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**Limits of the Human Rights Vocabulary in Addressing
Inequalities – Dilemmas of Justice in the Age of
Culture Wars in Hungary**

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Abstract¹

As early as 1995, Nancy Fraser problematized the shift of justice claims from redistribution towards recognition (Fraser, 1995). Since then, this shift has proven even more pronounced, displacing redistribution claims and reiterating identities (Fraser, 2000). At the same time, we can see how recognition claims in the form of identity politics became overall present in the social justice activism of the Anglo-Saxon countries, stirring heated controversies there, not only from the Right, but from Marxist, liberal and feminist points of view, too. On the European continent, these debates take the form of mostly right-wing movements mobilizing against ‘gender ideology’ and ‘political correctness’, portrayed as imminent danger coming from the US and/or the West.

In my paper I critically engage with the widespread matrix of visualizing political positions and fault lines as being on two axes: economic (left and right) and cultural (liberal and authoritarian), and discuss why placing the attitudes towards ‘oppressed minorities’ on the cultural axis cuts the related issues from their embeddedness in material conditions. I point out that the cultural axes, the recognition shift, and the human rights paradigm type of articulation of injustices are going into the same direction, namely a culturalist interpretation of oppressions. Empirically based on the controversies around the Istanbul Convention (2017) and the Gender Studies MA programs (2017-2018) in Hungary and theoretically on Fraser’s concept of ‘perspectivic dualism’ as outlined in her debate with Axel Honneth (Fraser and Honneth, 2003), I argue that this culturalist interpretation both of prevailing injustices and of the right-wing contestations actually reinforces the cultural war framework of the Right rather than overcoming it.

Keywords: anti-gender movements, gender studies, human rights, redistribution, recognition, Nancy Fraser.

¹ This article is a translated and expanded version of an article I originally wrote in Hungarian, ‘Az igazságosság dilemmái a kultúrharok korában’ published in the social theory online journal *Új Egyenlőség*, January 9, 2018. <http://ujegyenloseg.hu/az-igazsagossag-dilemmai-a-kulturharok-koraban/>

1. Introduction

Political scientists and analysts often attempt to represent the spectrum of values of competing parties and voters using a two-dimensional coordinate system.² On the one hand, the horizontal right-to-left axis of the so-called political compass represents economic issues and the positions taken up with respect to the desirable degree of state involvement. On the other hand, the vertical axis represents cultural and social issues along a conservative/liberal (or authoritarian/libertarian) split.³ Positions with respect to human rights and the rights of minorities are represented on the vertical axis, as if there were a spectrum ranging from oppression to freedom, and more enlightenment and openness were equivalent to stronger recognition of human rights.

In this two-axis coordinate system, attitudes to women and gay issues are also represented on the vertical axis in the form of a scale of values whereby more engagement with equal rights means more recognition of the idea that women and men, as well as gays and heterosexuals, are equal. In the following, I will argue that this approach is equivalent, from a political science perspective, to what Nancy Fraser calls a ‘recognition shift’; namely, ‘the struggle for recognition [...] becoming the paradigmatic form of political conflict’ in the struggle for justice (1995), including in the feminist movement (Fraser, 2009: 108).⁴ With the help of some of Fraser’s writings, I aim to demonstrate how this approach to justice, by detaching issues identified as being cultural, such as gender equality, from the economic axis, amplifies the current misleading and hysterical culture war rhetoric that frames these issues of justice as a clash of values between progressives and conservatives. In other words, I will argue that the fact that the political Right carries out attacks against what they call ‘human rights fundamentalism’ or ‘gender ideology’ must not be interpreted simply as the political instrumentalization of so-called ‘medieval attitudes’ such as the sexism and homophobia that prevail in society, or the reaction of ‘white heterosexual males’ trying to defend their status. I will argue that, instead, the recognition shift itself, positing human rights as the panacea, has contributed to making perceived or real consensus with respect to human rights vulnerable. My aim is to identify several of the reasons behind the popularity of the increasingly authoritarian and hate-mongering Right – which requires, in my view, critical scrutiny of the progressive agenda and language too.

