely the reason they are important.

Orbán Makes a Declaration

Prime Minister Viktor Orbán, in the hot July of 2022, made his annual, much-awaited public speech to a large gathering of Fidesz party members and sympathizers in a partially Hungarian-speaking town in Transylvania (Romania). His party had won a fourth consecutive landslide election in the spring on the basis of heavily gerrymandered voting. Sitting at a large table, outdoors and in shirtsleeves, Orbán joked: "In this heat we should all have 'Fidesz spritzers,' that's two thirds to one third." His audience laughed appreciatively. They did not need to be told that this is the right proportion of wine and water for "spritzers," a favourite drink, and that it was also the proportion of Fidesz's supermajority. "Which shows," Orbán added, "that some things are forever." In addition to homey evocations of food and drink, the speech also quoted English, Russian, and Latin phrases. The effect was of an expansive, folksy schoolmaster instructing his charges about history, economics, culture, and the war in Ukraine. World politics, he explained, operates like a layer cake, a *Dobos torta* (another favourite) in which a key part is the "icing." Orbán's own Marxist education, with a similar metaphor, would have called it superstructure: demography, migration, and gender. On these issues, he averred, the West's wrong-headed policies have put it in precipitous decline; people there are anxious, no longer controlling the world's energy supply and raw materials. They are no longer the admired "West" but now a "post-West" that has lost its values and is losing its position of global power.

That is where Hungary comes in. Loosely translating his points, I summarize: We continue to have more burials than births. If we don't change this, sooner or later "they" [migrants] will steal away our country, they will inundate and replace us.[1] Migration has divided Europe. In one half, Europeans and

1 "Ellakják tőlünk a Kárpát-medencét" is a play on words equating "ellopják" and "ellakják" (an archaism for settle): "they will settle/steal the Carpathian Basin away from us."

peoples from outside Europe live together. They are a world of mixed races. Those countries are no longer nations, just conglomerations of peoples. They are a post-West. We, on the other hand, are where different peoples living in Europe mix with each other. We [the East] are now the real Europe. They [the post-West] want to force us to be like them. The ideological trick of the international left is to claim that there has always been a mixture of races in Europe. This is a cheat, an abuse of words, a semantic confusion.

The rest of the passage is worth quoting directly:

> [Mi a] saját európai otthonában élő népeknek vagyunk keveréke … ezek a népek, ráadásul, egy ilyen hungaro-pannon mártásban össze is olvadnak, egy saját, új európai kultúrát hozva létre. Ezért harcoltunk mindig … Egymással hajlandóak vagyunk keveredni, de *nem akarunk kevert fajuvá válni*. (emphasis added)

> We are a mixture of European peoples who are living in our own home … moreover, we peoples melt together in a kind of Hungarian-Pannonian sauce, creating our own new European culture. This is what we have always fought for … We are willing to mix with each other, but *we do not want to become mixed-race people*.[2]

The italicized words caused a scandal. The reaction was immediate, forceful, and international. But why? There is not much new here in content. His audience knew, as did all of Europe and beyond, that Orbán had for years spoken against multiculturalism, immigration, migrants, and the cultural policies of the EU. He had insisted on maintaining "ethnic homogeneity" in Hungary. Ironically, in Transylvania, where Orbán spoke, Magyar, Romanian, and German speakers have long cohabited, sometimes in conflict. That was presumably why the rejected "mixture" invoked past battles of "Europeans" against Islam and "Arab civilization."

Yet the targeting of Islam was not the first source of outrage. On the day of the speech, one of his closest advisors of twenty years – who is Jewish – resigned, saying these comments were Goebbels-esque, a reference to the chief propagandist of Hitler's Nazi Party. Soon the Academy of Sciences collected protest signatures, objecting to "race" on scientific grounds; a legal suit was filed against Orbán by a former member of Parliament for violation of a hate speech law that was and is on the books (the case was refused); opposition parties expressed rage and shame; Hungarian Jewish organizations reacted in anger, as did leading rabbis and Roma groups; the European Commission's vice-president called the speech "poisonous racism"; numerous European heads of state protested; and the US Embassy mentioned no names but

2 All translations are my own.

condemned "all ideologies, policies and rhetoric that give oxygen to the doctrines of hate and division." The American mainstream press was even more pointed in its sharply negative commentary.

