

## MECHANISMS OF DIRECT DEMOCRACY IN HUNGARY

### *Legal and Other Impediments\**

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#### **1. Political Transformation in 1989: Popular Sovereignty and Rule of Law?**

Mechanisms of direct democracy first played an important role in Hungary in the period of the political transformation at the end of the 1980s. At that time two factors boosted the adoption of detailed regulations on local and national instruments of direct democracy. The first one was the reform wing of the state-party MSZMP (Hungarian Socialist Workers' Party), which urged, a flee forward tactic under the pressure of a constant economic crisis and the growing unpopularity of the state-party, a cautious and gradual switch-over to a constitutional democracy. Their policies also included the extension of political rights and the revival of the referendum, which was incorporated into the communist constitution of 1949 as a plebiscitary instrument but was never used in practice.<sup>1</sup> The Regulative Concept of the New Constitution (30 November 1988), drafted by Géza Kilényi (1936–2016), deputy minister of the constitutional codification, already emphasised that, according to the principle of popular sovereignty, people cannot be excluded from the direct exercise of power and that Parliament's powers are not only limited by the constitution itself but also by the rights of the people, the popular initiative and the referendum. The document advised, furthermore, that the adoption of the new constitution be submitted to referendum as well as all its future total revisions.<sup>2</sup>

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<sup>1</sup> Art. 20(1)d of Act XX of 1949 on the Constitution of the Hungarian People's Republic laid down that "The Presidential Council of the People's Republic may order a plebiscite in matters of national importance."

<sup>2</sup> KILÉNYI, Géza (szerk.): *Egy alkotmány-előkészítés dokumentumai. Kísérlet Magyarország új Alkotmányának megalkotására 1988–1990 (Documents on the Elaboration of a Constitution,*

The other factor which promoted the case of direct democracy was the “Bős-Nagymaros project”, a decade-old plan of the Hungarian and Czechoslovak governments to construct two dams and hydroelectric plants on the natural border of both countries, the River Danube, which would have caused serious environmental damages. In 1988, the issue evoked protests from the public and resulted in a mass movement of different environmental and other civic organisations, which demanded the project to be halted, and also began to collect signatures to submit the question to referendum, although existing regulations did not render it possible to launch bottom-up referendum initiatives.

Albeit the Ministry of Justice elaborated a draft constitution, it never became effective law, because the National Round Table Talks (“Nemzeti Kerekasztal”, NEKA), in the framework of which the state-party MSZMP and oppositional forces laid down the steps of the political and economic transformation, started in June 1989 and the opposition was firmly against the adoption of a constitution being presented by the communist regime. The Bős-Nagymaros project, however, was never submitted to referendum, instead the Government, under pressure of the ongoing protests, unilaterally suspended the construction works in 1989 and brought the issue later before the International Court of Justice. Nevertheless, the constitutional reform plans of the Government and the direct democratic claims of the civic organisations had an indirect effect: in the summer of 1989, still before the start of the NEKA-talks, the last Parliament of the one-party state passed Act XVII of 1989 on Referendum and Popular Initiative, the first detailed regulation of direct democratic institutions in Hungary.

The official reasoning first of all emphasised the importance of the constitutional establishment as the main purpose of the transformation of Hungary’s political institutions and added, that the citizens’ active participation, which can influence the decisions of authorities, is a core element of the rule of law. Thus, the exercise of popular sovereignty and the principle of the rule of law were understood here not as contradictory requirements but as two sides of the same coin.

The real innovation of the law was that it opened the door to bottom-up referendum initiatives: 100,000 voters were entitled to enforce a referendum on questions falling within the competence of the Parliament.<sup>3</sup> The initiative could be aimed both at the subsequent rejection of a bill passed by Parliament and at the adoption of a new legislation.<sup>4</sup> 100,000 signatures corresponded to ca. 1.25% of the total electorate. However, the law cannot only be qualified as citizen-friendly because of this relatively low signature quorum. The list of prohibited issues was also rather short: it excluded only financial matters like the central budget and central taxes, appointments and existing international obligations from the field of direct democratic decisions.<sup>5</sup> The

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*An Attempt to Make Hungary's New Constitution, 1988–1990*. Budapest, MTA Államtudományi Kutatóközpont, 1991. 115–116., 138.

