

## Countering the Politics of Fear - Reframing Threat Narratives about Refugees in Hungary

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### Abstract

This paper applies the Discourse Historical Approach to examine how a text published by a Hungarian human rights NGO constructs an alternative discourse to the 'Othering' right-wing populist discourse on refugees, which capitalises on the threat narratives of the securitisation of migration. The research draws on literature about right-wing populism, the securitisation of migration – including the 'war on terrorism' – the impact of securitisation policies and right-wing populist rhetoric on stoking fears among the public, as well as the concepts and assumptions underlying human rights advocacy in challenging the status quo. Furthermore, Viktor Orbán's anti-migration campaigns in relation to the 2015 'refugee crisis' are outlined, along with the repercussions these have had on refugee protection, civil society, and public attitudes towards refugees and immigrants in Hungary. The analysis shows that three building blocks carry the articulation of the NGO's alternative discourse and then explores what can be learned from these. The NGO's discourse is arguably constructed differently to how human rights advocates 'traditionally' frame refugee rights and counter threat narratives, therefore, it may provide tools to initiate a more constructive public dialogue on the topic of perceived threats associated with refugees.

### Keywords

Hungary, Refugees, Securitisation of migration, Right-wing populism, Discourse Historical Approach

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## 1. Introduction

Across Europe, populist parties are on the rise.<sup>1</sup> However, the ruling right-wing populist-nationalist<sup>2</sup> party in Hungary, FIDESZ, seems to be quite exceptional, as it managed to amass enough power to systematically change the political system during the course of the last decade.<sup>3</sup> FIDESZ has implemented controversial legislative reforms to control the media, change the electoral system, and impose restrictions on NGOs,<sup>4</sup> while opposition parties are in disarray and the EU's structural limitations hamper efforts to reinstate checks-and-balances on executive power.<sup>5</sup> Thus, the Hungarian Prime Minister, Viktor Orbán's hegemony remains under-challenged.<sup>6</sup> Taking advantage of the 2015 refugee influx, when over one million displaced persons arrived in the EU, Orbán stoked anti-immigrant sentiments through billboard campaigns, 'national consultations', and new policies flouting national and international legal obligations.<sup>7</sup> These were underpinned by a nativist, xenophobic rhetoric, portraying refugees and immigrants as dangerous threats to the nation and to Christian values,<sup>8</sup> while positioning the government as the defender of Hungary against the EU, which imposes refugees on Europe.<sup>9</sup> In a polarised context like Hungary's, where 76% of the surveyed public believes refugees increase the likelihood of terrorism,<sup>10</sup> it is difficult yet important to gauge how to counter threat narratives about refugees to generate a more measured and constructive public dialogue on the topic because "while there is no evidence that migration leads to increased terrorist activity, migration policies that [...] violate human rights may in fact create conditions conducive to terrorism."<sup>11</sup>

In 2017, the Hungarian Civil Liberties Union (HCLU), a human rights NGO held a series of public talks entitled: *Our Neighbour, the Refugee* and published 'thesis collections' online to accompany the events. The topics chosen for the talks addressed public fears related to the influx of foreigners arriving in Hungary. Rather than contesting the factual accuracy of the Hungarian government's 'Othering' right-wing populist discourse on refugees, which capitalises on the threat narratives of the securitisation of migration, HCLU constructed an alternative discourse, which counters some of the arguments of this threat-based discourse by situating components of these arguments within a human rights framework. HCLU argues that the State has a duty to respect and uphold human rights – this fiduciary obligation to the ruled stems from the institutional assumption of sovereign powers and the right to rule.<sup>12</sup>

This paper applies the Discourse Historical Approach (DHA) to answer the question of how HCLU's alternative discourse is constructed and what can be learned from such an alternative articulation. I argue that the discourse is constructed in a manner that is different to how human rights advocates 'traditionally' frame refugee rights, as it counters threat narratives and the politics of fear propagated through right-wing populist discourse on immigration and refugees as well as makes human rights relevant for 'regular' citizens. Therefore, the building blocks of the discourse may provide various options to pave the way to a more nuanced and constructive public dialogue about perceived threats related to refugees in Europe. Academically, this research draws on theoretical knowledge about populism and the securitisation of migration while building on literature about human rights communication with an empirical example from Hungary. Furthermore, as the DHA is predominantly applied to analyse texts that 'warrant critique', this study contributes to the few studies that apply the DHA to analyse texts, which counter the critiqued text.

1 Katsambekis, 'The populist surge in post-democratic times: theoretical and political challenges' (2017) 88(2) *TPQ*, 202.

2 de Cleen, 'Populism and Nationalism' in Rovira Kaltwasser, Taggart, Ochoa Espejo, and Ostiguy, (eds) *The Oxford Handbook of Populism* (OUP, 2017) 353.

3 Stanley, 'Populism in Central and Eastern Europe' (*Oxford Handbook of Populism*, 2017) 159.

4 Sargentini, *Report: On a proposal calling on the Council to determine, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded*, A8-0250/2018 (European Parliament, 2018).

5 Batory, 'Populists in government? Hungary's "system of national cooperation"' (2016) 23(2) *Democratization* 299; Jenne and Mudde, 'Hungary's Illiberal Turn - Can Outsiders Help?' (2012) 23(3) *JD* 148-9.

6 Katsambekis (n1) 203.

7 Goździak, 'Using Fear of the "Other," Orbán Reshapes Migration Policy in a Hungary Built on Cultural Diversity' (*MPIE*, 2019).

8 Ignatieff, 'The Refugee as Invasive Other' (2017) 84(1) *SR* 223.

9 Pelinka, 'Right-Wing Populism: Concept and Typology' in Wodak, Khosravini, and Mral (eds) *Right-Wing Populism in Europe: Politics and Discourse* (Bloomsbury, 2013) 8.

10 Wike, Stokes, and Simmons, *Europeans Fear Wave of Refugees Will Mean More Terrorism, Fewer Jobs* (Pew Research Center, 2016).

11 UNOHCHR, *Refugees and terrorism: "No evidence of risk" – New report by UN expert on counter-terrorism* 21.10.2016.

12 Weinrib, 'Sovereignty as a Right and as a Duty: Kant's Theory of the State' in Finkelstein and Skerker (eds) *Sovereignty and the New Executive Authority* (OUP, 2017); Criddle and Fox-Decent, 'Human Rights, Emergencies, and the Rule of Law' (2012) 34 *HRQ* 40.

Regarding referential reflexivity,<sup>13</sup> it should be noted that I am a Hungarian citizen with a professional background in advocating for refugee rights, and therefore my stance towards this topic of research is not completely neutral. However, I have strived to consider and reflect on different positionalities to avoid introducing bias and to ensure that the taken-for-granted assumptions of the discourse under analysis have been examined to highlight that these do not have claims to neutrality. At the same time, the boundaries of my empathy towards other positionalities are drawn by what is ethically (un)acceptable, for example racism and fear mongering. Furthermore, it must be acknowledged that, as a researcher, I am not outside the societal hierarchy of power and status – naming my ‘critical’ approach is with the intention to make my position, research interest, and values clear and their criteria transparent.<sup>14</sup>

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13 Gray, *Doing Research in the Real World* (SAGE, 2014) 606.

14 Wodak and Meyer, ‘Critical Discourse Analysis: History, Agenda, Theory and Methodology’ in Wodak and Meyer (eds) *Methods for Critical Discourse Analysis* (SAGE, 2001) 7,18.

## 2. Right-Wing Populism in Europe

Scholarly debates regarding the definition of populism can be grouped broadly into three approaches: the ideational, the political-strategic, and the socio-cultural.<sup>15</sup> The ideational approach to populism is arguably the most widely used, especially by scholars of European populism, and is particularly relevant in the context of right-wing populism in Hungary, though it may also apply to left-wing populism.<sup>16</sup> It defines populism as “an ideology that considers society to be ultimately separated into two homogeneous and antagonistic groups, ‘the pure people’ versus ‘the corrupt elite’, and which argues that politics should be an expression of the *volonté générale* (general will) of the people.”<sup>17</sup> This understanding of populism entails four key concepts: ideology, the people, general will, and the elite. Ideologies help us make sense of political and social worlds, as systems of thought that ‘decontest’ concepts by legitimating one meaning and delegitimising others.<sup>18</sup> When right-wing populists claim to speak in the name of ‘the people’ they bring into being an ethnically and culturally homogenous, stable, and coherent native community, that associates its wellbeing to the exclusion of alien ‘Others’.<sup>19</sup> ‘The people’s’ ‘general will’ justifies all their actions since they are merely expressions of ‘the people’s will’.