Some observers in Hungary and elsewhere in Europe noted that the outrage responded to Orbán's new choice of words. He moved from earlier incitements against "migrants" to people of "mixed race," which echoed a discourse of race purity recalling anti-Semitic, Nazi rhetoric. This is the kind of talk, critics said, that leads to genocide wherever it is heard. For these critics, Orbán had crossed a line; he had "gone too far." Acknowledging and decrying the crimes of the Holocaust has become a leading index of European identity and even of virtue itself (Özyürek 2016). Therefore, Orbán's speech was a provocation that interpellated listeners well beyond the families of Holocaust survivors or groups engaged in memorializing genocide.

Given these reactions, it is worth focusing on what linguistic anthropologists call "recipient design." Speech is continually oriented towards addressees, and speakers are alert to potential uptakes, which influence their choices (Bell 1984). In this lecture situation, Orbán is the Goffmanian "animator" of the speech and is also its "principal" – that is, the social actor responsible for its message. But he was probably not the one who composed the words. Yet, as his aide of twenty years who resigned on hearing the speech also noted, his custom is to carefully read and edit the work of those who actually choose the words, what Erving Goffman called the "authors." And the authors had a problem: since the start of the war in Ukraine, the term "migrant" and its accompanying discourse have lost the negative aura so vehemently created by the Orbán publicity machine since 2015, when hundreds of thousands entered Europe via Hungary from the Middle East and beyond. My own observations confirm that many of those hostile to the waves of migrants from the east and south in 2015 were priding themselves in 2022 on their "openness" to helping those fleeing, migrating west in the wake of the war in Ukraine.

Other expected audiences were European leaders. For them, "mixed-race" discourse still carries the whiff of Nazi rhetoric and can be condemned as such, but this is not its major effect. Axes of differentiation have shifted in Western Europe. The difference considered "racial" in France, Germany, Italy, and Austria most saliently concerns postcolonial African, Caribbean, and Near Eastern migrants and their children. I was in Vienna when Orbán visited there just days after his speech and I noted the way his rhetoric spoke to rightist politicians, who sent approving messages, while enabling moderate ones to mouth anodyne virtue gestures condemning anti-Semitism. Orbán, along with his writers, doubtless expected this. However, the recipients for which the passage was most precisely designed were those in the American audience Orbán would face a few weeks later at the Conservative Political Action Conference (CPAC) in Dallas, Texas. At that gathering, he was a keynote speaker, a kind of mascot

for American rightist politics. He alluded, in English, to his earlier speech: "the mainstream media will call me a racist and anti-Semite," as indeed they did, to the delight of many in his American archconservative audience. In the US, race is again quite a different matter than in Hungary or Western Europe. It is key to African-American and national politics. In the US, this rhetoric of "mixed race" is more likely to evoke former president Obama and his allies than the Holocaust.

It is a fair bet that Orbán's canny authors were well aware that discourses of "race," "racism," and "anti-Semitism" were different in Texas than in Transylvania. Despite distinct uptakes, however, the repetition can enhance circulation of discourses and may create political alliances across contrasting social spaces, as has been the case in discourses of anti-gender (Gal 2019; Graff and Korolczuk 2022). It is therefore relevant that by inviting an otherwise small-scale politician to its annual meeting, CPAC was recruiting an eager Orbán into their project to build a global movement of the political right, in a "culture war" around what they characterize as "God, homeland, family, freedom and anti-gender." These values are arrayed against what they label the "liberal values," such as equality, separation of church and state, and rule of law.