<sup>3</sup> Art. 10.

<sup>4</sup> Art. 5.

<sup>5</sup> Art. 6.

most important legal constraint was a turnout quorum of 50%: for a referendum to be valid at least half of the total electorate had to cast a valid vote.<sup>6</sup> If we add, however, that there was no deadline for the collection of signatures and no preliminary control over bottom-up referendum initiatives, we can agree with those who characterize the law as a “premature” one.<sup>7</sup> At this first stage of the development of Hungarian direct democracy, the possible contradiction between popular sovereignty and the rule of law was not addressed in depth and the focus of the regulation was much more on popular sovereignty than on the rule of law.

## 2. Rule of Law Gradually Superseding Popular Sovereignty

It turned out, however, very soon, that the direct exercise of popular sovereignty should be subject to limitations and the door, which was widely opened in 1989, was gradually closed. The first step in this direction was made in 1993 by the Constitutional Court. The background of the restriction made by the Court<sup>8</sup> was the popular initiative of the Association of Citizens under the Subsistence Minimum Level, which was launched with the aim to dissolve the Parliament by a direct democratic vote. The Parliament made a request to the Constitutional Court asking it to interpret the constitution and to decide if a referendum may be held on the dissolution of the Parliament. The Court, in response, gave a systematic interpretation and laid down as a principle that in Hungary the primary form of the exercise of popular sovereignty is representative and referendums may only be held within the constraints of the constitution and the laws. According to this no question involving any implicit constitutional amendment may be submitted to referendum. Since the constitution enumerated the cases in which the Parliament should dissolve, and a direct democratic vote was not one of them, the Court derived as a conclusion from the principle, that the Parliament may not be forced to dissolve by means of referendum. This general ban on constitutional issues practically means that not only initiatives being explicitly related to the text of the constitution are prohibited but also such ones, which would be contrary to the decisions and interpretations of the Constitutional Court. The substance and meaning of the individual provisions of the constitution are namely expounded by the Court.

The second major step in the process was the adoption of two constitutional amendments<sup>9</sup> and a new law on referendums in 1997 and 1998.<sup>10</sup> New elements were added to the list of prohibited issues which not only covered financial

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<sup>6</sup> Art. 28.

<sup>7</sup> KUKORELLI, István: Az országos népszavazás, 1989–1998 (The National Referendum, 1989–1990). In: KURTÁN, Sándor – SÁNDOR, Péter – VASS, László (szerk.): *Magyarország évtizedkönyve, 1988–1998*. 1. k., *A rendszerváltás (Decade-Book of Hungary. The System Change, 1988–1998* Vol. 1.). Budapest, Demokrácia Kutatások Magyar Központja Alapítvány, 1998. 469.

<sup>8</sup> Decision 2/1993. (I. 22.) of the CC.

<sup>9</sup> Act LIX of 1997 and Act XCVIII of 1997 on the Amendment of the Constitution of the Republic of Hungary.

<sup>10</sup> Act III of 1998 on National Referendum and Popular Initiative.