Populism’s origins can be traced back to the 1960s when working-class and religious voter support for established centre-left and centre-right parties weakened due to deindustrialisation and a significant decline in religious observance.<sup>20</sup> The 1980s and 90s saw mainstream parties turn towards an elite consensus calling for integration through the EU, multi-cultural/ethnic societies, and neoliberal economic reforms – this came with the transfers of authority to supranational entities and unelected officials.<sup>21</sup> In Eastern Europe, top-down post-communist transition reforms created multiple resentments and uncertainties, as well as an eventual ‘transition fatigue’, which set the stage for populists’ Eurosceptic appeals coupled with simple and convincing “narratives of blame, solidarity, and moral solace.”<sup>22</sup> Thus, the surge in populism can be conceived as “an illiberal democratic response to decades of undemocratic liberal policies.”<sup>23</sup>

In nationalist right-wing populist discourse, two out-groups are created: on the one hand, ‘the elite’, such as the governing parties, intellectuals, NGOs, the EU or the United Nations. On the other hand, those who are framed to pose a danger, such as refugees, migrants, Muslims, Roma, and other minorities.<sup>24</sup> In the ‘worst case’ there are alliances and conspiracies between these two groups, leading ‘the elite’ to promote (Muslim) immigration and a multicultural society, thus endangering the nation’s and/or continent’s identity.<sup>25</sup> While the content of Islamophobic discourse is similar across Europe, what is particular about East Central Europe is the degree to which its political expression is reflected in national consensus, despite the Muslim populations in the region being quite small, and how it undermines resistance by the judiciary, human rights organisations, and the media, as well as how it is used to negotiate a new place for the formerly socialist Member States of the EU.<sup>26</sup> Pronounced levels of Islamophobia in East-Central Europe must also be read as articulations that buttress the region’s Europeaness, and not solely as being about what Muslim subjectivities do or what Islam is about.<sup>27</sup>

15 Rovira Kaltwasser, Taggart, Ochoa Espejo, and Ostiguy, ‘Populism: An Overview of the Concept and the State of the Art’, (*Oxford Handbook of Populism*, 2017) 14-15.

16 Katsambekis (n1) 205.

17 Mudde, ‘Populism: An Ideational Approach’ (*Oxford Handbook of Populism*, 2017) 29.

18 Freedon, *Ideology: A Very Short Introduction* (OUP, 2003) 3, 53-54.

19 Ochoa Espejo, ‘Populism and the Idea of the People’, (*Oxford Handbook of Populism*, 2017) 620,624-5.

20 Mudde, ‘Europe’s Populist Surge: A Long Time in the Making’ (2016) 95(6) *FA* 26-27.

21 *Ibid.*, 27.

22 Stanley, ‘Populism in Central and Eastern Europe’ (*Oxford Handbook of Populism*, 2017) 143-144,147.

23 Mudde, (n20) 30.

24 Wodak, ‘The “Establishment”, the “Élites”, and the “People” – Who’s who?’ (2017) 16(4) *JLP* 3,6.

25 Pelinka (n9) 8.

26 Kalmar, ‘Islamophobia in the East of the European Union: an introduction’ (2018) 52(5) *PP* 389.

27 Sayyid, ‘Islamophobia and the Europeaness of the other Europe’ (2018) 52(5) *PP* 431-432.

### 3. Securitisation of Migration

The concept of 'securitisation' is explored through the constructivist approach developed by Buzan, Wæver, and de Wilde, whereby a topic of 'normal politics' becomes an issue of security not by virtue of it being an objective threat, but by political actors and the State's elites presenting it through a rhetoric of existential threat.<sup>28</sup> The triggering of crises justifies measures outside established political procedures. In addition to such 'speech acts', scholars such as Bigo and Balzacq argue that bureaucratic procedures, practices of security professionals, and the evolving application of new technologies also play a role in the securitisation process.<sup>29</sup>

After World War II, migration was seen as a means to European economic reconstruction and post-war immigrants' legal status was not politically sensitive or related to security.<sup>30</sup> However, following the Schengen Treaties, the gradual implementation of the 1987 Single European Act to lift internal borders led to a perceived need for increased security at the external borders of the EU.<sup>31</sup> Following the 1997 Amsterdam Treaty, European migration policy took on a security dimension, linking asylum and immigration with illegal immigration, organised crime, and terrorism.<sup>32</sup> Although policymakers claimed that the Common European Asylum System would become a common area of protection and solidarity, it is clear that migration control prevails over the need for protection. The EU's 'migration management' has systematically made movement and access for migrants and refugees more difficult, through visa restrictions, return policies, 'safe third country' agreements, border patrol agencies,<sup>33</sup> and emergency narratives that enable forceful direct intervention.<sup>34</sup> This securitising policy response erodes the integrity of refugee protection,<sup>35</sup> blurring the distinction between conceptually different categories of migrants, absorbing them into a "single policing-repression scheme".<sup>36</sup>

The 'war against terrorism' which ensued after 9/11 has also lent a new political significance to the border space, which is portrayed as constantly being 'violated' and therefore requires fortification and control.<sup>37</sup> Indeed, State sovereignty is challenged by the asylum seeker as the only foreigner who has the right under international law to breach the security of the border, which is another reason to keep forced migrants from arriving at the border in the first place.<sup>38</sup> In response to the 2015-16 terrorist attacks in Europe, many EU Member States adopted (emergency) counter-terrorism measures, which have eroded the rule of law, weakened judicial controls, and strengthened executive powers.<sup>39</sup> This context fuelled public fears, with many believing that incoming refugees increase the likelihood of terrorism,<sup>40</sup> and that the EU's external borders are an important security concern.<sup>41</sup> Scrutiny of the 'war against terrorism' reveals how this ambiguous campaign has enabled political actors to frame immigration and asylum in security terms.<sup>42</sup> Such framing has also justified increased surveillance and restrictions on citizens' civil and political rights in the name of national security.<sup>43</sup>

Anti-immigration discourses that feed into the rhetoric of the securitisation of migration tend to be articulated around four main axes: *identitarian/societal, socio-economic, criminological/securitarian, and po-*

28 Karyotis, 'European Migration Policy in the Aftermath of September 11 – The security-migration nexus' (2007) 20(1) *Innovation* 2-3.

29 Bourbeau, *The Securitisation of Migration - A study of movement and order* (Routledge, 2011); Balzacq, *Securitisation Theory - How Security Problems Emerge and Dissolve* (Routledge, 2011) 16-17.

30 Karyotis (n28) 3; Huysmans, 'The European Union and the Securitization of Migration' (2000) 38(5) *JCMS* 753-754.

31 Gibney, 'Security and the Ethics of Asylum after 11 September' (2002) 13 *FMR* 40; Léonard, 'EU Border security and migration into the European Union: FRONTEX and securitisation through practices' (2010) 19(2) *ES*.

32 Karyotis (n28) 5.

33 Szalai and Göbl, *Securitizing Migration in Contemporary Hungary*, WP, (CEU, 2015) 8.

34 Kinnval, 'The Postcolonial has Moved into Europe: Bordering, Security and Ethno-Cultural Belonging' (2016) 54(1) *JCMS* 162.

35 Fitzpatrick, 'Speaking law to power: the war against terrorism and human rights' (2003) 14(2), *EJIL* 259.

36 Karyotis (n28) 12; Léonard (n31) 232.

37 Ibrahim and Howarth, 'Communicating the 'migrant' other as risk: space, EU and expanding borders' (2018) 21(12) *JRR* 1466.

38 Guild, 'International Terrorism and EU Immigration, Asylum and Borders Policy: The Unexpected Victims of 11 September 2001' (2003) 8(3) *EFAR* 234-235.

39 Amnesty International, *Dangerously disproportionate: The ever-expanding national security state in Europe*, (2017) 6.

40 European Commission, *Special Eurobarometer 464b – Europeans' attitudes towards security*, (EU, 2017) 151.

41 Wike *et al.* (n10) 3.

42 Gibney (n31).

43 Lamer, 'From sleepwalking into surveillance societies to drifting into permanent securitisation: Mass surveillance, security and human rights in Europe' (2017) 1(2) *GCHRJ*.

*litical*.<sup>44</sup> Translating these axes into integrated threat theory,<sup>45</sup> research and surveys have shown that the threats perceived by the public can be clustered around *symbolic* threats, relating to perceived differences in values, norms, and beliefs, and *realistic* threats, pertaining to competition over material and economic interests.<sup>46</sup> Expectations with regards to how ‘the Other’ might behave and feelings of personal insecurity fall under *negative stereotyping* and *intergroup anxiety*.<sup>47</sup> The degree to which people perceive these threats influences their attitudes towards restrictive migration policies.<sup>48</sup> Discourses that build on these threat narratives reiterate the boundaries between ‘us’ and an inferior ‘them’, which harks back to the emergence of the modern nation state, that contained a *Volk* or people, whose group identity was defined over and against those ‘Others’ who did not belong and were different.<sup>49</sup> Thus, it should be noted, that the racialisation of nationalism and insidious racism entrenched in the evolving structures of European society<sup>50</sup> have also contributed to creating the possibility for the securitisation of migration and for threat narratives to persist and thrive.

44 Ceyhan and Tsoukala, ‘The securitization of Migration in Western Societies: Ambivalent Discourses and Policies’ (2002) 27 *Alternatives* 23; Karyotis (n28) 8; Huysmans (n30) 758.

45 Stephan, Ybarra, and Bachman, ‘Prejudice toward immigrants: An integrated threat theory’ (1999) 29(11) *JASP*.

46 Simonovits, ‘Realistic and Symbolic Threats - The Social Basis of Mass-Migration Related Fear in Contemporary Hungary’ (2016) 26(4) *RS* 55.