The specifically metapragmatic struggle around the Transylvania speech, however, was less grand, as revealed in subsequent commentary. The original audience welcomed the "no mixed-race" announcement, thereby aligning with Orbán's party. Yet the next day Orbán announced that "[his] government follows a zero tolerance policy on both anti-Semitism and racism," and the Prime Minister's Office announced the speech was really about "immigration and assimilation." A week later, Orbán met in Vienna with Austrian Chancellor Karl Nehammer (ÖVP), who said – as expected – "we in Austria utterly reject any trivializing of racism or even anti-Semitism." Orbán also spoke about the scandal to international news media:

> It sometimes happens that I formulate things in ways that can be misunderstood. This is about a civilizational position [in Hungary] … it is not about racism but about cultural differences … [As everyone knows] I define myself as an anti-immigration politician. This is not a racial [*faji*] question but a cultural question. In politics no approach based on biology is possible; what is possible is a cultural approach … We want to maintain our civilization as it now is.

It was all a misunderstanding! In Hungary meanings are different! These moves resemble "plausible deniability" as analyzed in other polities (Hodges 2020a), but its details closely track autocratic legalism. On the one hand, the Hungarian Constitution, as rewritten by Fidesz (!), prohibits speech that insults minority citizens (ethnic Germans, Jews, Roma). That is why a former Parliament member could attempt to sue Orbán for his speech. On the other hand,

Orbán's defence alludes to this very law as his "no tolerance" policy. With some listeners, he benefitted from the Nazi echo; with others, by distinguishing Ukrainian from Arab migrants. For yet others, ironically, the "cultural" explanation relied on Hungary's supposed cultural-linguistic exceptionalism in Europe, where observers cannot object to differences of "culture" and "civilization." However denied retrospectively, the chosen term – *faj*, "race" – did a lot of communicative work. It made Orbán recognizable to potential allies in the quite different context of US far-right politics. The reframings both stood by the law, and undermined it.

The Dangers of Satire

The second example involves an incident in which Prime Minister Orbán was the subject of talk, not the speaker. A journalist's opinion piece published in 2018 was found by the Hungarian Supreme Court (a body then newly reorganized and entirely restaffed with Fidesz loyalists) to violate a section inserted into the Fourth Amendment of the Constitution in 2013.[3] The relevant section states: "The right of freedom of expression may not be exercised with the aim of violating the dignity of the Hungarian nation or of any national, ethnic, racial or religious community. Persons belonging to such communities shall be entitled to enforce their claims … [against those] violating their human dignity," or their community's reputation. It might seem that this insertion was designed for the protection of minorities in Hungary, but its only use has been – as in this case – for the protection of the majority. Anonymous complainants charged that the article in the online version of the independent weekly *HVG* had harmed Magyars (Hungarians). The initial court hearing the case and an appellate court dismissed the charge. The Supreme Court overturning the earlier decisions found the journalist guilty. Many legal discussions called the Court's act contradictory, illogical, mistaken, and a bad precedent. My observations are not about technical aspects of the law but rather the public metapragmatic struggle around the journalist and the court.

The Court's actions centred on a short satirical opinion piece by Árpád W. Tóta. The article was a commentary on an earlier news item. An EU commission had, that week, found Orbán's son-in-law guilty of the corrupt use of roughly US$32 million in EU funds. Yet the Hungarian (Fidesz-appointed) prosecutor declined to start any criminal procedure against the son-in-law,

3 This amendment (and its media details) was harshly criticized by many journalists, opposition parties, the EU, and the Venice Commission because it limits the powers of the Court and allows arbitrary judgments, including fines for "imbalanced" and "insulting" reporting. This touches on the provision discussed here.

finding that there had been no crime. Tóta's article was a response to this situation. He wrote – facetiously, satirically – that the EU seemed to be puzzled by the Orbán government's response, so he, the journalist, would offer to explain it, to interpret it. Even my quick translation here conveys the tone:

> Let me help you [EU] understand Orbán's message. He said: I'm going to continue to steal. Whatever money flows in next [from the EU], they [Orbán, his family, friends] would like to keep it, this is not a crime here [in Hungary]. They are ready to sign any postcard about liberal values and the rule of law, it doesn't cost a penny … but they do not intend to have their relatives and friends locked up. If this is what the rule of law dictates, the rule of law should go fuck itself. He [Orbán] didn't destroy it just for fun.