As we know, since the beginning of the 2010s several European countries have seen the rise of conservative and, in part, fundamentalist social movements that rail against the perceived threat of ‘gender ideology’ (or ‘gender theory’), ‘political correctness’ and ‘human rights fundamentalism’.

² See, e.g., <https://www.politicalcompass.org/>, or any different version of the site.

³ There is abundant literature in political science about the usefulness of this metaphorical approach concerning whether it contributes to a better understanding or rather obfuscates important aspects of political space. The dimensionality approach being an illustrative example for introducing my recognition/redistribution framework, the paper will not go into details about this epistemological and methodological debate (see Benoit and Laver, 2012).

⁴ ‘With this shift “from redistribution to recognition” came powerful pressures to transform second-wave feminism into a variant of identity politics. A progressive variant, to be sure, but one that tended nevertheless to overextend the critique of culture, while downplaying the critique of political economy. In practice, the tendency was to subordinate social-economic struggles to struggles for recognition, while in the academy, feminist cultural theory began to eclipse feminist social theory’ (Fraser 2009: 108).

reproductive rights, lesbian, gay, bisexual, transgender, and queer (LGBTQ) issues, certain administrative policy instruments (such as gender mainstreaming), as well as the public financing of gender studies programs, the advocates of these platforms tend to depict all political and non-governmental actors, administrative staff, and scientific researchers who focus on these issues as a single homogeneous group and an organized lobby. This claim partly manifests in grassroots or religiously affiliated movements and partly on the agendas of right-wing and populist parties in opposition or in government. The simultaneity of the movements, the different triggers in countries that differ with respect to political landscape, as well as to gender and LGBT policies, indicate that rather than dealing with isolated cases, we are witnessing a transnational phenomenon (Hark and Villa, 2015; Kováts and Pöim, 2015; Kuhar and Paternotte, 2017). Civic, religious, or political-party-affiliated mobilizations against ‘gender ideology’, ‘political correctness’, or ‘human rights fundamentalism’ are frequently understood as a conservative backlash against the achievements related to and further progress towards equality between women and men and LGBTQ rights. Adopting this perspective of ‘the patriarchy/heteronormativity fighting back’ seems as tempting as it is simplifying.

My paper pursues the goal of expanding my former attempt to refute this culturalist interpretation (Kováts, 2018), demonstrating that this interpretation itself comes from this very ‘recognition turn’ and I propose, relying on Fraser’s concept of ‘perspectival dualism’, a potential way to help us escape the false dichotomy of interpreting the phenomenon as being *for* or *against* equality, and *for* or *against* human rights.

The paper proceeds as follows: First, I will describe the ambiguity of the concept of gender which is necessary for understanding the following empirical material from Hungary, and which moreover illustrates the recognition and individualistic turn. Then I describe the Hungarian case: the attacks of the Hungarian government on the Istanbul Convention (2017) and Gender Studies MA programs (2017–2018). Given the transnational character of the phenomenon,⁵ it cannot be explained by national factors only, thus I hope the Hungarian case study will shed light on several developments outside Hungary as well. Finally, I recall Fraser’s relevant concepts, connect them to the human rights vocabulary, and using them try to give an alternative theoretical explanation for the phenomenon of ‘the Right’s attacks on human rights’.

2. The polysemy of the concept of gender⁶

‘If a gender quota is necessary for party lists, then what if I identify as a woman – can I run then for a woman’s place? And what happens if I identify as one of those plenty of other genders?’ – A male politician from the right-wing opposition party Jobbik provocatively asked me this question once, and with this theme we arrived at one of the favorite topics of the Right when it comes to women’s rights and gender equality.

⁵ This transnational character has been described in the edited volumes I refer to.