47 Ibid.

48 Landmann, Gaschler, and Rohmann, ‘What is threatening about refugees?’ (2019) 49(7) *EJSP*; Egres, ‘Symbolic and Realistic Threats – Frame Analysis of Political and Media Discourses about Refugees and Migrants’ (2018) 40(3) *SE*.

49 Oelgemoeller, *The Evolution of Migration Management in the Global North* (Routledge, 2017) 3; MacMaster, *Racism in Europe: 1870-2000* (Palgrave, 2001) 6.

50 MacMaster (n49) 2.

## 4. Refugees in Hungary

Hungary is ethnically and religiously relatively homogenous – the majority is Christian and the largest ethnic minority are Roma who account for 5-6% of the population, while immigration levels are well below those in Western European countries.<sup>51</sup> In 2014, only 3% of Hungarians felt that immigration was the most important issue in their country – their main concerns were health and social security (21%), followed by government debt and pensions (13%).<sup>52</sup> Orbán used the attack on *Charlie Hebdo* to distract from domestic issues and lay the foundations of his anti-migration campaigns, stating in the aftermath that economic immigration of minorities must be stopped as it only brings trouble.<sup>53</sup> In May 2015, the government launched a ‘national consultation’ regarding immigration and terrorism,<sup>54</sup> accompanied by a billboard campaign apparently addressing immigrants, but written in Hungarian with statements like, “If you come to Hungary, you have to respect our culture/our laws/you cannot take away Hungarians’ jobs”, culminating in, “The people have chosen: the country needs to be defended.”<sup>55</sup> Thus, the government’s securitisation rhetoric moved seamlessly from the economic axis to the security and identity axes.<sup>56</sup>

Orbán announced in June 2015 that Hungary would erect a 175km southern border fence, reflecting a threat frame of defence against an ‘invasion’ of a hostile out-group.<sup>57</sup> In the course of 2015, around half a million migrants and asylum seekers crossed Hungary’s borders, the overwhelming majority of whom intended to transit to Western or Northern Europe.<sup>58</sup> In August 2015, the government forced people crossing the Serbian border to go to the Western train station in Budapest, keeping them there without information or basic amenities, which ‘conveniently’ created a visibly chaotic image of the dirty, unkempt, and potentially dangerous ‘Other’.<sup>59</sup> Civil society stepped in to provide assistance, promoting a counter-frame that de-securitised migration as a humanitarian issue and portrayed Hungarians as solidaristic people with bad leadership.<sup>60</sup> In September 2015, the government criminalised irregular entry – for asylum seekers too, contravening Hungary’s international legal obligations – declaring a state of emergency due to mass migration.<sup>61</sup> Since 2016, asylum seekers are systematically pushed back or detained in remote transit zones.<sup>62</sup> Further billboard campaigns in 2016 linking immigration to terrorist attacks and harassment stoked moral panic, playing on xenophobic attitudes, leading to a majority public that is dismissive towards any forced or voluntary migration to Hungary.<sup>63</sup>

Due to FIDESZ’s monopoly over traditional actors who could seek to contain its powers, NGOs and civil society movements are left to promote a de-securitisation frame although they often do not have enough social capital to be effective on their own.<sup>64</sup> The government has steadily been eroding civil society since 2011,<sup>65</sup> but its NGO smear-campaign reached a zenith in June 2017, when a law was passed requiring foreign-funded NGOs to label themselves as such and register separately, so that the public knows they represent ‘foreign interests’ aiming to ‘ruin the reputation of Hungary’.<sup>66</sup> While the 2017 NGO law has since been ruled as non-compliant with EU law,<sup>67</sup> in June 2018 the parliament passed another controversial package of bills criminalising assistance to refugees and migrants, defined as activities that ‘promote illegal migra-

51 Simonovits, ‘The Public Perception of the Migration Crisis from the Hungarian Point of View’ in Glorius and Doornik (ed) *Geographies of Asylum in Europe and the Role of European Localities* (Springer, 2020) 156.

52 European Commission, *Standard Eurobarometer 82 – Public Opinion in the European Union*, (EU, 2014)

53 Traub, ‘The Fearmonger of Budapest’, *Foreign Policy*, 27.10.2015.

54 European Commission, *Hungary: Government’s national consultation on immigration and terrorism creates widespread debate*, European Website on Integration, 31.05.2015.

55 Howden, ‘The Manufacture of Hatred: Scapegoating Refugees in Central Europe’ *News Deeply*, 14.12.2016.

56 Szalai and Go bl (n33) 20.

57 Ibid 21.

58 Howden (n55).

59 Szalai and Go bl (n33) 23.

60 Ibid, 27.

61 Human Rights Watch, *Hungary: New Border Regime Threatens Asylum Seekers*, 19.09.2015.

62 Simonovits (n51) 171.

63 Ibid, 158.

64 Szalai and Go bl (n33) 14; Batory (n5) 294.

65 Keller-Alánt, ‘Krétaör and the current status of NGOs in Hungary’, *Krytyka Polityczna*, 24.05.2016.

66 Hungarian Helsinki Committee and HCLU, *Operation Starve & Strangle: How the Government Uses the Law to Repress Hungary’s Civic Spirit*, 01.02.2018.

67 European Court of Justice, *European Commission v Hungary*, Case C-78/18, 18 June 2020 [143].



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tion'.<sup>68</sup> Many of the NGOs that helped asylum seekers in 2015 are no longer operational due to this law.<sup>69</sup>

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<sup>68</sup> ECRE, *Hungary: Hungarian Helsinki Committee and Open Society Foundation file complaint against Hungary over legislation that criminalises support for refugees*, 28.09.2018.

<sup>69</sup> Goździak (n7).

## 5. The Human Rights Frame

While several approaches to countering right-wing populism have been identified, there seems to be consensus that both the supply and demand side of populism must be addressed through meaningful engagement that strikes a delicate balance between excluding intolerant forces that threaten democracy and maintaining an inclusive democracy.<sup>70</sup> Dismissing populist constituencies reinforces their perception of 'the elites' ignoring 'the people' and does not address politicised issues within a democratic framework.<sup>71</sup> Thus, when confronted with a nationalist-populist xenophobic context and discourse that demands interaction, human rights advocates and defenders must reassess long-held assumptions, rethink their communications strategies<sup>72</sup> and decide how to engage with the rhetoric of right-wing populists, if at all.

Traditional ways of communicating about human rights in the context of forced migration include providing objective information and statistics, relating personal – often emotional – stories of individuals affected by human rights violations, and shaming the governments that violate human rights.<sup>73</sup> These are different ways to (counter)frame issues, that is, to construct cognitive structures or schemata and select rhetorical lenses, with the intention of shaping how individuals perceive reality and process or interpret information.<sup>74</sup> A frame is typically successful when it *resonates* with people, and as long as it serves as the primary cognitive reference point, it continues to be effective even when it is being refuted with facts.<sup>75</sup> To some extent, this is also due to how people resist new information that contradicts their beliefs or personal experiences, regardless of the supporting evidence.<sup>76</sup> Such *cognitive dissonance* is resolved by either rejecting the information or reconciling differences through a process of motivated reasoning, which moulds the information to fit existing views and values.<sup>77</sup> Lakoff's cognitive linguistics research has shown that negating a frame actually activates and strengthens that frame, leading to undermining the opposing view.<sup>78</sup> Another reason why refuting the claims within the frames employed by right-wing populists on immigration is futile and may even backfire, is that these often only play on emotive and visceral concerns,<sup>79</sup> and as such provide no basis for factual or technical contestation.<sup>80</sup>

Human rights advocates generally start from the liberal premise that pluralism – in terms of diversity of values, opinions, and social groups – is a good thing,<sup>81</sup> and that there is no 'Other', rather there is only 'us', human beings who have rights.<sup>82</sup> This is a worldview for which they often take support for granted.<sup>83</sup> Human rights claims may be viewed as political demands in the broadest sense.<sup>84</sup> Invoking human rights challenges the status quo and confronts power structures, hierarchies, and privilege, with a conviction that people should be treated as equals who are entitled to essential freedoms.<sup>85</sup> The fact that human rights are not only used to fight for social justice but are sometimes also employed as tools of oppression and rhetorical cover to justify international intervention arguably points to their normative appeal.<sup>86</sup> In post-communist Eastern European countries, the anti-liberal critique argues that human rights are problematic legal norms because their promotion of equality undermines the common good, protecting the rights of once margin-

70 Rovira Kaltwasser, 'Populism and the Question of How to Respond to It' (*Oxford Handbook of Populism*, 2017) 498; Goodwin, *Right Response – Understanding and Countering Populist Extremism in Europe* (Chatham House, 2011) xii-xiii.

71 Sombatpoonsiri, 'Rethinking Civil Resistance in the Face of Rightwing Populism' (2018) 13(3) *JPD* 8.

72 Alston, 'The Populist Challenge to Human Rights' (2017) 9 *JHRP*.

73 McEntire, Leiby, and Krain, 'Human Rights Organizations as Agents of Change: An Experimental Examination of Framing and Micromobilization' (2015) 109(3) *APSR*; Davis, Murdie, and Garnett-Steinmetz, "'Makers and Shapers": Human Rights INGOs and Public Opinion' (2012) 34(1) *HRQ*; Ahad and Banulescu-Bogdan, *Communicating Strategically about Immigrant Integration* (MPIE, 2019).