questions, international obligations, appointment of persons to public positions and constitutional amendments, but also excluded matters like the Government's programmes, the declaration of a state of war, the state of emergency or the state of national crisis, the use of the Hungarian army abroad or within the country, the dissolution of the Parliament and the representative body of local governments, and decisions on amnesty. It was not less important that the signature quorum was increased from 100,000 to 200,000 and a deadline of four months was set for the collection of signatures. The turnout quorum of 50% was replaced with an approval quorum of 25%: this was the only change that could be assessed as a reduction of the existing requirements. The most significant novelty of the new regulation was, however, the introduction of a preliminary control over bottom-up initiatives. From that time on initiators were obliged to hand in their initiative to the National Election Committee and initiators could only begin to gather signatures after the Committee had approved the signature collection sheet. The Committee checked the initiative both from a formal and a substantial point of view: not only the form of the signature collection sheet but also its content, the question itself, was subject to control. A constitutional complaint could be lodged against the decision of the Committee before the Constitutional Court. This meant practically a two-level procedure, because in case of a negative decision in the first instance initiators often immediately turned to the Constitutional Court for remedy. This has led to an increase in the number of the Court's decisions on bottom-up initiatives and to further important statements that put substantial constraints on direct democracy.

One of these constraints became the requirement of unambiguity of the question. This requirement was first codified in Act III of 1998 on National Referendum and Popular Initiative, which stipulated that "The specific question submitted to the referendum shall be worded in such a manner that it can be answered unambiguously."<sup>11</sup> The Constitutional Court addressed this requirement for the first time in 2001.<sup>12</sup> The basis of the Court's reasoning was not the provision of Act III of 1998 but the fundamental political right to referendum, which was laid down in Art. 2(2) of the Constitution. According to this people may not only exercise their sovereignty through their elected representatives but directly as well.<sup>13</sup> According to the Court this political right required that voters be able to unambiguously and clearly declare their opinion on questions submitted to referendum. This constitutes the first and most important requirement of the principle of unambiguity: the result of the vote shall clearly express the will of the citizens.<sup>14</sup> Based on this requirement

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<sup>11</sup> Art. 13(1).

<sup>12</sup> Decisions 51/2001. (XI. 29.) and 52/2001. (XI. 29.) of the Constitutional Court.

<sup>13</sup> Art. 70(1) of the Constitution stipulated even more explicitly that all Hungarian citizens of full age have a right to take part in national and local referendums and popular initiatives.

<sup>14</sup> SZABÓ, Dániel Máté: A népszavazásra szánt kérdés egyértelműsége. Korreferátum Dezső Márta – Bragyova András: Az országos népszavazás Magyarországon című előadásához (The Unambiguity of the Question Submitted to Referendum. Supplementary Paper to the Paper of Márta Dezső and András Bragyova: The National Referendum in Hungary). In: JAKAB, András – TAKÁCS, Péter (szerk):

two further ones were developed by the Court. The first one is that the question submitted to referendum shall be unambiguous *from the aspect of the voter* to the extent that he or she can understand and answer it with “yes” or “no”. The second requirement is formulated *from the aspect of the Parliament*: it shall see if the result of the referendum necessitates any legislation and if yes, what shall be the content of the legislation.<sup>15</sup> This twofold requirement seems to be reasonable, however, further criteria were also added to it in practice. The Court prescribed for example that the text of the initiative may not involve sub-questions or content elements, which are contradictory, the relation of which is unclear, which do not follow from one another, or which are, regarding their content, not related to each other.<sup>16</sup> This practically means that popular initiatives can only be formulated in the form of simple sentences. Complex sentences including more than one rule, in detail formulated drafts consisting of several articles and paragraphs, do not fulfil the requirement of unambiguity, because voters would not be able to vote separately on every sub-question or content element. If we take into consideration that the subject-matter of initiatives is often related to complex issues which are regulated by particularized legal provisions, it is also foreseeable that initiators are in a very difficult position because they have to find the happy medium between a relatively simple question, which is easy-to-understand for voters, but at the same time also accurate enough to enable the Parliament to know how detailed provisions of the existing regulation shall be amended. It would be much easier if elaborated drafts could be handed in as initiatives and submitted to referendum, but the current interpretation of the principle of unambiguity makes this, in the name of the political right to referendum, impossible.

The prohibition on initiatives relating to constitutional issues and the nearly unrealizable requirement of unambiguity significantly narrow down the chances of bottom-up initiatives because they are often rejected by the authorities already in the validation procedure, before the collecting of signatures may start.

