

Democratic Mandate, Sovereign Duty: The Test for Hungary's New Government

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KEY TAKEAWAYS

Péter Magyar's mandate is not one to weaken the constitutional, judicial, and political barriers that have helped defend Hungary's sovereignty against Brussels.

Magyar's removal of the president, imposition of parliamentary term limits, and forced retirement of Constitutional Court judges exceed what Brussels has demanded.

American conservatives should judge Magyar's government by whether Hungary can still say no to EU pressure on migration, family policy, and pro-LGBTI mandates.

Péter Magyar's victory over Viktor Orbán's Fidesz gave his government democratic legitimacy and the authority to govern, but it did not give Budapest a mandate to dismantle the domestic institutions that have helped Hungary resist Brussels. The proper conservative test is therefore not whether Magyar defeated Viktor Orbán, but whether his government preserves Hungary's sovereignty in the face of European Union (EU) demands on courts, corruption, migration, family policy, and national identity.

Prime Minister Péter Magyar came to power promising a break with the Orbán era. His Tisza Party defeated Viktor Orbán's Fidesz after 16 years in power and secured the parliamentary supermajority needed to rewrite Hungary's constitutional order. Magyar defended his actions as a democratic obligation, saying it would be "a betrayal of the Hungarian nation"

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not to amend the constitution after Tisza won a “clear, huge two-thirds mandate to dismantle this system.”¹

That argument is politically powerful, but it is constitutionally and strategically dangerous. Elections can replace a government; they do not authorize a new majority to hollow out the institutions that protect national self-government. A government committed to Hungarian sovereignty should accept limits on power, respect lawful terms of office, and preserve the constitutional capacity to resist supranational pressure.

That is the contradiction at the heart of the Magyar government. Magyar claims to be restoring democracy, yet his first major constitutional initiative weakens the people, offices, and institutions that made Hungary difficult for Brussels to bend. A democratic mandate is real, but it must not become a vehicle for surrendering Hungarian sovereignty.

What Brussels Has Demanded—and What Magyar Has (Over) Offered

Brussels has used frozen EU funds to press Hungary for judicial and anti-corruption reforms as well as changes in Orbán-era family and migration policy. Conservatives may debate the merits of specific judicial or anti-corruption measures, but Magyar’s constitutional package does more than address those demands. It remakes Hungary’s internal balance of power in ways that make future resistance to Brussels more difficult.

Magyar’s central vehicle is the 17th amendment to Hungary’s Fundamental Law.² The amendment ends President Tamás Sulyok’s mandate immediately rather than allowing his term to run until 2029. It empowers parliament to elect a replacement who will serve until a new constitution takes effect, or for up to five years. The same package imposes a 12-year, three-term limit on members of parliament;³ sets a maximum age of 70 for Constitutional Court judges;⁴ and permits judges to initiate the recall of the presidents of the Kúria and the National Judicial Office.⁵ In practical terms, the amendment reduces Hungary’s future resistance to Brussels by replacing or pressuring the institutions that are most likely to scrutinize EU-aligned concessions: the presidency, the Constitutional Court, and long-serving sovereigntist lawmakers.

That distinction matters. Brussels demanded compliance; Magyar delivered restructuring. The EU’s funding conditions focused on judicial independence, anti-corruption safeguards, asylum compliance, and changes in Orbán-era family policy. They did not require Hungary to remove a sitting president, impose retrospective term limits on members of parliament,

force senior Constitutional Court judges from office, or alter the internal balance of power in ways that make future resistance to Brussels more difficult. Magyar therefore gave Brussels more than it asked for—not because Brussels necessarily ordered each constitutional change, but because his amendment weakened the very institutions that had allowed Hungary to resist EU pressure.

What Brussels Demanded Then—and What It Is Demanding Now

Under Orbán, Brussels used several instruments at once to ensure compliance: infringement proceedings, rule-of-law conditionality, recovery-fund conditions, and European Court of Justice (ECJ) litigation. The stated demands focused on judicial independence, public procurement, prosecutorial action, conflicts of interest, anti-corruption safeguards, and public-interest trusts. In December 2023, the European Commission acknowledged that Hungary’s judicial reform addressed deficiencies in judicial independence, allowing Hungary to claim reimbursements of up to approximately €10.2 billion, but it maintained the separate budget-conditionality freeze because Hungary allegedly had not corrected rule-of-law breaches involving corruption-related risks to the EU budget.⁶

Those conditions were not merely technical. They gave Brussels leverage over the internal organization of the Hungarian state. EU institutions demanded anti-corruption mechanisms, changes in judicial governance, and guarantees that EU funds would not flow through institutions that Brussels considered vulnerable to political influence. In practice, this turned access to Hungary’s own EU funds into a tool for reshaping domestic law and institutions.