This might seem heavy-handed as commentary, but it was not the part of the article identified later as offensive. Tóta's next paragraph evoked the early medieval chieftain Árpád. He led the Magyars who invaded the Carpathian Basin, migrating from the east, between c. 900 and 950 CE. He and his tribesmen conducted close to fifty raids for booty on Western European targets. These raids – done either as hirelings of warring princes or on their own initiative – have long been called "adventures" by nationalist historians, who have both aggrandized these activities and minimized the harm done. Hence the title of Tóta's article: "Magyars Don't Steal, They Go on Adventures." In his piece, Tóta reached for a striking historical parallel to critique the inaction of the EU in the face of the accusations against the Orbán family:

> Árpád chieftain didn't drag all his marauders to military court for plundering the whole of Europe. He honoured them. The robbery, arson, and violence – the so-called adventures – were not stopped by European legal decisions either, but by the Battle of Augsburg. It was there that the *stinking Hungarian migrants* repeatedly claimed that ravaging villages and monasteries were not crimes. The European knights, however, didn't accept their rules of the game, nor their illiberal worldview, and put the broadsword into them from ass to mouth. After that, the *Hungarian bandits* bravely ran home where they told others that a fucking big beating would follow the next adventure. This was then understood, and they took up Christianity in a great hurry, for which today they are extremely proud. (emphasis added)

The analogy – though far-fetched – suggests what it would take to change Hungarian (non-)responses to EU charges of crime and corruption. Many people found the analogy amusing. Besides the implicit charge against Orbán, it reminded readers – just a few years removed from the migrant crisis of 2015 – that people calling themselves Magyars had been migrants of a sort centuries

ago, and not very friendly ones. One might also take this as somewhat insulting to the EU, accusing it of not enough action in comparison to supposed predecessors.

But it was not the analogy that was the subject of the lawsuit. Only the italicized words were identified as offensive. "Migrant" had been a neutral word that became pejorative after the Fidesz propaganda campaign against migrants and asylum seekers in 2015. The problem, however, was not only the term "migrant" but also "stinking" [*büdös*]. This is used for halitosis and mildew, but is also a common pejorative in ethnic epithets. Interestingly, the suit was not brought by the apparent targets of the analogy (i.e., Orbán and his family, who remained silent) but by two anonymous Hungarians who charged that their human dignity was violated by these statements about their national group. It is unclear how labelling ancient Magyars as migrants (even as possibly an ethnic epithet) harmed the two complainants. Clearly, the consequence was the important thing: that Tóta and the *HVG* – all Hungarians themselves – were fined and seen to be fined several thousand dollars; they had to apologize and remove the words italicized above from all versions of this article in print and online.

It hardly seems necessary to point out that this is a metapragmatic struggle about how to characterize what was said and that the specific interpretations by the two parties collided. Tóta's strategy was to draw a parallel between the current period and the earlier "adventures." This is the familiar genre of historical analogy, here as satire. By contrast, the Court decontextualized the italicized words, considered only their referential meaning, and deliberately overrode the tropic voicing of the passage, while recognizing that it was a condemnation. The Court agreed that the article was "ironic." In their official decision, the judges wrote: "The expression of condemnatory opinion is a value protected by the freedom of expression, but the stylistic tool used to express it and the genre of irony cannot provide an unlimited exemption from liability for violating the human dignity of others." Linguistic anthropologists would quickly point out that the judges turned Tóta's playful parallel into a bit of serious folk nominalism. They took for granted that the Magyars of 950 CE were the "same" as the people called "Magyars" today, so that insult to one would violate the human dignity of the other. Surely, Tóta's parallel between Magyar chieftains of the tenth century and today's ruling family would not apply to *all* current Magyars (or all ancient ones either) who do not steal and raid. With a straight-faced opinion, they opposed the legal demands of "freedom of speech" with those protecting "human dignity" and decided in favour of the latter.