74 Chong, 'Framing strategies for economic and social rights in the United States' in Borer (ed) *Media, Mobilization, and Human Rights: Mediating Suffering* (Zed-Books, 2012) 123.

75 *Ibid.*, 124.

76 Banulescu-Bogdan, *When Facts Don't Matter – How to Communicate More Effectively about Immigration's Costs and Benefits* (MPI, 2018) 1.

77 *Ibid.*; Encyclopedia Britannica, *Cognitive Dissonance*.

78 Lakoff, *The All New: Don't think of an elephant! – Know your values and frame the debate* (Chelsea Green Publishing, 2014) xii.

79 Boswell, 'Research, 'Experts', and the Politics of Migration' in Ruhs, Tamas, and Palme (eds) *Bridging the Gaps*, (OUP, 2019) 21.

80 Key Informant Interview with HCLU Staff Member, Skype, 27.08.2020.

81 Nieuwenhuis, 'The Concept of Pluralism in the Case-Law of the European Court of Human Rights' (2007) 3(3) *ECLR* 384.

82 Ignatieff (n8) 225.

83 Alston (n72) 12; Chong (n74) 124.

84 Goodhart, 'Human Rights and the Politics of Contestation' in Goodale (ed) *Human Rights at the Crossroads* (OUP, 2012) 32-33.

85 *Ibid.*, 33.

86 *Ibid.*, 38,41.

alised but now privileged groups.<sup>87</sup> Yet, invoking human rights and the rule of law not only constrains but also enables governmental power – hence populist governments often implement counter-constitutional reforms, instrumentally exploit the law, and manipulate legal institutions to enforce their executive power and oppress or punish dissent, leading to the development of ‘abusive constitutionalism’.<sup>88</sup>

Thus, using a human rights frame for contestation requires careful reflection on some underlying concepts, an awareness of how human rights may have been instrumentalised in a given context, and how these norms may be perceived by certain segments of the public. NGOs are refining their approaches and documenting case studies, success stories, and toolkits to learn from each other how to better engage with communities.<sup>89</sup> This paper contributes to this trend, as it examines a text produced by a Hungarian NGO, adopting an academic lens to analyse it.

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87 Blokker, ‘Populist Counter-Constitutionalism, Conservatism, and Legal Fundamentalism’ (2019) 15 *ECLR* 528.

88 *Ibid.*, 531; Lacey *Populism and the Rule of Law*, WP28, LSE-III (2019) 13-14.

89 FRA, *10 keys to effectively communicating human rights*, (EU, 2018); Gomez and Coombes, *Be the Narrative* (JustLabs, 2019); Rodríguez-Garavito and Gomez, ‘Responding to the Populist Challenge’ in Rodríguez-Garavito and Gomez (eds) *Rising to The Populist Challenge A New Playbook for Human Rights Actors* (Dejusticia, 2018).

## 6. Methodology

The qualitative research approach chosen for this study is theoretically anchored in the (post)structuralist notion that our access to- and construction of reality is through the social practice of language.<sup>90</sup> The DHA is a strand of critical discourse analysis that, as applied by Wodak, examines how political discourses construct positive self- and negative 'Others' through power-dependent semiotic means that are linked to the historical context in which they are produced.<sup>91</sup> Wodak systematically demonstrates how right-wing populists in Europe instrumentalise certain minorities as scapegoats for prevailing woes and subsequently render these groups as a dangerous 'Other' and a threat 'to us'.<sup>92</sup> Wodak's findings on how right-wing populist discourse creates a 'politics of fear' provides a helpful basis for comparison to explore how HCLU's text constructs an alternative discourse, and reframes threat-based arguments.

Reisigl and Wodak outline eight steps to be followed in order to apply the DHA. The first three steps are relevant to data collection and were followed in this study.<sup>93</sup> The starting point was the selection of a text of interest (Step 3 of the DHA) – this is relevant because the themes in the selected text are what guided and informed the focus of the data collected for Step 1 and 2 and not vice versa. The four thesis collections developed by HCLU caught my attention as a refreshingly unusual way to frame and address topics related to threat narratives about refugees in the polarised political context of Hungary. I translated the text from Hungarian into English, and downsized it, selecting three out of the four collections to focus on: *Human rights and Security*, *Religious Attire*, and *Integration and Parallel Societies*, as these relate most clearly to threat narratives propagated in Hungary and/or Europe. The topics of the fourth collection, *School and Immigration*, are not linked to visceral fears about the imminent arrival of foreigners.

Here, a limitation of the study should be noted in relation to the selection of a single text, rather than a range of texts, which would perhaps better demonstrate how discursive practices constitute and change the social world.<sup>94</sup> However, the chosen approach enabled the discourse analysis to obtain a certain depth within a limited timeframe, which would have otherwise not been possible with the inclusion of several texts for a comparative analysis. The selected texts guided the desk-based research (Steps 1 and 2 of the DHA).

To get a better understanding of the context in which HCLU developed and presented the texts to a public audience, I conducted a semi-structured key informant interview<sup>95</sup> with a staff member of HCLU who was involved in organising the series of public talks related to the published texts. A limitation of the quality of information that the key informant was able to provide is that the talks took place more than three years ago, thus the individual could not recall some details about the course of the talks, e.g., audience interjections. Furthermore, the talks were not live streamed/recorded and put online, thus no responses were posted, which could have been analysed in this study.

In line with Step 4 of the DHA, based on the literature reviewed and skimming of the text a research question was specified, and related assumptions were formulated. 'How does the text published by HCLU construct an alternative discourse to the 'Othering' right-wing populist discourse on refugees, which capitalises on the threat narratives of the securitisation of migration?' It is assumed that regardless of what the intention of HCLU was when writing the text, exploring the patterns in the text may reveal a discourse that counters some of the arguments of the threat-based discourse by situating components of these arguments within the framework of human rights.

In Step 5 of the DHA, discourse topics were identified based on themes within the text and visualised in a diagram (Figure 1). This was followed by an examination of five discursive strategies guided heuristically by the DHA's five questions (Table 3). Following Step 6 of the DHA, the text was analysed in detail with particular attention paid to *intertextual* and *interdiscursive* relationships – how the text draws on elements of earlier texts or communicative events, reframes them and combines different discourses, potentially lead-

90 Wodak and Meyer (n14) 5; Jorgensen and Phillips, *Discourse Analysis as Theory and Method* (SAGE, 2002) 8-9.

91 Wodak, *The Politics of Fear – What Right-Wing Populist Discourses Mean* (SAGE, 2015) Ch.3.

92 Ibid.

93 Reisigl and Wodak, 'The Discourse-Historical Approach (DHA)' in Wodak and Meyer (eds) *Methods for Critical Discourse Analysis* (SAGE, 2001) 96.

94 Jorgensen and Phillips (n90) 89.

95 Bernard, *Research methods in anthropology: qualitative and quantitative approaches* (Altamira Press, 2011).

ing to the destabilisation of earlier patterns in a hegemonic struggle that challenges dominant meanings.<sup>96</sup>

Step 7 of the DHA comprises the formulation of critique “based on ethical principles such as democratic norms, human rights and criteria of rational argumentation.”<sup>97</sup> As these principles are the very ones which guide HCLU’s discourse, the ‘critique’ in this study is rather made up of some reflections on why the alternative discourse and HCLU’s approach may or may not be an effective way to counter right-wing populist threat-based discourse on refugees. However, an assessment of the alternative discourse’s *actual* efficacy was beyond the scope of this paper.

Attempting to remain faithful to Step 8 of the DHA, the study has been shared with HCLU in the hope that the findings, which build on current understandings of communicating about human rights in the context of widespread right-wing populist rhetoric, may inform the construction of some of HCLU’s future discourses. If this study thus fosters new or just more nuanced types of thinking, and is deemed *plausible to the community of scholars*, it may be considered as complying with the (not uncontested) validity criteria of *fruitfulness* and *coherence*.<sup>98</sup>

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96 Jorgensen and Phillips (n90) 73-76,140.