⁶ This section was published in a slightly edited form on the gender blog of the London School of Economics: <https://blogs.lse.ac.uk/gender/2018/11/26/the-consequences-of-the-differing-meanings-of-gender-in-policy-and-activism-for-politics/>

The contradiction raised by the politician points to the fact that the gender definition of policy quotas differs from the one necessary for addressing trans and genderqueer people's political claims.

The controversy around *gender* is therefore further complicated in relation to other human rights issues by the fact that there are different definitions of gender in use in policy-making and in social justice activism, born at different times and grounded on different ideological bases, partly disconnected from debates within gender studies, and partly contradicting each other.

First, in the English-speaking context, 'gender' is widely substituted for biological sex in order to avoid associations with sexual intercourse; this started with laws about discrimination, now widespread (Case, 1995). For instance, when we speak about gender quotas, what is meant is the male-female ratio. The interchangeable use of the two terms is exemplified in a debate about the Trump administration's plan to define 'gender as a biological, immutable condition.' Some commentators claimed that this was a deliberate, ideology-driven attempt to conflate the two terms.⁷

Second, the term has come to refer to women: e.g., gender analysis in policy-making is often used to describe how measures affect women – and less, as originally intended, gender relations; i.e., the societal relations between men and women.

Third, it is applied as an analytical category to describe the social quality of distinctions based on sex, the power structures in a given society between men and women, and the roles, possibilities and constraints in society attributed to being born male or female. Such is the gender definition contained in the Istanbul Convention: 3.c) "gender" shall mean the socially constructed roles, behaviors, activities and attributes that a given society considers appropriate for women and men'; and 3.d) "gender-based violence against women" shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately.⁸

Fourth, many use it in trans and genderqueer scholarship and activism to mean gender identity: a person's felt sense of identity (Green, 2006: 247), meaning identification (or lack of the former) with being born male or female. This is evidenced by the expression 'gender assigned at birth' to refer to the fact that the former might not correspond to a person's later-defined gender identity, or the practice in core countries with languages with gendered pronouns that when introducing oneself, one should specify the 'preferred pronoun' on the basis that we 'cannot assume one's gender' from appearance.⁹ So, in this sense 'gender' does not mean an analytical category for describing the social components and expectations of being a woman or man that are attached by society to our sex (being female or male) as expressed, for example, in the idea that 'girls should do this, boys should do that'.

Therefore, one must not wonder that people not acquainted with social justice activism and gender policy, not to mention with theoretical debates in gender studies, cannot make sense of 'what gender really is.' This ambiguity of the term *within* activism and policy makes the term vulnerable too, and provides clues for actors who

⁷ See for instance <https://www.forbes.com/sites/julianvigo/2018/10/26/evil-womxn-the-silencing-of-biological-reality-and-the-technology-of-obfuscation/#40d0496f18fd>

⁸ Council of Europe Convention on preventing and combating violence against women and domestic violence, CETS No. 210, signed in Istanbul on May 11, 2011.

⁹ Associated with heated debates among feminist and trans scholars and activists. Scientific accounts of these debates from one perspective: Bettcher and Styker, 2016; and from the other: Reilly-Cooper, 2016.

are less interested in disentangling complexities and more in creating a homogeneous *other* from the groups of feminists, LGBT activists, gender-studies scholars, liberal, green and left-wing politicians.

As will be shown below, in the context of the Hungarian government's attacks on the Istanbul Convention and gender studies MA programs, reference is made to *existing* activism that uses a gender definition which does not treat biological sex as a given fact, while regarding gender as a set of roles, expectations and means assigned to biological males and females (the third understanding listed above). Instead, fine-tuning it to its own political agenda, the government attacks the gender definition employed in the kind of activism that regards the separation of sex and gender not as an analytical but a practical one, proposing that gender is independent of bodily reality; that is, the gender one identifies with (the fourth reading above). The government uses this gender definition to denounce feminist claims as harmful; for instance, by suggesting that discussion of gender stereotypes in kindergarten could, as a next step, lead to children questioning their gender identity. It is necessary to understand these nuances to see why the debate in Hungary is not 'old wine (antifeminism, homophobia) in a new bottle, (attacks against the concept of gender)'.