It is hard to believe, Tóta remarked in interviews, that the judges were quite so stupid and had never read Hungarian literature. Some of the greatest poets of Hungary, Tóta noted, are much admired for using irony and satire in political criticism of their country's leaders. The judges were probably just beholden to Orbán. As Tóta angrily pointed out, writers will henceforth have to resort to the

"flower language" (i.e., coded messages) of the deepest communist period. But journalists, he insisted, will not stop writing criticism. Legal observers feared that the judicial opinion and steep fine would indeed "chill" even humorous criticism of the prime minister's family, despite supposed legal safeguards for criticizing public figures. Laws seemingly designed to protect ethnic minorities from insult were here the means for shielding the regime's leader and family from critics and, perhaps most consequentially, retaliating against the independent press. And that, arguably, was the main point. All of it entirely legal.

A Newspaper Disappears

The first two examples showed the consequences for individual expression differently finessed: echoes of racist discourse by the prime minister explained away; satiric criticism of the regime punished. My final example is about the institution of the press and information dissemination as a whole. Orbán complained, in the early years of his regime, about the non-state owned, independent press and its often critical assessment of government actions.[4] Later he borrowed an epithet from the American scene, calling his critics' comments (in English) "fake news." Surveillance and control of individual journalistic output, as in Tóta's case, is a labour-intensive undertaking. Criticism is more effectively countered by elimination of diversity in press organizations. This, however, is hard to justify while maintaining an ideology of constitutionally guaranteed press pluralism. Even according to its harshest critics, the geopolitical situation of Hungary demands at least the appearance of legitimating popular support (however gerrymandered) and legal process in domestic, regional, and international circles (Magyar 2013; Vásárhelyi 2017). How can the entire mass media of a country be centrally controlled under these circumstances?

In October 2016, the country's major independent newspaper, the popular and prestigious broadsheet *Népszabadság* (People's freedom) was suddenly closed down. Metapragmatic struggle occurred around exactly who did what to this paper that was critical of the government. There were protests and street demonstrations. Was the shuttering legal? Did it violate press freedom? In a metaphor based on economic markets, the press in Europe is often framed as a marketplace of ideas. Diversity of viewpoints is supposed to provide the basis for an informed citizenry. By contrast, closing down newspapers is a familiar tactic of twentieth-century repression on the left as well as right, as in the actions of a Hitler or a Stalin. Did this closure signal that Orbán's government was a repressive regime?

4 Early in the second Orbán regime (2010–14), media organs to the right of Fidesz were also targeted, but the strategy towards them eventually changed; Fidesz took up their extreme right positions. Independent organs that take left or centre-left positions remained targets.

That image of autocratic control is what the Fidesz government tried to avoid when it insisted that it had nothing to do with the paper's demise. Literalizing the metaphor of the free market of ideas, the official news agency declared that closing the paper was a rational economic decision by its owners. The paper was a market failure. One state official expressed puzzlement that some people would want the government to "save" the paper: that would interfere with press freedom, he said. Among the Fidesz-friendly internet comments at the time, the following was typical: "The Socialists have still not learned that you can't just shout and bluster against facts, or rather, you can, but with good democratic common sense the majority laughs, mocks and ridicules them." In short, the cruel, capitalist market creates hard choices; its impersonal workings were responsible for the closure of the *Népszabadság*. This was not the only kind of reaction. Some comments were dubious. On the same thread another asked: "Is it just an accident that all this [the financial failure] emerged about the *Népszabadság* after they published all those articles that were so painfully embarrassing for the [Fidesz] Party?" In the *HVG*, the independent weekly, an editorial opined on 26 October 2016: "Sure, we can listen to the self-important busy-bodies talk BS about losses, portfolios, strategy changes and markets, but what for? All this presumes there is a media market in Hungary. And there isn't one … [just] honest journalists trying to do their work. The concrete story is not about the economy or market logic but about power and those who are willing to serve as its flunkies." The losers, the editorial concluded, were the readers.