97 Reisiigl and Wodak (n93) 119.

98 Jorgensen and Phillips (n90) 172.

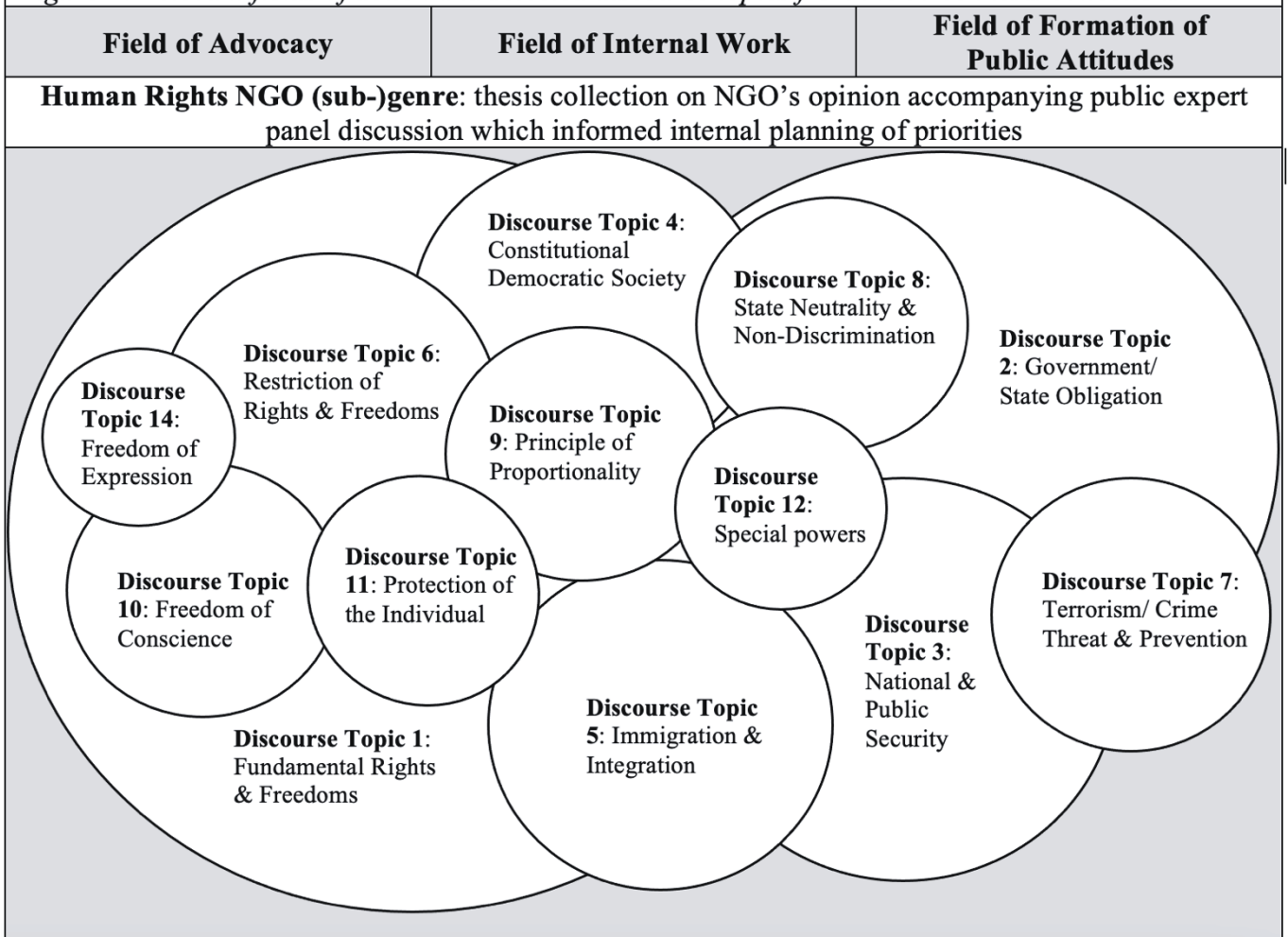
## 7. Data Analysis

Between January and March 2017, HCLU organised a series of four public talks with the participation of experts from different disciplines under the umbrella title: *Our Neighbour, the Refugee*. The stated aim was to explore the obligations of a fundamental freedoms-respecting State in the context of increased immigration and integration of people from different cultural backgrounds. Each talk was accompanied by a thesis collection published in advance online and used to guide the panel discussion during the events. Interviewing the HCLU staff member provided insight into the context of the four-part event series. Seeing the government's inability to deal with the 2015 influx of mixed migration, HCLU wanted to explore if it should expand its field of work to support refugees. To this end, they compiled the thesis collection choosing topics in which they had expertise, and which were also relevant to refugees. The talks were intended as a public technical exchange among experts. Hence, the target audience was not the wider public, but professionals – lawyers, social workers, religious figures – interested in getting an in-depth understanding on the topics; attendance was 40-50 people per talk. The theses were read out by the moderator to guide the panel discussion throughout the talks. The three thesis collections selected for this analysis are summarised below.

<i>Table 1: Key points of HCLU's theses</i>	
<b>Human Rights and Security</b>	
<ul style="list-style-type: none"> <li>• The government links refugees and terrorism to stoke fear and justify exceptional measures and special powers to cope with them.</li> <li>• Human rights protect the freedoms and dignity of the individual – terrorism does not enjoy any human rights protection.</li> <li>• Restricting constitutionally protected conduct cannot provide the solution to problems caused by acts, which do not enjoy legal protection.</li> <li>• The State must be able to take care of its counter-terrorism obligations within legal frameworks, without any special powers.</li> <li>• The law must clearly lay down the conditions and the ways in which interference in rights may be applied, so the individual is protected in the face of arbitrary exercise of power. Hungarian regulations for secret surveillance aiming to counter terrorism and protect national security do not meet these requirements.</li> <li>• The government's argumentation puts the protection of individual freedom in direct opposition to the interest of security, when fundamental rights <i>a priori</i> protect the individual's security.</li> <li>• Everyone's privacy must be protected to allow the individual to live with rights.</li> </ul>	
<b>Religious Attire</b>	
<ul style="list-style-type: none"> <li>• Modern societies are characterised by a diversity of creeds. The state is not allowed to discriminate between individuals based on religion or culture.</li> <li>• Immigration poses multiple problems to be resolved through serious deliberation – one of these is the external display of religious or cultural affiliation.</li> <li>• The regulation of religious appearances belongs under the same constitutional principles that have thus far regulated similar conflicts arising from coexistence within our pluralistic societies.</li> <li>• Freedom of conscience encompasses the freedom to express convictions non-verbally – or not to do so. The expression of beliefs in public spaces cannot be restricted as long as it is non-violent, does not cause harm to others, and is not unlawful.</li> <li>• The State must ensure and promote the exercise of freedom of conscience and religion in its judicial system and in its law enforcement.</li> <li>• The State must ensure the equal dignity of students and their religiously neutral and non-discriminatory education.</li> </ul>	
<b>Integration and Parallel Societies</b>	

- Underlying the arguments of those warning about the dangers of parallel societies is that the appearance of any foreign groups is not desirable.
- We believe that societal diversity is fundamentally a good thing: it leads to development if different types of people meet and shape public affairs.
- Everyone is equal before the law. Laws apply to everyone equally. The State must respect it in all its actions the prohibition of discrimination.
- It is the State's task to maintain public order and enforce the law through the police and other authorities. The State cannot allow that anywhere within its territory alternative law enforcement powers take care of maintaining public order.
- After the passage of a reasonable amount of time, those non-Hungarian nationals who reside long term in Hungary with the intention of permanent settlement, should have the possibility to participate in public affairs.

Figure 1: Relevant fields of action and selected discourse topics from the three thesis collections



<i>Table 2: Human Rights NGO Action, (Sub-)Genres, and Discourse Topics</i>				
<b>Fields of Human Rights NGO Action:</b>				
<b>Client Work</b>	<b>Advocacy</b>	<b>Fundraising</b>	<b>Internal Work</b>	<b>Formation of Public Attitudes</b>
<b>Human Rights NGO (sub-)genres:</b>				
Client interviews, assessments of cases, client counseling, info. brochures, defense in court, legal documentation, referrals to service providers, case law research, follow-up calls, consent form, complaints mechanism, interpretation, etc.	Letters to the government, input for UN NGO consultations, 'naming-and-shaming', reports on government activities, support to other NGOs' causes (technical /amplification), opinion editorials, speeches, etc.	Fundraising strategy, financial reports, merchandise, presentations, outreach to private sector, networking, impact stories, photos, results <u>reports</u> , visibility giveaways, individual campaigns, etc.	Monitoring progress reports, meeting minutes, code of conduct, human resource policy, staff talks/ feedback to managers, planning priority areas of work, emails, vision & mission, capacity development, NGO registration, office administration, etc.	Communication strategy, social media presence & campaigns, public talks, (expert) panel discussions, website, stalls at public events, transparency, TV /newspaper interviews, workshops, newsletters, etc.
←→Discourse Topics←→				

'Fields of action' along with their corresponding functions and (sub-)genres indicate the segments of social reality that frame a discourse. To locate the field(s) of action into which the analysed text and the context of its presentation to a public audience falls, five fields of action were mapped out, representing *human rights NGO action*, drawing on the information about HCLU's work on its website, as well as my own experiences of having worked in two NGOs in the past; the model is based on Reisigl and Wodak's eight fields of *political action* (Table 2).<sup>99</sup> Analysis of the context that the thesis collections were developed for and the content of the theses themselves, revealed which fields of action the text belongs to, and which discourse topics feature the most prominently in them (Figure 1). Further in-depth analysis of the text has provided some answers to DHA's heuristic questions (Table 3).