### 3. Existing Normative Framework and Current Practice

The second general revision of the normative regulation took place in 2011 by the new Basic Law of Hungary and two years later by Act CCXXXVIII of 2013 on Initiating Referendums, the European Citizens’ Initiative and Referendum Procedure. The new regulations took effect in 2012 and 2014. Table 1 provides an overview on the mechanisms of direct democracy according to the three periods marked by general revisions.

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*A magyar jogrendszer átalakulása 1985/1990–2005. Jog, rendszerváltozás, EU-csatlakozás. I. k. (The Transformation of the Hungarian Legal System 1985/1990–2005. Law, System Change, EU-Accession. Vol. I.)* Budapest, Gondolat – ELTE ÁJK, 2007. 101.

<sup>15</sup> Ibid. 100–101.

<sup>16</sup> Decision 52/2001. (XI. 29.) of the Constitutional Court, SZABÓ op. cit. 102.

Table 1 Mechanisms of Direct Democracy in Hungary 1989–2018

	Mandatory referendum	Plebiscite (ordered by the Parliament's majority at its own discretion)	Citizens' referendum initiative			Popular agenda initiative	Quorum for voting
			Facultative referendum	Popular referendum initiative	Popular referendum proposal		
1989–1997/1998	New constitution	On the initiative of – 50 MPs – the President of the Republic – the Government	100,000 (1.25%)	50,000 (0.6%)	10,000/50,000 (Parliament is only obliged to debate it in case of 50,000 initiators)	Turnout quorum of 50%+1	
1997/1998–2012/2014	EU-accession	On the initiative of – one-third of all MP's – the President of the Republic – the Government	200,000 (2.5%)	100,000 (1.25%)	50,000 (0.6%)	Approval quorum of 25%+1	
Since 2012/2014	–	On the initiative of – the President of the Republic – the Government	200,000 (2.5%)	100,000 (1.25%)	–	Turnout quorum of 50%+1	

The most important novelty is that the new Basic Law of Hungary replaced the approval quorum of 25%, which existed between 1997 and 2012, by a turnout quorum of 50%. This significantly reduces the chance of valid votes as it was also shown by the “EU-Migrant Quota Referendum” held on 2 October 2016.

However, further significant changes must also be mentioned, which are related to the validation procedure. Firstly, it was laid down, that, instead of one single initiator, at least 20 but not more than 30 voters have to sign the initiative before handing it in to the National Election Committee. (Until 2014 one single voter could start the process.) Secondly, the President of the National Election Office was given the power to make a preliminary check on all initiatives before they are placed on the agenda of the National Election Committee. This preliminary check does not only relate to formal requirements but it also examines if the initiative is obviously contrary to the constitutional purpose and function of the referendum.<sup>17</sup> If the violation of the requirements can be established, the initiative shall be rejected. If it was handed in again or the preliminary check did not establish any violation, the National Election Committee performs an in-depth check focusing both on formal and substantial requirements.

The third procedural novelty is that since 2012 it is the Curia (Supreme Court) of Hungary, which, instead of the Constitutional Court, decides on complaints lodged against the resolutions of the National Election Committee regarding the validation of the initiative. However, the Constitutional Court may still intervene in the process if a plaintiff lodges a constitutional complaint against the decision of the Curia stating that his or her fundamental rights were violated. This means practically, that a four-level control mechanism, which involves the President of the National Election Office, the National Election Committee, the Curia of Hungary and the Constitutional Court, now safeguards the rule of law against direct democratic initiatives already before the collecting of signatures could begin.

In addition to the formal requirements, the National Election Committee and the Curia of Hungary check the initiatives regarding five major prerequisites, which are the following: the question 1) shall fall within the competence of the Parliament; 2) it shall not affect prohibited issues (including the explicit or implicit amendment of the Basic Law of Hungary); 3) it shall be unambiguous both for voters and the Parliament; 4) it may not pertain issues in respect of which an initiative is already underway or which was subject to referendum within three years; and finally, 5) it may not be contrary to the constitutional purpose and function of referendums.