The ECJ then intensified the pressure in the two areas that are most central to Hungarian sovereignty.

- On migration, the Court ordered Hungary in June 2024 to pay a €200 million lump sum and €1 million per day for failing to comply with an earlier asylum judgment. The Court held that Hungary had not corrected rules governing access to international protection, the right of asylum applicants to remain in Hungary while appeals were pending, and the removal of non-EU nationals unlawfully present in Hungary.⁷ Brussels and the Court treated Hungary’s refusal to apply the EU’s asylum framework as an exceptionally serious breach of EU law.

- On family policy and LGBTI issues, the ECJ went still further. In April 2026, the Court ruled against Hungary's 2021 child-protection law, which restricted minors' access to content portraying or promoting homosexuality, sex reassignment, or "gender identities" differing from biological sex. The Court held that the law violated EU internal-market rules, the Charter of Fundamental Rights, the General Data Protection Regulation, and—for the first time in such an action—Article 2 of the Treaty on European Union.⁸ That ruling did more than reject one Hungarian statute. It constitutionalized Brussels' claim that national child-protection and family-policy rules must yield when EU institutions define them as discriminatory.

Now Brussels is pressing the Magyar government to complete the surrender Orbán resisted. The reported May 2026 political accord between Budapest and the European Commission sets an August 31 deadline for Hungary to satisfy remaining conditions for approximately €17 billion in frozen EU funds.⁹ Those conditions reportedly include anti-corruption legislation, changes in Orbán-era LGBTI-related legislation, asylum-law changes, and Hungary's formal application to join the European Public Prosecutor's Office.

The Sovereignty Problem

These demands explain why Magyar's constitutional offensive matters. Brussels has pressed Hungary on courts, anti-corruption enforcement, asylum, and family policy, and Magyar has already signaled compliance by rushing to unlock frozen EU funds, pledging anti-corruption and judicial reforms, committing Hungary to the European Public Prosecutor's Office, and pushing legislation to meet Brussels' August 31 deadline.¹⁰ But his constitutional changes go further: They weaken the domestic actors most likely to resist future concessions. The question is not whether Hungary should address corruption or improve judicial administration; it is whether a democratically elected government will use those reforms as a gateway to surrender national authority over borders, children, family, and constitutional identity.

That is the sovereignty problem at the center of Magyar's agenda. Voters gave Tisza the two-thirds parliamentary majority needed to amend the constitution and reverse parts of the Orbán era, but conservatives should distinguish between democratic authorization to govern and constitutional permission to disarm the country in the face of pressure from Brussels.

Hungary's sovereignty is not an abstraction. It has been tested repeatedly by EU institutions in the areas of migration, family policy, judicial authority, and national identity. A president willing to scrutinize EU-aligned concessions, a Constitutional Court willing to defend the nation's constitutional identity, and lawmakers committed to national sovereignty are not merely partisan holdovers. They are part of the state's capacity to say no.

Removing Sulyok Removes a Constitutional Sentry

The sharpest example is the removal of President Tamás Sulyok. Parliament approved an amendment ending his term immediately, citing society's "serious loss of confidence" in him. Sulyok signed the amendment but warned that it harmed the rule of law and set a "negative precedent."¹¹

This is not a technical dispute about one officeholder. A fixed presidential term exists so that the office does not depend on the shifting will of a parliamentary majority. By cutting short Sulyok's term, Magyar is not merely replacing a man. He is removing one of the constitutional sentries left from the sovereigntist order that resisted pressure from Brussels for more than a decade.

Magyar also had another route: impeachment. He said parliament would launch impeachment proceedings if Sulyok did not sign the amendment. If impeachment was available, removing Sulyok by tailor-made amendment looks less like constitutional necessity and more like political retribution.

Family Policy, Migration, and the August 31 Test

The real test for Magyar will come in policy areas where Brussels has long sought to discipline Hungary: migration and pro-LGBTI policy. Recent European Court of Justice rulings have intensified pressure on Hungary's pro-family and migration framework. The Magyar government has not yet acted decisively in those areas, but it faces an August 31 deadline to respond to EU demands.

That deadline matters more than Magyar's anti-Orbán rhetoric. Hungary remains socially conservative in areas where sovereignty is most directly at stake: migration, parental rights, child protection, and national control of family policy. A government that uses its democratic mandate to comply with Brussels on those issues would not be restoring Hungarian democracy; it would be overriding the national will in the name of EU approval.