Table 3: Selected categories to analyse in HCLU’s discourse about refugees

Questions	Discursive Strategies	Purpose
How are persons, objects, phenomena, events, actions, processes and actions named and referred to?	Nomination strategies	<p><b>Discursive construction of:</b></p> <p><b>Social actors:</b> government, State, public, majority, individual, church, terrorists, refugees, foreigners, immigrants, minorities, citizen, national, HCLU, we, our, everyone/body, people, society, children, parents, police, authorities, organisations</p> <p><b>Objects, phenomena, events:</b> right(s), values, interests, freedom of: conscience, religion, thought, expression; equality; society, culture, religion, conviction, law, rules, regulations, prejudice, principles, attire, pluralism, public order, peace, nationality, French Revolution, constitution, country, city, territory, Hungary, Western-Europe, institution, duty, obligation, security, power, emergency, threat</p> <p><b>Actions, processes:</b> vigilantism, immigration, integration, surveillance, protection, restriction, repression, violence, prohibition, coexistence, segregation, compliance, law enforcement, argumentation, coercion, infringement, naturalisation, migration, national consultation</p>
What characteristics, qualities and features are attributed to social actors, objects, phenomena, events, actions, and processes?	Predication strategies	<p><b>Discursive characterisation of:</b></p> <p><b>Social actors:</b> <i>society:</i> democratic, modern, host, surveilled; <i>Government/State:</i> decent, secular, totalitarian, authoritarian, neutral; <i>citizen/national:</i> peaceful, (non-)Hungarian; <i>organisations:</i> extreme(ist); <i>people:</i> religious, Roma, different types, (non-)sentenced; <i>those who:</i> warn about dangers, trust the current government, commit crimes, belong to cultures which differ from the majority, live a life that differs from the conventional, exercise their freedoms, are arriving/entering, <i>reside:</i> in official State institutions/outside the territory/long-term in Hungary</p> <p><b>Objects, phenomena, events:</b> <i>right(s):</i> individual, (basic) human, fundamental; <i>values:</i> constitutional, new, protected, <i>society:</i> democratic, parallel, host; <i>attire:</i> religious, prescribed, cultural; <i>principle:</i> legal, important, moral, strict, constitutional; <i>culture:</i> European, emergent, differs from the majority, different; <i>life:</i> religious, full human</p> <p><b>Actions, processes:</b> <i>protection of:</i> security, border, (individual) freedom, human rights, privacy; <i>surveillance:</i> secret, unchecked, far-reaching, total, absolute, represses; <i>restriction:</i> duly substantiated, inappropriate, unnecessary, disproportionate</p>
Which arguments are employed in HCLU’s discourse about refugees?	Argumentation strategies	<p><b>Persuading addressees of the truth and normative rightness of claims</b></p> <p><i>Claims of State obligation:</i> uphold rule of law &amp; apply equally, prevent terrorism within legal framework /without special powers, be neutral, respect principles of non-discrimination &amp; proportionality, protect</p> <p><i>Claims of fundamental rights:</i> serve public security, protect the individual, can only be restricted with regard to the principle of proportionality and due substantiation of necessity</p>

From what perspective are these nominations, attributions and arguments expressed?	Perspectivisation strategies	<p><b>Positioning HCLU's point of view and expressing involvement or distance</b></p> <p>Constitutional values/democracy, modern, Western-type, societal/cultural diversity/pluralism, European standards, secular State, everybody's privacy protected</p> <p style="text-align: center;"><i>versus</i></p> <p>Authoritarian, government's unrestricted ability to interfere, hostile, humiliating, surveilled society, vigilantism of extremist organisations, restriction/violent repression of freedoms,</p>
Are the respective utterances articulated overtly, are they intensified or mitigated?	Mitigation and intensification strategies	<p><b>Examples of modifying the illocutionary force of utterances</b></p> <p><b>Intensification:</b></p> <p><i>Topos of State obligation</i> (deontic): "The State <b>must</b> be able to take care of its counter-terrorism obligations within legal frameworks"</p> <p><i>Topos of suspicion</i>: "it is <b>always</b> suspicious when the government often refers to terrorism, exceptionality, and emergency"</p> <p><i>Topos of fallacy</i>: "it <b>cannot</b> be assumed that <b>everyone</b> entering Hungarian territory is a criminal" "The duel between liberties and the competing public interests is <b>not simply</b> a <b>zero-sum</b> game"</p> <p><b>Mitigation:</b></p> <p><i>Topos of acknowledgement</i>: "integration of individuals who have a different religion or culture is <b>sometimes a bit</b> difficult." "The expression of conviction...<b>may</b> create many types of situations that give rise to conflict"</p> <p><i>Topos of suspicion</i>: "the <b>so-called</b> 'terror-danger-situation'"</p>

Based on the above, I contend that there are three building blocks, which carry the articulation of the alternative discourse constructed through HCLU's theses. These are outlined in the following three sections.

## 7.1 Reframing Threat Narratives

The first building block relates to how HCLU reframes perceived threats linked to refugees and shows them from a completely different perspective. From Tables 2 and 3 it becomes evident that the two dominant discourse topics and the basis of HCLU's claims revolve around fundamental rights/freedoms and the government's or State's obligations to respect and uphold these. This situates HCLU's conviction that every human being is equally entitled to enjoy and exercise fundamental rights and freedoms, which the government must not only refrain from infringing on unduly but must also uphold in all its actions. This is underpinned by the intensification of utterances, 32 instances of which relate to government or State obligations and actions, while 14 of which regard fundamental rights – out of a total of 65 identified intensifications. State obligations in this context can be understood as legally, socio-politically, or morally imposed duties, which constrain, compel, or bind a State to act and exclude certain reasons as justifications for non-performance, due to a contract, promise, or social responsibility.<sup>100</sup> This starting premise puts the State and the government of a constitutional democracy centre stage as the key actor with power and agency that it must use appropriately, as well as duties and responsibilities which it must meet. This may already startle the reader or the audience who, based on the title of the series, *Our Neighbour, the Refugee*, would likely expect refugees to be the focus.

<sup>100</sup> Pufong, 'State Obligation, Sovereignty, and Theories of International Law' (2001) 29(3), *P&P* 483; Himma, 'The Ties that Bind: An Analysis of the Concept of Obligation' (2013) 26(1) *RJ* 17.

Thus, instead of directly engaging with- and refuting the government's propaganda that refugees/immigrants are criminals/terrorists and/or increase the risk of terrorism/crime, the reader is made aware that it is actually part of the government's regular everyday tasks to monitor, prevent, and counter the threat of terrorism, "a certain degree of [which] prevails at all times". Furthermore, the government has legal means with which it can check who is arriving on Hungarian territory to ensure appropriate controls. Using the *topoi* of suspicion and State obligation, the reader is encouraged to question the validity of the government's argumentation that justifies the need for special powers. Thus, the invocation of a state of emergency to cope with a larger influx of mixed migrants is framed as the failure of the government to be able to fulfil its basic tasks. Employing the *topos* of acknowledgement, HCLU explicitly does not contest that national security and public safety may be legitimate goals of legal restrictions, but it maintains that the latter must be implemented only for a limited time with due regard to the principles of necessity and proportionality. Thus, HCLU is not dismissive of people's fears related to terrorism and its perceived link to refugees/immigrants, but rather addresses these from a completely different perspective.

HCLU applies the same approach to address people's fears regarding the challenges of immigrant integration and the creation of parallel societies. Using the *topos* of acknowledgment, HCLU admits that integration is not an easy process, but highlights the State's obligation to enforce the law in every quarter of the cities within its territory. Using the *topos* of State failure, HCLU claims that allowing vigilantism means that the government is unable to maintain the rule of law. Furthermore, HCLU highlights that the law applies to everyone equally, therefore, anyone who causes harm to others, even if it is culturally or religiously accepted, must be prosecuted in accordance with the law, respecting the principle of non-discrimination. Here again, the onus is on the State, rather than the refugee/immigrant, while acknowledging and addressing the public's fear.

Regarding the fear of 'incompatible' religions, HCLU points out that respect for freedom of conscience together with constitutional principles (e.g., equality, non-discrimination, State neutrality, proportionality) have provided adequate solutions to conflicts that arise from the expression of convictions and coexistence in a pluralist society and that these are appropriate tools to address potential future challenges in this area. Thus, HCLU again employs the *topos* of acknowledgement – conflicts may arise – but couples this with the *topos* of history, mentioning that the principle of equality harks back to the French revolution – implying that it is part of the very European culture that the government claims to protect – and that in the past these tools were used to settle conflicts between Catholics, Calvinists, Jews, and Atheists.