As regards the prohibited issues, the new list includes ten elements, from questions pertaining to the amendment of the Basic Law of Hungary, financial matters and obligations arising from international treaties to the declaration of state of war and granting amnesty. The radical extension of this list was already accomplished in 1997, the new regulation is only a fine tuning of it.

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<sup>17</sup> Act CCXXXVIII of 2013 on Initiating Referendums, the European Citizens’ Initiative and Referendum Procedure, Art. 10.

If we look at the practice of the authorities (see: Table 2), the high proportion of initiatives rejected by the National Election Committee is obvious. In three consecutive four-year periods and one further three-year period between 2002 and 2017 the proportion of rejections ranged between 88% and 94% and the proportion of decisions which were later annulled or revised by the Constitutional Court or by the Curia of Hungary was only between 3% and 6%. In fact, approximately nine-tenths of all initiatives cannot get through the filter of authorities.

*Table 2 The Number of Initiatives Approved and Rejected by Authorities 2002–2017<sup>18</sup>*

	Initiatives submitted to NEC	Rejected by NEC	Approved by NEC	Decisions of NEC annulled/revised by CC/Curia
2002–2006	100	89 (89%)	10 (10%)	0
2006–2010	1022	904 (88%)	118 (12%)	65 (6%)
2010–2014	653	616 (94%)	37 (6%)	18 (3%)
2014–2017	279	259 (93%)	14 (5%)	10 (4%)

The reasons for rejection are in most cases diverse since the National Election Committee often refers to at least two grounds. Based on the research of Bálint Farkas, who analysed data from the period between 2012 and 2016, the requirement of unambiguity was brought forward in case of 38% of all initiatives, different prohibited issues were mentioned in case of nearly 30% of the initiatives. Approximately 10% of the initiatives were rejected by reason of being contrary to the constitutional purpose of referendums. About 8% of the questions did not fall within the competence of the Parliament.<sup>19</sup>

Among those which were qualified as violating prohibited issues, 57% were rejected because they concerned constitutional matters, 19% were contrary to existing international obligations, and 9% were related to financial issues.<sup>20</sup>

In the background of the high proportion of initiatives rejected by authorities there are also unserious or irresponsible questions like: “Do you agree that the egg came before the chicken?”; “[...] that Scheherazade shall be posthumously awarded a Nobel Prize in Literature?”; “[...] that [Prime Minister] Ferenc Gyurcsány shall have an astronaut training programme and then be sent to Pluto?”; “[...] that the pop star

<sup>18</sup> Data based on the statistics published on the website of the National Election Committee: <https://bit.ly/2K3yB0g>. The periods correspond to the mandate of the National Election Committee. The data range from 15 May 2002 until 18 December 2017. The last row also includes initiatives rejected by the President of the National Election Office. The total number of 279 covers also some initiatives that were pending on 18 December 2017.

<sup>19</sup> Bálint FARKAS: *Direkte Demokratie in Ungarn. Warum scheitern Volksinitiativen?* Masterarbeit zur Erlangung des akademischen Grades Master of Arts (M. A.). Budapest, Andrásy Universität, 2016. 24. Table 4.

<sup>20</sup> *Ibid.* 27. Table 4.

Madonna be Queen of Hungary?"; “[...] that the Prime Minister shall use a scooter instead of a car for environmental and economic reasons?”<sup>21</sup> These are, however, only a small minority and in the case of the large majority of cases the reason of the rejection is the application of the strict substantial requirements, namely the violation of the prohibited issues or the principle of unambiguity, in particular the wide interpretation of the latter.