3. The Hungarian government's attacks on the Istanbul Convention and Gender Studies

In contrast to most countries where grassroots and/or religious organizations mobilize against so-called progressive bills by referring to 'gender ideology,' in Hungary it is the government that maintains the perception of danger so that it can pose in the role of the protector of Hungary. Here, mobilization does not occur on the streets, but through NGOs close to the government or outright government-organized NGOs (so-called 'GONGOs': government-operated/sponsored NGOs) and by using the preponderance of government control of the media. Also, compared to other countries, the concept of gender became an enemy later on, only in 2017.¹⁰

This section analyzes the two main campaigns against what the government calls 'gender ideology' carried out by the former in 2017 in the context of the 'war of independence' against foreign influence. These two campaigns focused on the ratification of the Istanbul Convention and the launch of the Gender Studies MA program by Eötvös Loránd University (ELTE). The government, government media (Polyák and Urbán, 2016), and civil organizations with links to the government (Metz, 2015; Varga, 2016) rallied concurrently against these issues. The following empirical evidence suggests that the phenomenon is more than a political strategy of defining the enemy, and is not just a new form and language of the dismissal of human rights; i.e., a backlash against existing and proposed women's and LGBTQ rights. Government propaganda against 'gender ideology' and 'political correctness' reflects existing legislative and activist phenomena in the United States, the United Kingdom, Canada, and Germany, but pretends that all feminist and LGBT political claims and all forms of gender studies scholarship are only about these. Current events and trends are used and interpreted by government actors to uphold the wartime narrative that serves to

¹⁰This does not mean that there was formerly no anti-'gender ideology' discourse, but that it remained quite low-key and sporadic. For a chronology, see Félix (2015) and Kováts and Pető (2017).

generate a feeling of being under constant threat, besides other hate campaigns, such as those built on the migration crisis (Kováts and Pető, 2017).

In December 2016, Prime Minister Viktor Orbán announced that 2017 would be the year when Hungary would finally settle its accounts with the interests and objectives represented by Hungarian-born billionaire philanthropist György Soros. Launched soon after, in February 2017, the campaign started with waves of posters and ‘national consultations’.¹¹ In this context, Central European University (CEU), founded by Soros, was also targeted, together with all liberal values, including LGBTQ issues. ‘Gender ideology’ fits into a string of issues used by the government to distinguish itself from the ‘corrupt West’. The campaign against Soros, based on the alleged threat posed by CEU, LGBTQ affairs, NGOs and the wider ‘gender ideology’, created a new enemy that could be used as an incentive for continued mobilization after the (temporary) attenuation of the migration crisis.

ELTE’s Gender Studies program was targeted by government propaganda in February 2017. First, the Youth Christian Democratic Alliance (IKSZ), the youth section of KDNP, the smaller coalition partner, wrote an open letter to the rector of the university complaining against Gender Studies. The group urged the rector to stop bowing to ‘pressure from the gender and gay lobby’:

You, the management, have decided to offer a Master’s course that is of absolutely no use to Hungarian society, in a misguided topic that is *choked by political correctness* and disguised as science. We believe that Hungary cannot afford the same luxury as certain Scandinavian countries, where *the signs posted on bathroom doors* are among the most important points of public debate, and effort is made to market as many neutral toys and school books as possible, *to avoid influencing the belonging of boys and girls to their own sex*. It must be accepted that there are biological sexes, not social ones,¹² making even the designation of the course false and misleading.¹³

From then on, all forms of government media started churning out propaganda materials against gender studies. In one of her first television interviews, hosted by the government-funded *Echo TV*, the starting question posed to Ágnes Van-Til Kóvér, head of the program, was why they had launched a program that *affects only 0.3 per cent of Hungarian society*, by which the reporter was obviously referring to the estimated percentage of transgender people in society.¹⁴ Government-led resistance argued that the traditional family model was under threat and referred to international phenomena related to transgender and queer activism as the supposed curriculum for gender studies, non-binary gender identities, misgendering, but also more broadly such things as political correctness and the recent activism concerning the individualized understanding of intersectionality (Kováts, 2019).