## 7.2 Making Human Rights Relevant for Everybody

The second building block which carries a part of the articulation of HCLU's alternative discourse is how it demonstrates that human rights are relevant for everybody. A simple statistical examination of the theses reveals that 'refugees' are mentioned explicitly only eight times along with 11 nominations such as, 'immigrants', 'foreigners', and 'Roma people', while neutral nominations of social actors such, as 'individual(s)', 'people', 'citizen(s)' and inclusionary nominations, such as 'everyone', 'everybody', 'we', and 'our' collectively feature approximately 70 times. The impression this creates is that the fundamental rights being discussed are not simply for the protection of the 'Other' but for everybody on Hungarian territory.<sup>101</sup>

This impression is validated by some of the rights that HCLU highlights, such as the right to privacy in the context of government surveillance. Using the *topos* of fallacy in multiple ways, HCLU argues it is wrong to assume that unrestricted surveillance is acceptable, mentioning that Hungarian regulations for secret surveillance to counter terrorism and protect national security do not clearly lay down the conditions, cases and the ways in which interference in the fundamental right to privacy may be applied, which also impacts the extent to which the individual is protected appropriately in the face of arbitrary exercise of power. This is likely also a reference to the case of *Szabó and Vissy v. Hungary* in which the European Court of Human Rights ruled in 2016 that the Hungarian legislation on secret anti-terrorist surveillance introduced in 2011 did not provide sufficient safeguards to avoid abuse.<sup>102</sup> It should be noted however, that currently no Council of Europe member state has a system of oversight, which fully meets internationally recognised princi-

<sup>101</sup> Kapronczay and Kertész, 'The Crackdown on NGOs as an Opportunity to Reinforce Human Rights Values: A Hungarian Case Study' *Rising to The Populist Challenge* (2018) 59; Alston (n72) 6.

<sup>102</sup> European Court of Human Rights, Judgement of the *Case of Szabó and Vissy v. Hungary*, 37138/14, 12.01.2016.

ples of good practice.<sup>103</sup> Yet, the fact that the plaintiffs in that particular case were Hungarian, foregrounds HLCU's claim that the privacy of "those who have nothing to hide" also needs to be protected. HCLU uses the *topos* of consequences to argue that "in a surveilled society [...] new values, ideas, beliefs, scientific perspectives unfold much less freely". This should demonstrate that protecting human rights is relevant for 'regular' Hungarians too.

Regarding freedom of conscience and religion, as well as its non-verbal expression, HCLU highlights that "as long as the expression of our beliefs and convictions is peaceful, non-violent, and non-coercive, the State must protect it, and everyone else – expressing their own opinion in a peaceful, non-violent, and non-coercive manner – must tolerate it." This inclusive wording, not only reflects the language of Article 9(2) of the European Convention on Human Rights,<sup>104</sup> but also shifts the connotation of the expression of religious convictions away from the Islamic headscarf to something neutral and relatable, one level above specific examples, to a ground of commonality.<sup>105</sup> This is further underscored by highlighting the State's obligation to be neutral in matters concerning religion – a principle and a classic tenet of liberalism also established by the European Court of Human Rights,<sup>106</sup> though not explicitly described as such in the text. Furthermore, by citing different contexts in which freedom of religion can be exercised and must be ensured by the State with limited restrictions, e.g., in the judicial system, schools, and the church, HCLU makes the reader aware of the impact that limiting this freedom would have consequences in multiple arenas of life that are relevant to Hungarians. In general, the way HCLU presents rights, raises awareness on the distinction between a) reasons for rights, b) rights as legal positions and relations – that is, rights to something, liberties, and powers – and, c) the enforceability of rights.<sup>107</sup> Figure 2 provides an overview of HCLU's intertextual reframing of right-wing populist-propagated threats and fears.

### 7.3 Absent Elements

The third building block pertains to that which was omitted – certain sensitive topics, facts, and strategies of persuasion – in other words, that, which could have been part of an alternative but is absent from the discourse and therefore supports it. Closely linked to making human rights relevant to everybody, is the omission of any mention of refugee rights or reference to refugee law in general. The key informant mentioned that this was simply because HCLU did not have refugee-related expertise, and therefore stayed clear of such specifics. However, in a polarised context like Hungary, it may actually help to start a dialogue if the fact that refugees have certain rights is consciously not highlighted because that could be viewed as privileging the rights of 'the stranger' over those of the citizen<sup>108</sup> or as the 'Other' 'imposing' its rights on Hungary even if it is the government that has signed the 1951 Refugee Convention. Thus, focusing on the laws that apply to all may therefore be a good starting point, and also a way to reduce (well-intended) 'othering'. The omission of any reference to the 1951 Refugee Convention is part of a wider pattern of omitting references to international legal obligations. Only two references are made to 'European standards' and 'European legal commitments' without much elaboration, and not mentioning that there are EU laws that Hungary is obliged to respect. This is probably wise, given the aggressive anti-EU /Brussels campaign of the FIDESZ government, and the perception that the EU is forcing its liberal migration policies onto all its Member States. Similarly, no mention was made regarding refugees' right under international law to enter a territory irregularly to seek asylum without being penalised. This would highlight the 'uncomfortable truth' that the universality of human rights obligations seems to collide with State sovereignty,<sup>109</sup> and control over borders has certain

103 Wills, *Democratic and effective oversight of national security services* (Council of Europe, 2015) 7; FRA, *Surveillance by intelligence services: fundamental rights safeguards and remedies in the European Union*, (EU, 2015) 4-7.

104 Sajó and Uitz, 'Freedom of Religion' in Rosenfeld and Sajó (eds) *The Oxford Handbook of Comparative Constitutional Law* (OUP, 2012) 917.

105 Gomez and Coombes (n89) 25; Shadid and van Koningsveld, 'Muslim Dress in Europe: Debates on the Headscarf' (2005) 16(1) *JIS*, 36.

106 Ringelheim, 'State Religious Neutrality as a Common European Standard? Reappraising the European Court of Human Rights Approach' (2017) 6(1) *OJLR* 24.

107 Alexy, 'Rights and Liberties as Concepts', *Oxford Handbook of Comparative Constitutional Law*, 2012) 284-285.

108 Ignatieff (n8) 228.

109 *Ibid*, 227.

*Figure 2: Selected intertextual reframing of threats and fears*

Intertextual Reframing of Government-Propagated Threats and Argumentation		
Right-wing populist /FIDESZ Framing		HLCU Thesis Collection Framing
(Muslim) Migrants are terrorists/criminals / increase risk of terrorism/crime		State obligation in its daily activities to monitor & prevent terrorism threats
		State obligation to control / check who enters Hungarian / European borders
		State must respect prohibition on discrimination, including in its immigration regulations
(Muslim) Migrants come from different cultures and religions that are incompatible with Christian European culture		Integration is not easy but democratic institutional set-up is made to cater for diversity
		Equal application of law means that harm caused to others in the name of religion is prosecuted /not tolerated
		Diversity is a value of (European) democratic societies
(Muslim) Migrants’ culture and religion threatens Hungarian/European Christian culture		Official public institutions are secular by virtue of the rules that govern their decision-making and their application
		Repressing freedom of conscience and its expression is what threatens European culture
		State obligation to ensure rule of law is enforced in all areas of its cities
Immigrants create parallel societies and no-go-zones in cities		State should facilitate participation of long-term immigrants in public affairs
		Mass surveillance impacts the right to privacy of everyone
Terrorism prevention justifies increased surveillance		Everyone should be concerned about their privacy even if ‘they have nothing to hide’
		If surveillance infringes on rights, principle of proportionality must apply
		State should be able to cope with migration without special powers
Mass migration justifies state of emergency and conferral of special powers		Rather than infringing rights, upholding existing prohibitions should suffice
		If state of emergency is really required, principle of proportionality must apply
		Human rights are relevant for everybody e.g. freedom of conscience, expression, right to privacy, etc.
Human rights protect the dangerous ‘Other’ not Hungarians		Terrorists do not exercise their human rights when they commit crimes

limits since asylum seekers are among the few who are permitted by law to trespass borders irregularly. Furthermore, the key informant mentioned that HLCU generally stays clear of citing international legal obligations because it does not interest most Hungarians and is therefore not a good tool of persuasion or argumentation – rather, they try to relate to the Hungarian context.

Another absent element is the direct contestation of the factual accuracy of government propaganda. For example, citing statistics on how many refugees have been linked to acts of terrorism to disprove the no-

tion that refugees pose a terrorism threat. Or commenting on the fact that the words ‘refugee’ and ‘asylum seeker’ were substituted by FIDESZ with *migráns* (migrant), a foreign-sounding imposition from Latin blurring the distinction between different categories of arrivals,<sup>110</sup> and that this is a word that people should not be swayed by. Contesting factual accuracy would not be helpful because it would be arguing using the same frame as the government, which according to Lakoff paradoxically reinforces the idea that is being disproved. Thus, while HCLU’s perspectivisation strategy does refer to the flawed argumentation of the government, it does so within a different frame that it develops in leading up to the reference. Linked to this point is that HCLU does not overtly ‘name-and-shame’ the government<sup>111</sup> – it does not mention FIDESZ’s or Orbán’s name at all. While there are references to things that the government has done – stoke public fear via propaganda, pass surveillance legislation that violates legal requirements, allow vigilantism against Roma people, etc. – most references to government obligations are posited not in relation to the government concretely not meeting these obligations, but as duties of the government of any constitutional democracy and the consequences if these are not respected. Arguably, this allows FIDESZ supporters to not ‘lose face’ and gives them a chance to revise their opinions without feelings of shame.<sup>112</sup> Moreover, it refrains from fostering political polarisation by depicting FIDESZ as ‘the bad ones’ and HCLU and ‘the good ones’.<sup>113</sup>