#### 4. Possible Explanations

It would be too easy to blame the political elite and the authorities due to the shift from a wide understanding of popular sovereignty and a permissive normative framework for direct democratic mechanisms to a rather restrictive practice and regulation of the same institutions. It is, however, advisable to look deeper into the reasons of this development. The working of democracy and the level of the political participation in a society does not only depend on the normative framework but also on other factors, which belong to the field of the political culture:<sup>22</sup> values and attitudes of the citizens, their emotions and patterns of behaviour, which influence their choices in matters of the public and has an effect on their political activity as well.

From this point of view, it is interesting to see what happened in the years between 2006 and 2010. In 2006 61 initiatives were handed in to the National Election Committee for validation, in 2007 the number suddenly increased to 401, it remained relatively high between 2008–2010 as well (2008: 274; 2009: 285; 2010: 204), then it began to decrease (2011: 170; 2012: 98; 2013: 197) and quickly came down in 2014 to 14.<sup>23</sup> 2011 was the year in which the new Basic Law of Hungary was adopted. It took effect in 2012 and in 2014 also Act CCXXXVIII of 2013 on Initiating Referendums, the European Citizens’ Initiative and Referendum Procedure entered into force. We have seen above the most important restrictions that were introduced between 2012 and 2014. The drastic decrease in 2014 is certainly due to these restrictions, in particular to the provision, which required that at least 20 but not more than 30 initiators sign the initiative before the validation procedure starts. However, what happened in 2007?

The radical increase from 2006 to 2007 (61 to 401) concurs with the initiatives launched on various issues by the oppositional FIDESZ – Hungarian Civic Union and the Christian Democratic People’s Party. Three of these, the abolition of the

<sup>21</sup> SZIGETI, Péter: A népszavazási kezdeményezések dömpingje – 2007 (The Dumping of Referendum Initiatives – 2007). In: SÁNDOR, Péter – VASS, László (szerk.): *Magyarország politikai évkönyve 2007-ről*. I. kötet (*Political Yearbook of Hungary on 2007*. Vol. I.). Budapest, Demokrácia Kutatások Magyar Központja Közhasznú Alapítvány, 2008. 251–252.

<sup>22</sup> Gabriel A. ALMOND – Sidney VERBA: *The Civic Culture. Political Attitudes and Democracy in Five Nations*. Newbury Park, CA, Sage Publications, 1989. 13–14.

<sup>23</sup> As regards the numbers, I here rely on the not published statistics of Gabriella Antalicz, who elaborated all validation procedures between 1999 and 2007, based on information available on the former website of the National Election Committee.

“visit-fee”, the in-patient hospital care per-diem rate and the teaching contribution for higher public education, were submitted to referendum in 2008. This referendum resulted in a severe defeat of the social-liberal governing coalition, which finally broke off and could not prevent the two-third majority landslide victory of FIDESZ in the parliamentary elections of 2010. Bottom-up initiatives were put into action in this case not only as devices to enforce new legislation but also as political weapons against the Government. Oppositional parties could transform the questions into symbolic issues and thus channelize the dissatisfaction, disappointment and anger of voters vis-à-vis the Government. People learnt that their opinion may matter. Among the more than 400 initiatives in 2007 we do not only find unserious and humorous ones. Many of them clearly show the discontentment of people with the state of things as they perceived it and which could be increased into intense negative emotions against concrete persons, groups or institutions.

These phenomena are not only occasional occurrences that come and pass away. It is more likely that they are the symptoms of attitudes, patterns and feelings which are deeply rooted in the Hungarian political culture. For example, a number of surveys give evidence of the relatively low level of institutional trust in Hungary. Hungarian citizens show high distrust towards different institutions. In a survey carried out in 2013 by TÁRKI Research Centre respondents could rate their trust towards the Government, the politicians, the opposition, the Parliament, the press, the trade unions, the legal system and further institutions on a 10-grade scale. Only the Hungarian Academy of Sciences and the police could go beyond the theoretical medium with 6 and 5.5 points. All the others remained below 5 points.<sup>24</sup> The low level of trust in political institutions may, on the one hand, prevent people from political participation because they do not believe that their efforts will exert an influence on the authorities.<sup>25</sup> On the other hand, however, it cannot be denied that strong distrust may, under special conditions, grow into hostile feelings as well and turn citizens against persons and institutions they blame for their unfavourable circumstances.