¹¹ Additionally, the so-called ‘Stop Soros Act’ had been drafted by February 2018. The Act, which pitched an attack against NGOs funded by organizations affiliated with Soros, among others, was adopted in May 2018 by the new parliament.

¹² In the Hungarian language there is no distinction between ‘sex’ and ‘gender’; the concept is expressed using adjectival forms: biological vs. social sex.

¹³ Emphasis added: <https://pestisracok.hu/iksz-azelte-kiszolgalja-gender-es-meleglobbi-nyomulasat/>

¹⁴ <https://www.youtube.com/watch?v=3auaFOIIN20>

Initially, the fiery debate and propaganda activities were not followed by government action in 2017. ELTE's MA program was launched as scheduled, with a dozen students in September 2017. However, the second wave of debates started in August 2018 after PM Orbán declared a culture war in his yearly programmatic speech and the final settling of accounts with culture and academia. The terrain thus discursively prepared, the threat of 'gender ideology' seeded, the debate revolved around withdrawing accreditation for the MA program in line with earlier arguments, but with higher political stakes. In mid-October it was announced that the program would be stripped of accreditation; only those who had started the program in 2017 and 2018 could finish it by June 2019 and 2020, respectively.

The Council of Europe Convention on preventing and combating violence against women and domestic violence (the 'Istanbul Convention') was signed by the Hungarian Government in March 2014, but has not yet been ratified. In response to inquiries regularly lodged by women's rights organizations, the government followed a pattern of confirmation ('yes, we will ratify it') and adjournment, creating the impression that the issue was not being followed up within the governmental structure or was not being treated as a priority. In light of this, linking the convention with the charge of 'gender ideology' seems to have come in handy as the ideological anchoring for remaining passive; all the more so because the topic was easy to incorporate into the new mobilization strategy of the government. While the government was correct in expecting that no mass protests would follow if it made a U-turn on the matter of ratification, this shift in discourse made it possible to present itself, once again, as the guardian of national sovereignty and a tireless warrior in the struggle against foreign influence by rejecting yet another international treaty that was incompatible with 'Hungarian values'.

CitizenGO, a transnational conservative organization, published a petition on February 23, 2017, timed to coincide with the attacks against CEU's presence in Budapest and the launching of the gender studies program at ELTE. 'The enactment of the Istanbul Convention could prove to be the Trojan horse of gender ideology for Hungary.' This claim, already widely circulated in other countries, was used as the title of a text that was brought in front of the Parliamentary Committee of the Judiciary together with the then-current status of signatures by representatives of Fidesz, KDNP, and Jobbik one month later. The main argument for opposing the ratification of the Istanbul Convention is that it uses the non-consensual and ambiguous term 'gender'. This reference to, and fight against, gender stereotypes was based on the claim that it might open the way for more radical demands, such as the choosing of one's own gender identity or, as the Human Dignity Center puts it, twisting the above quoted definition of the Convention:

According to the definition, gender is a social construct that may vary and, basically, is independent of biological reality (the fact that someone is either a man or a woman). Accepting this definition may lead to the denial of natural differences between men and women.¹⁵

¹⁵

https://go.citizenngo.org/rs/907-ODY-051/images/Isztambuli%20Egyezmeny%20C3%A9ny%20C3%81ll%20C3%A1sfoglal%20C3%A1s_Emberi%20M%20C3%A9ll%20B3s%20C3%A1g%20K%20C3%B6zpont.pdf pp. 4-5.