The evidence supports that judgment. Standard Eurobarometer data from spring 2024 showed Hungary as one of only two EU member states

where a majority opposed a common European migration policy with 52 percent against and 43 percent in favor.¹² In 2022, the result of the child-protection referendum was invalid because it did not meet the formal validity threshold,¹³ but among valid ballots, more than 92 percent voted “no” on each of the four questions involving minors, sexual-orientation instruction, gender-transition content, and sexually explicit media.¹⁴ Hungary’s actual asylum intake also remains exceptionally low: European Commission migration statistics reported that only 29 people submitted asylum requests in Hungary in 2024.¹⁵

Those figures do not mean that Hungarian opinion is uniform on every social question. Polling shows mixed attitudes toward LGBTI recognition: Support is higher for some forms of legal recognition or non-discrimination but weaker or more divided on marriage, adoption, and issues involving children.¹⁶ But the broader political point remains: On the sovereignty-sensitive issues now before Brussels and Budapest, large blocs of Hungarian voters have resisted the EU’s progressive agenda. That is the political reality Magyar should respect rather than override.

For that reason, conservatives should reserve judgment on Magyar until they see whether he preserves the substance of Orbán-era family and migration policy. Court and anti-corruption reforms should not become a pretext for surrendering on questions of borders, children, parental rights, biological sex, marriage, and national identity.

The danger is not that Brussels drafted Magyar’s amendment, but that Magyar used EU demands as an occasion to go further than Brussels had required. By removing Sulyok, constraining long-serving Fidesz lawmakers, and forcing out senior judges, the government did more than unlock funds or satisfy technical conditions. It shifted Hungary’s constitutional order in a direction that makes Budapest more compliant, less resistant, and more vulnerable to future EU demands.

The Sovereignty Stakes for Washington

This matters for Washington because American conservatives should not conflate opposition to Orbán with support for Brussels. The United States has no interest in seeing Hungary transformed from a sovereign ally into an EU dependency that bends on migration, family policy, speech, education, courts, and national identity whenever Brussels threatens legal or financial pressure.

The American constitutional tradition distrusts concentrated power, fixes terms of office, limits retrospective lawmaking, and makes removal

from high office difficult. That tradition should make U.S. conservatives wary of a government that uses constitutional amendments to remove a President, force out judges, burden opposition lawmakers, and build investigative machinery aimed at the defeated side.

Hungary need not copy America's design, but conservatives should defend the same principle abroad: Independent offices mean little if their occupants can be removed whenever a political majority finds them inconvenient. Sovereignty means little if a new government dismantles the domestic institutions that protected it and then calls the result "returning to Europe."

What the U.S. Should Do

The United States should not try to manage Hungary's internal constitutional politics. Hungary's future belongs to Hungarians. But Washington should be clear about two principles at once: Hungary's sovereignty deserves respect, and Magyar's constitutional offensive should not receive American applause if it weakens Budapest's ability to resist Brussels. Accordingly, the United States should:

- **Defend Hungarian sovereignty without blessing constitutional reprisals.** U.S. conservatives should oppose coercion by Brussels and reject any effort by the EU to force Hungary to compromise on migration, national identity, or pro-family policy. At the same time, they should not excuse Magyar's attempt to remove the institutional defenses that helped Hungary to resist Brussels in the first place.
- **Apply a sovereignty test as well as a constitutional test.** Reforms should be general, prospective, neutral, and protective of national self-government. Measures that remove identifiable officeholders, retire judges, and disqualify opponents while making Budapest more compliant toward Brussels should be treated as warning signs.
- **Judge Prime Minister Péter Magyar by whether Hungary remains capable of saying no.** Magyar's victory over Fidesz does not sanctify his constitutional agenda. The question is whether his government preserves Hungary's ability to resist EU demands on migration, family policy, pro-LGBTI mandates, and national identity—especially as the August 31 deadline approaches.

Hungary has every right to reform its constitution, but Magyar can justify his agenda only by proving that constitutional officers do not serve at the pleasure of the governing party, that new rules bind his allies as well as his opponents, and that Hungary's sovereignty will not be traded away to Brussels in exchange for political approval.

Conclusion

Péter Magyar's victory gave him authority to govern. It did not give him a mandate to treat Hungary's constitution as a tool for making the country easier for Brussels to manage.

The real measure of the Magyar government will not be whether it can dismantle the Orbán era. With a supermajority, that is easy. The measure is whether it can preserve Hungary's sovereignty when Brussels demands concessions on courts, migration, family policy, and national identity. So far, the warning signs are serious. Magyar's constitutional amendments go beyond what Brussels has demanded and leave Hungary less able to defend its own choices on migration, family policy, and national identity.

Given Hungary's socially conservative character on sovereignty-sensitive issues, the Magyar government would be best advised to leave Orbán-era family and migration policy in place. That is the standard American conservatives should apply: Democratic legitimacy deserves respect, but sovereignty must be defended.

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