Indeed, the closing of the *Népszabadság* is only the most dramatic of moves in evidence since 2010 that have narrowed the range of public opinion in Hungary. A second is the economic pressure exerted by the Fidesz government on independent or critical media outlets in the form of targeted taxation, withdrawal of state advertising, and denial of licensing. A third is the unification of most news and information within a single organization dubbed a foundation. Such narrowing, or "media capture," has occurred all over central and eastern Europe (Selva 2020, 15; Dragomir 2019). Scholarly observers note that Hungary is most extreme. Mass media operate as part of a government-business collaboration that controls the flow of information and thus opinion formation. These developments are well-known. Detailed discussions have appeared in the *New York Times* and *The Guardian*, as well as in publications by watchdog organizations such as the International Press Institute and Human Rights Watch. My goal here is merely to exemplify these manoeuvres, and to show how they dovetail with the earlier examples discussed.

The demise of the *Népszabadság* is a salient case because its excellent journalists were able to enlist foreign colleagues who created an international scandal. It is ironic that this paper, the former organ of the Hungarian Communist Party became, after the system change, a symbol of press pluralism. In the

early 1990s the newspaper was privatized, owned partially by the Socialist Party, a German conglomerate, and the editorial board, and it became the most popular national daily and a leader of public discourse. Its profile was centre-left, supporting but also critical of the left-liberal Hungarian governments of the 1990s and early 2000s. In international matters it backed the EU and many US policies. Between 2005 and 2015, the paper's ownership changed a dizzying number of times through foreign and domestic publishing and holding companies. In those years, in concert with all other print media, its circulation plummeted, but it held its own against other daily national papers. At the time of its closure, it was making new investments in colour printing and staff positions. As the journalists and staff said in interviews, they knew nothing about plans for closure; they were celebrating the move to new headquarters when the bad news came by courier. The reasons for the closure were mysterious to them. Their website and internet archive of muckraking journalism were low cost, they noted, so immediately closing them was hardly necessary for economic reasons.

But economic arrangements were crucial to the appearance of the final result. The paper had been sold to Vienna Capital Partners, a holding company that created a Hungarian subsidiary named Mediaworks Hungary. By 2016, that company already owned a great many national newspapers and magazines in Hungary as well as many of the county-level newspapers, which have political importance as the major sources of information in rural areas that have no internet access. Mediaworks shuttered the *Népszabadság*. A few days later, Mediaworks, itself a very large company, was sold to an Orbán friend who, since 2010 and with government support, had become, according to Forbes, the third richest man in the country.

The sudden and complete demise of the *Népszabadság*, however, was an unusual version of the larger pattern. Domestic or foreign owners have been more gradually encouraged to sell, usually to oligarchs close to Fidesz, once taxes are raised or revenues decline as the state removes its advertising. By 2016 it was widely recognized by media scholars that TV and radio stations airing programs unfriendly to the regime were not awarded renewals of their operating licences. Private businesses that advertised on those TV and radio stations would themselves be super-taxed; demands would be made for them to follow newly minted rules – often ones created to fit those firms in particular. Although targeted legislation is ostensibly illegal, no effective opposition was possible against Fidesz's parliamentary supermajority (Vásárhelyi 2017).