The Center for Fundamental Rights, a government agency posing as an NGO – a GONGO, by definition (Varga, 2016: 244–245) – published a resolution on the Istanbul Convention entitled ‘No to the Gender Convention’¹⁶ and recommended that the government not submit the Convention to Parliament because:

Even though it is common sense that *there are only two sexes in all creation*, the Convention aims to go against this fact, to do away with the notion of biological sexes and use the concept of gender instead for all legal purposes. *People would stop being simply men and women, and would belong to one of the infinite number of artificially created gender categories.* [Emphasis added]

This clearly distorts the gender definition of the Convention, which does not deny the biological reality of the two sexes as quoted above.

However, as we saw, gender and gender-based violence are not clear-cut policy concepts. In March 2018, 333 conservative NGOs wrote an open letter to the secretary general of the Council of Europe pointing to the ambiguity of the concept of gender in EU documents – explaining, for example, that on some occasions the term does not mean what is written in the Convention (‘gender-based violence against women shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately’), but ‘violence that is directed against a person of that person’s gender, gender identity or gender expression.’¹⁷ The shift in meaning that the Right identifies is real. The normative evaluation of this differs, but as we will see, not along the categories of Left and Right or progressive vs. conservative. Also, what we observe in the Hungarian case is that opponents of the concept of gender use their abhorrence of the concept of ‘gender identity’ to render any gender equality claims suspicious (the ‘Trojan horse’ argument) and use it as a justification for the necessity of anti-democratic developments.

Ratification of the Convention was postponed, and several government representatives stated that they would never support or ratify it. In the run-up to the parliamentary elections of April 2018, government media repeatedly warned that if the opposition came to power, the latter would ratify the ‘Gender Convention’.

¹⁶ <http://alapjogokert.hu/wp-content/uploads/2017/05/Nem-a-genderegyszem%C3%A9nyre.pdf>

¹⁷ For the letter and the referenced documents see

<https://www.irs.in.ua/files/publications/Letter-to-Secretary-General-of-CoE-Thorbjorn-Jagland.pdf>

4. *An attack on human rights?*

When right-wing conservative actors reject the concept of gender, they regard the fight against gender stereotyping as a precursor to the advent of ‘choosable gender identities’. It may, therefore, seem that they are using new language for the old anti-feminist aspiration of regarding the sexes as exclusively biological and deriving all gender roles from this. Also, it may seem that this new language is materializing in the creation of a straw man without any real-world reference. However, as exemplified by the italicized parts of the arguments quoted above (in opposition to the Istanbul Convention and the first Hungarian gender studies program), the discourse makes reference to debates and disputes that are (mainly) going on in Anglo-Saxon countries and at the EU-level, primarily about political correctness and the shift in meanings of words associated with transgender and non-binary gender identities, most prominently the process of the individualized and identity-based reformulation of the previously structural category of gender.

It is especially striking in the Hungarian debates about these two cases that no reference is made to women’s rights at all. While the failure to ratify the Convention has a negative impact on women in practice by delaying the implementation of infrastructure that is necessary for curbing violence,¹⁸ the discourse against the Convention does not define the place of women in society. Perhaps explicitly stating that there is no money for stopping violence against women, or that it is not a priority, might sound too *politically incorrect* even for this government, so the newly generated discourse might offer an easy way out. As proven by the quotations above, the entire phenomenon can be interpreted as the reception process of activism that defines gender as identity, in line with the government’s objective of creating the image of an enemy that can be used for mobilization and to justify their failure to ratify the Istanbul Convention. Obviously, the real political motives behind such communication operations cannot be inferred from written documents or public speeches. In any case, it can be safely established that the phenomenon the government is attacking is not a fictive enemy that lacks a real-life reference, but builds upon manifestations of actual activism and uses these to serve the goals of furthering polarization and fear-mongering. However, such manifestations are, at this stage, imported threats in the Hungarian context involving a copy-paste alt-right: very few Hungarian feminist and LGBT activists have publicly exhibited such views so far. Nevertheless, the phenomena they refer to exists, and is being imported to the activist scene that presents these issues and social justice language as universal (Bajusz and Feró, 2018).