Another factor that may threaten with the escalation of negative emotions is material deprivation. The general satisfaction of people depends, in addition to other conditions, such as their ability to pay their rent, mortgage or utility bills,

<sup>24</sup> TÓTH, István György – KELLER, Tamás: *Értékek 2013. Bizalom, normakövetés, az állam szerepéről és a demokráciáról alkotott vélemények alakulása Magyarországon. „A gazdasági növekedés társadalmi/kulturális feltételei” c. kutatás 2013. évi hullámának elemzése (Values 2013. Trust, Norm Conformity, the Development of Opinions on the Role of the State and Democracy. The Evaluation of the 2013 Research on the “Social and Cultural Preconditions of Economic Growth”)*. Budapest, TÁRKI, 2013. 13–14., Figure 6.

<sup>25</sup> Cf. BODA, Zsolt – JÁVOR, Benedek: *Társadalmi részvétel a közpolitikában: miért nem működik? (Social Participation in Public Politics: Why Does It Not Work?)*. In: BODA, Zsolt (szerk.): *Legitimitás, bizalom, együttműködés. Kollektív cselekvés a politikában (Legitimity, Trust, Collaboration. Collective Actions in Politics)*, Budapest, Argumentum, MTA Társadalomtudományi Kutatóközpont Politikatudományi Intézet, 2013. 154.

to finance unexpected expenses or simply to go on holiday at least once a year.<sup>26</sup> According to the 2015 “Household Monitor” survey of TÁRKI Research Centre 37% of Hungarians lived in material deprivation and 23% in severe material deprivation. Moreover, 65% of the respondents said, for example, that they cannot even afford at least a weeks’ holiday a year and 68% declared themselves unable to cover unexpected expenditures. Hungary ranks, according to a Eurostat survey of 2014, as the third country with the highest material and severe material deprivation (Hungary: 40%; Bulgaria: 46%; Romania: 42%; EU-average: 20%).<sup>27</sup> People who feel exposed to financial troubles are more likely to be susceptible to financial demagoguery. The high percentage of Hungarian voters who voted against different payment obligations in the referendum of 2008 clearly shows this tendency. Just like distrust also material deprivation is a factor of which irresponsible political forces may take advantage in order to achieve particular goals. Mechanisms of direct democracy may have, under such circumstances, a destructive effect and may not only undermine the positions of the political adversary but also endanger financial and political stability and the proper working of institutions.

If we try to find the causes of the gradual restrictions of popular sovereignty and the replacement of the quite citizen-friendly legal framework of direct democracy by rather complicated requirements and a manifold control mechanism, the (maybe often) unconscious perception of these dangers by governing elites should not be omitted. The result is that despite existing instruments of direct democracy and a relatively large number of initiatives these instruments have only a very limited use and the overwhelming majority of the initiatives may not overcome the institutional hurdles. Between 1989 and 2017 Hungary had seven national referendums on altogether 13 questions, out of which only 10 were initiated by the citizens themselves. From this point of view, it can be stated that the principle of rule of law supersedes the principle of popular sovereignty in the Hungarian constitutional system.

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<sup>26</sup> Further indicators are enlisted in the article “Material deprivation” of the Eurostat Glossary, see: [http://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary:Material\\_deprivation](http://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary:Material_deprivation).

<sup>27</sup> GÁBOS, András – TÁTRAI, Annamária – B. KIS, Anna – SZIVÓS, Péter: Anyagi depriváció Magyarországon, 2009–2015 (Material Deprivation in Hungary, 2009–2015). In: KOLOSI, Tamás – TÓTH, István György (szerk.): *Társadalmi Riport 2016 (Social Report 2016)*. Budapest, TÁRKI, 2016. 137–141.