Websites were at first thought to be a safe resort for independent press organs that were otherwise put out of business. But they too came under media capture through the second manoeuvre of direct pressure to change editorial policy. An excellent illustration is the case of Origo.hu, as recounted in a meticulous *New York Times* report (Kingsley and Novak 2018). In 2013, Origo was the country's

most read news website, famous for its hard-hitting investigative journalism. When its German owner received an additional US$100-million tax bill and faced renewal of its frequency licences, negotiations between the government and the owner commenced. One editor of the website resigned on hearing that there would be a government consultant who would call him to provide advice about news coverage. A replacement editor continued the muckraking policies but was fired a few months later, as the German company moved to safeguard its licence renewal and further broadband deals in Hungary. Origo had become a liability; the German firm agreed to sell to the highest bidder. A Hungarian company was able to make the highest offer because it was heavily supported by government funding. Unlike the *Népszabadság,* the Origo website stayed in operation and in private hands, but by 2015 it was transformed from vociferous critic to enthusiastic supporter of government policies, especially on controversial issues such as immigration. Government support from advertising continued to rise as Origo's backing of Fidesz became more and more enthusiastic.

An even larger manoeuvre is the dramatic conglomeration of news media in a single organization. After 2010, a set of Fidesz-friendly oligarchs started buying national daily papers, internet news sites, and some fifty regional papers. A new civic organization was announced in 2018, registered as the Central European Press and Media Foundation (CEPMF). Billed as a non-profit, on the model of NGOs in the US and Western Europe, its stated aim is to "assist in the strengthening of Hungarian national consciousness in the media." On its website, it promised to "defend the freedom and diversity of the press and ensure the conditions for free dissemination of information necessary for the formation of democratic public opinion." Within a few months, the wealthy Fidesz supporters who had bought media firms handed them to CEPMF. The free gifts included TV and radio stations, newspapers, websites, and magazines. Nearly 500 media outlets operate under CEPMF's control, all managed by a board of Orbán's close colleagues. This unifies media that were already government-aligned, obviating competition among them and simplifying oversight. It also presents independent media with a huge, powerful competitor. In December 2018, Orbán signed an order that declared the consolidation of broadcast, internet, and print publications to be of "national strategic importance in the public interest," exempting CEPMF from anti-trust regulations. In 2019, regulative organizations in Hungary and internationally reported that at least 80 per cent of Hungarian news media was at the disposal of the Orbán government; the CEPMF provides the same centrally composed and government-aligned content to all of them.

These strategic moves are well known. An anthropological view would add two analytical observations. First, metapragmatic struggles link the concentration of media ownership to the cases of individual speech. As linguistic anthropologists have pointed out (Du Bois 1993), many customary practices like

divination erase human intention and hence responsibility from activities that have consequential results. The supposedly impersonal forces of the capitalist market are one such mechanism, familiar to Hungarians through the devastating effects of the post-socialist transition. The 2008 financial crisis also hit Hungary hard, so the narrative of economic failure remains plausible to large sectors of the population. After all, the story goes, newspapers have been failing all over the world; websites change hands everywhere. Thus, metapragmatic disputes continue about "what really happened" to favourite newspapers or websites and who is responsible. Second, the institutional form of the Central European Press and Media Foundation is noteworthy. The government argues that it is no different than foundations in other EU member states. Yet, far from being independent, as its self-advertising and comparison to other states would suggest, its origins, mode of operation, governance, and personnel suggest it is a governmental organization grafted onto the widespread institutional concept of an independent "foundation." It gains credibility and authority from that process of grafting (Gal 2019). Meanwhile, the few independent weeklies and websites that remain are useful to the government in claiming that no undue centralization has occurred.