Having uncovered this connection, the most common interpretation (i.e., that we would be facing a new form of anti-human rights movement, anti-feminism, and homophobia) cannot be sustained any more, or must be completed at least, and it must also be acknowledged that this phenomenon is not a kind of backlash against existing women’s and LGBT rights; at most, it opposes a certain strand of feminism and LGBT activism. To what extent the lessons of the Hungarian case study can be applied to other contexts and the other forms of right-wing contestations that come under the banner of ‘gender ideology’, where transgender and genderqueer issues are

¹⁸ One must note that the government has nevertheless implemented certain supportive measures (e.g. has established new crisis centers and shelters) in recent years.

not at the forefront of debate, needs to be examined. No generalizations can be made here; however, it is clear that this type of social justice activism exists in other European countries too and is the target of right-wing critique (e.g. in Germany), so a more thorough analysis is needed about these connections. What the Hungarian case invites us to do, however, is develop a framework of interpretation that goes beyond dichotomic understandings of the phenomenon, as if it involved a fight between progressives vs. conservatives, or egalitarians vs. authoritarians (essentialists vs. post-essentialists; Hark and Villa, 2016). Instead, we need a framework that integrates the embeddedness of the struggle for equality into the global power order, together with the liberal, Marxist and feminist critiques of the observed trends of activism. This framework of interpretation must be suitable for showing how parties that are seemingly opposed to each other act and interact according to the same logic to produce the same result: culture war.

I propose to use Nancy Fraser's conceptual framework for the interpretation. My argument is that the recognition framing of injustices leads to a culturalist understanding of the phenomenon, as if it involved a fight between values, or camps for or against equality. Once we stop cutting the economic axis off the analysis, and stop treating gender issues as solely cultural, we can see that what we face is not a mere cultural, conservative, anti-feminist, homophobic backlash. Reintegrating the redistribution axis with the cultural one (in the sense of perspectival, not substantial dualism) helps to see the flaws in the "recognition shift" and how it has happened that the discourse of the Right has gained traction among wider circles of the population in Hungary and beyond.

*5. Redistribution and recognition*¹⁹

I will start with the definition of these two key concepts of justice, as set out in Fraser's well-known article 'From redistribution to recognition? Dilemmas of justice in a "post-socialist age"' (1995). Fraser uses the term redistribution to indicate the socioeconomic injustice ingrained in the political-economic structure of society. It occurs, for example, in cases of exploitation (having the fruits of one's labor appropriated for the benefit of others), economic marginalization (being confined to undesirable or poorly paid work or being denied access to income-generating labor altogether), or deprivation (being denied an adequate material standard of living) (Fraser, 1995: 70–71). Another interpretation of injustice, referred to as recognition issues in the relevant philosophical literature, focuses on cultural or symbolic injustice. These are rooted, according to Fraser, in general patterns of social representation,

¹⁹ Both concepts have had a long career in political philosophy about justice. I take Nancy Fraser's dual and complementary approach as it seems helpful for addressing the problem the paper aims to tackle. Since the publication of her original text Fraser complemented her theory of justice and identified, besides the dimensions of redistribution in the economic sphere and recognition in the socio-cultural sphere, the dimension of representation in the political sphere. For the sake of the clarity of the argument I stick to the original dual theory. Also, I am well aware that she faced substantial criticism (e.g. by Iris Marion Young and Judith Butler), but in my view Fraser either convincingly refuted such claims or she managed to incorporate them into later writings (2000; 2003). For reasons of space I do not discuss these in detail, Fraser's concepts being not the purpose in this paper, but as a useful instrument for overcoming the culture war frame.

interpretation and communication (ibid: 71). Fraser considers that the issues of gender equality simultaneously touch upon issues of recognition and redistribution ingrained in both the political-economic structure of society and its culture.