Finally, an element that is crucially absent from the discourse is any attempt to persuade the audience that they should ‘welcome’ refugees. This applies to citing the economic benefits of receiving refugees (long term financial reward, labour force shortages, etc.), which would be countering directly or using the same frame of the government’s propaganda (refugees will steal Hungarians’ jobs), and may in any case not convince as it does not address the main identity and security-based threats.<sup>114</sup> Similarly, citing European or religious values to justify hospitality and generosity might also not be conducive as it may foster a certain level of volatility. This was evidenced by the ‘Refugees Welcome’ movement during the 2015 ‘September Fairy-tale’ in Germany where volunteers welcomed refugees cheering, applauding, providing basic needs and showing gestures of hospitality – an atmosphere which then turned sour quite quickly, especially after the New Year’s Eve sexual assaults committed by mixed groups of mostly North African asylum seekers, refugees, and migrants illegally residing in the country.<sup>115</sup> Generosity – a word that belongs to the language of gifts<sup>116</sup> – as well as hospitality and empathy depend both on the deservingness of the recipients and on a specific type of expected reaction of gratitude that lives up the emotional investment of the givers. This is a rather precarious relationship based on the repetition of an asymmetric pattern, which is reversed as soon as the image of deservingness is damaged.<sup>117</sup> Thus, while it is indisputably important to tap into empathy when communicating about rights, the volatility of emotions should be kept in mind.<sup>118</sup>

By way of critique, one topic which was present in the HCLU thesis collection but perhaps should be absent from an initial dialogue that seeks common ground, is advocacy for refugees and immigrants to eventually gain voting rights and participate in public life. Of course, this is an important aspect of integration and must be addressed, but right-wing populists often cite this as a danger, claiming that if too many (Muslim) immigrants and refugees are allowed entry and naturalisation, they may eventually outnumber and ‘force their ways’ onto ‘Christian Europe’ through the exercise of their political rights. Thus, arguably, this topic may not be conducive to initiate a constructive dialogue but would nevertheless be important to address further down the line.

110 Howden (n55).

111 Davis, Murdie, and Garnett Steinmetz (n73) 202.

112 Banulescu-Bogdan (n76) 2.

113 Rovira Kaltwasser (n70) 505.

114 Banulescu-Bogdan (n76) 2.

115 Vollmer and Karakayali, ‘The Volatility of the Discourse on Refugees in Germany’ (2017) 16(1-2) *JIRS* 128-129.

116 Ignatieff (n8) 229.

117 Vollmer and Karakayali (n115) 129.

118 *Ibid*, 131.

## 8. Discussion

In general, if one views the HCLU thesis collections as a way to counter right-wing populist narratives, it can be viewed as a form of civic education, seeking to strengthen democratic beliefs.<sup>119</sup> Clearly, both the legalistic language and argumentation as well as HCLU's initial aim to have a 'technical exchange' about the selected topics mean that the way the alternative discourse is 'packaged' in the thesis collections is not fit for a wider, less educated or technically versed audience.<sup>120</sup> It would have to be simplified and/or combined with a broader multi-pronged communication strategy, similar to the "HCLU is needed" campaign, which shows the human story and translates human rights into 'bite-sized' concepts.<sup>121</sup> Nevertheless, there are five overarching takeaways that can be learned from the articulation of this alternative discourse:

- 1) Reframing threat narratives completely rather than directly countering them is key to providing a fresh perspective and not reinforcing preconceived notions.
- 2) Shifting the focus away from refugees and their rights to general human rights obligations of the State may be a good way to initiate a dialogue, because it arguably reduces the (positive) 'othering' of refugees and the perception of externally imposed responsibility to the duties of an internally elected social actors.
- 3) Addressing the things people fear or perceive as threats as well as acknowledging that certain processes, like integration, are indeed difficult ensures that people's concerns are not dismissed and issues are not presented through 'rose-coloured glasses', which may counter the perception that 'the elite experts' deliberately avoid engaging with 'the people's' concerns.
- 4) Highlighting that the majority, not only the minorities in a society have a stake in human rights may make people less weary of NGOs and civil society while also raise their awareness to instances when their own human rights are on the line.
- 5) Being aware of the context and propaganda messaging should inform decisions on what to strategically leave out of a discourse – this is not to suggest that human rights communications should be tailored to populist politics, but rather that to *start* a dialogue, focusing on rights and values that affect the broader community might be more conducive than to go straight to 'sensitive' topics.<sup>122</sup>

The potential of this alternative discourse to feed into transformation has to be assessed in light of the wider political context of Hungary. The tactical pragmatism of findings 1, 2, 3, and 5 assumes the values of liberal democracy and may therefore possibly be impotent in the political climate of countries like Hungary and may even have some unintended consequences in the long run. Finding 4 may be viewed as inconsistent with the assumptions of liberal democracy, which seeks to employ law for the protection of minorities with an implicit understanding of the structural privilege of the majority and the concomitant obligations of this status.<sup>123</sup> When the key informant was asked whether reframing threat narratives the way HCLU has done has the potential to enable a more constructive dialogue on the topic of refugees, they were unpersuaded: not because the discourse does not successfully provide an alternative, but because the topic and the refugee label<sup>124</sup> are so over-politicised in Hungary, absent forums for local debates or a platform to reach a larger audience through the government-controlled mainstream media which could give the alternative discourse a chance to get the upper hand in the hegemonic struggle to challenge the dominant discourses.

Even among the relatively like-minded audience of the HCLU talks the topics elicited different perspectives. Furthermore, the government keeps finding new scapegoats to stoke layer after layer of fear, which is difficult to strip away. However, there are different levels on a spectrum among FIDESZ supporters, which means that some could be swayed by an alternative framing since they do not support all aspects of the FIDESZ's policies. Furthermore, and to end on a more hopeful note, while it is evident that NGOs lack the political power to desecuritize the topic of migration without the support of the judiciary, parliamentary opposition, and the media, the presence of an alternative discourse and frame may provide a basis for a slightly more measured and constructive dialogue on the topic, which in turn may contribute to further

119 Rovira Kaltwasser (n70) 500.

120 Gomez and Coombes (n89) 34.

121 FRA (n89).

122 Kapronczay and Kertész (n101) 66.

123 Grateful for this reflection from Dr. Christina Oelgemöller.

124 Zetter, 'More Labels, Fewer Refugees: Remaking the Refugee Label in an Era of Globalization' (2007) 20(2) *JRS*, 172.

desecuritisation attempts.<sup>125</sup>

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<sup>125</sup> Szalai and Göbl (n33) 27.



## 9. Conclusion

This paper applied the DHA to examine how a selected text published by a Hungarian NGO constructs an alternative discourse to the ‘Othering’ right-wing populist threat narratives on refugees and explored what can be learned from this alternative articulation. To this end, the core elements of populism were identified in accordance with an ideational definition to show that nationalist right-wing populists claim to speak and act in the name of ‘the people’ and oppose ‘the corrupt elite’ who want to impose pluralism against ‘the people’s will’. The securitisation of migration, including the ‘war on terrorism’, was highlighted as feeding into this rhetoric, because this positions migration as an existential threat – stoking fears among the public – and institutionalises securitised policy responses to control migration. In Hungary, Orbán’s anti-migration campaigns and policies in relation to the 2015 ‘refugee crisis’ have had severe repercussions on refugee protection in terms of lack of access to asylum, negative public attitudes towards refugees and immigrants, as well as restrictions on civil society. The literature revealed consensus in that both the supply and demand side of right-wing populism must be addressed through meaningful engagement if it is to be countered. With a focus on human rights advocates’ efforts to reframe threat narratives and communicate refugee rights effectively, it became evident that certain assumptions – such as the liberal premise that pluralism is a good thing – underlying their challenge to the status quo requires reflection and awareness, to ensure that their communication is not inadvertently counterproductive, exclusionary, or ‘Othering’.

This context situated HCLU’s work and allowed the analysis to demonstrate that three building blocks carry the articulation of HCLU’s alternative discourse: reframing propagated threats in relation to the State’s obligations to uphold fundamental rights, making human rights relevant to everyone’s civil liberties, and omitting certain topics and strategies of persuasion, which could have been part of an alternative but are absent from the discourse. Five things can be learned from the alternative discourse: completely reframing threat narratives provides an unexpected fresh perspective, shifting focus away from refugees and their rights to human rights obligations of the State towards everyone in the country may be a good way to initiate a dialogue, addressing the things people perceive as threats as well as acknowledging that certain processes are indeed difficult ensures that people’s concerns are not dismissed, highlighting that the majority – not only the minorities – in a society have a stake in human rights may make people less suspicious of NGOs, and being aware of the context can inform decisions on what to strategically leave out of a discourse.

These findings contribute to the literature on using human rights for contestation – much of which is non-academic, compiled by NGOs or policy institutes. The paper adopted an interdisciplinary approach, touching on political science and human rights law. Further investigation would be required through a communication sciences lens to assess the actual efficacy of this alternative discourse among various audiences. While the topic of refugees in Hungary is over-politicised and the platforms for public debates and dissemination of alternative discourses are limited, making it difficult for one NGO’s alternative discourse to challenge the hegemony of the government’s dominant discourse, the building blocks and learnings identified through this research can provide some tools for others to initiate a more constructive dialogue about perceived threats associated with refugee.