Media capture parallels reorganizations in other opinion-forming social domains – theatres, museums, libraries, the Academy of Sciences, and the universities (Magyar 2013). The *Népszabadság* and the Central European University were eliminated altogether, but in most other cases, the funding is curtailed, the rules of operation, employment, and administration revised, salaries and values transformed and all put under direct Fidesz control. Only the facade of the institutional name and function remain, while the changes are dubbed routine improvements or matters of economic necessity.

Conclusion

My goal has been to adumbrate the design aspects of a set of seemingly disparate events to make visible the semiotic armature of autocratic legalism and media capture as they operate in Hungary. A glance at the differences among these examples points to a wide range of contexts. The cases span individual experiences and institutional transformation. They contrast in the scale and influence of participants involved: from the domestic libel accusation against one journalist, to the international scandal around the mass mediated speech of the prime minister, to the destruction of a privately owned newspaper and the conglomeration of the vast majority of the country's information media. Yet, when compared, it is their similarity in a number of ways that is of significance.

First, I have emphasized their shared location: a post-socialist chronotope in which the Cold War dichotomy between pluralism in expression and government censorship, especially violent suppression of critical opinion ("free

world" vs. communism), is still palpable after more than thirty years. This is in part because the dichotomy is invoked in political campaigns by far-right politicians to threaten and impugn the intentions of leftist and centrist political parties. Moreover, because the European Union is once again casting a critical eye on media laws and practices across Central European member states, a semblance of genuflection is required to the self-congratulatory narrative of "freedom of speech," which is maintained as an ideal in the liberal tradition authorized by the EU and its allies. Under these constraints, Hungarian officialdom organizes its impression management around this dichotomy and handles the dichotomy with care, claiming to stand firmly on its "pluralist" side. Despite its declaration of "illiberalism," Orbán's government has maintained a semblance of legitimacy in the EU and internationally by working against the perception that it practises censorship in illegal and violent ways.

Accordingly, the incidents are similar in seeming to be pluralist yet providing evidence of imposed government control. To be sure, a fractal analysis of this ideological divide would predict the reiteration of state control within a pluralist context, but the Hungarian situation goes further. The relevance of the ideological distinction is both evident and loudly denied, as if to say: "No government control here, only a tolerant constitution; just an independent judiciary; only the impersonal market, the rights of entrepreneurial ownership, and the necessity of state taxation." The legal and judicial system that – in an ideal liberalism – would defend pluralism has been captured for state interests, and the capture erased or explained away as a matter of economic rationality and public interest. These effects are mediated and supported by metapragmatic struggles, disagreements about the definition of the situation. Listeners are invited to hear Orbán's "mixed-race" remark as innocent because his constitution protects ethnic minorities. Readers of the satirist-journalist are asked to believe that judicial decisions are separate from party interests. And yet, the outcome in both cases was the limitation of critical commentary about a leading politician – even in the time-honoured form of satire. The demise of an independent daily and the gradual elimination of independent opinion in most websites is said to be the result of market considerations. A foundation unifying nearly all of the country's information media and producing identical content for all is justified as a means to "serve, preserve and uphold balanced media in Hungary" by a member of the foundation's governing board on its website. The Fidesz government is legally separate from the foundation; it cannot be held responsible for the seamless support it receives from the messages disseminated by the foundation's media outlets.

A carapace of pluralism and legal protections produces, for many critical participants, the disconcerting effect of hollowed out institutions, their administrators, managers, and employees substituted, their values entirely replaced by government-supporting views on crucial issues such as immigration,

racism, gender, and EU mandates. My examples are similar to each other and also emblematic of a wider situation in that government control was clearly imposed, yet no rights were violated, no laws overstepped. The "side" of pluralism in the wider ideological contrast was loudly affirmed by official voices. Yet limitation was evident. This is a different form of constraint on critical speech and writing than the frank censorship and violent enforcement familiar to historians studying the autocracies and dictatorships – communist or fascist – of the twentieth century. But it is nonetheless a limitation on any independent speech that is critical of central officialdom, and a form of limitation by no means special to Hungary.