[Gender] is a basic structuring principle of the political economy. On the one hand, gender structures the fundamental division between paid “productive” labour and unpaid “reproductive” and domestic labour, assigning women primary responsibility for the latter. On the other hand, gender also structures the division within paid labour between higher-paid, male-dominated [...] occupations and lower-paid, female-dominated [...] occupations.’ (ibid.: 78)

These occupations include jobs that are often ‘naturally’ held by women, such as nursery workers. The political and economic structure continuously reproduces this inequality.

However, gender is an important component of cultural-valuational differentiation as well. This is exemplified by those social practices that are rooted in the idea that men are superior and women are inferior, and which reproduce this idea on the go. Such practices include sexual harassment and violence, the condescending treatment of women in everyday life, female objectification in the media, the exclusion of women from the public sphere and decision-making bodies, and the disparagement of things coded as ‘feminine’. These cannot be considered merely products of the political-economic order and remedied by political-economic redistribution only.

Fraser’s theoretical work on justice begins with the idea that a change took place around the end of the twentieth century that turned the struggles for recognition into paradigmatic forms of political conflict. As early as 1995, she took a critical position with respect to this idea and looked for ways to reconcile the various struggles that were sometimes contradictory in their objectives. This remained one of her main issues, also with regard to feminism, inasmuch as how ‘the feminist turn to recognition has dovetailed all too neatly with a hegemonic neoliberalism’ (2013: 160), and how progressive causes could lend assistance to neoliberal logics (2017).

5.1 Recognition yes, identity politics and psychologizing no

Fraser rejects the idea that identity politics and the politics of recognition would be the same thing. In light of the current debate in the Anglo-Saxon sphere of influence (Lilla, 2017; Fukuyama, 2018), which has started to infiltrate the Central and Eastern European theater as well, it is important to make this distinction, and Fraser’s insights from 2000 and 2003 may even seem to have a prophetic character. She lists the following four main reasons.

First, identity politics limits the issue of recognition to reinforcing group specificity, thereby reinforcing separatism (according to this logic, for example, the main issue for gay people would be the politics behind the recognition of their gay identity). *Second*, this approach makes it difficult to comprehend that people are members of several groups at the same time and their identity is much more complex than these group identities can describe (meaning that adding up these group identities – for example, white + woman + lesbian – does not move us closer to grasping reality). *Third*, this approach obscures the fact that injustice against unrecognized groups, such as women, gays or blacks, is partly rooted in the injustice of distribution. And finally,

fourth, it conceals the internal (power) struggles within these groups by homogenizing them. By way of example, consider what the best course of action is if women are kept in an inferior position within a minority group – should this be counteracted, or there is nothing to be done, as resisting would undermine group identity and objectives? (Fraser, 2000).

Fraser also rejects the idea of deducing the justification of recognition from the individual psyche, and this has several practical ramifications. Certain philosophers who deal with similar topics, such as Charles Taylor and Axel Honneth, discuss the question of recognition in terms of grounding human integrity in the consent of and recognition by other people. According to this view, recognition is needed to avoid hurting the self-esteem of a person in order to allow them to regard themselves as a person of worth, a full member of society, and the equal of others. Thus, a society that regards women as inferior will hurt individuals, which is unjust. As opposed to this, Fraser argues that it is wrong to focus on the psyche. *First*, because such an approach may be exposed to empirical refutation (if a person's self-esteem is not hurt, then others may achieve the same thing without external help). *Second*, because this approach entails that any feeling of any individual is a valid claim for justice and, for example, racist people may claim that their self-esteem is violated (and it can be) if people of other skin colors or cultures are given the same rights. *Third*, because it hampers the focus on social structures and institutions that create and maintain unjust practices (Fraser and Honneth, 2003).

Instead of a grounding in identity politics and psychology, Fraser suggests thinking about this issue as an institutionalized relationship of subordination. Injustice is not significant because it appears at the level of individual self-esteem, but because the institutional models of these cultural values exclude entire groups of people from being able to participate in social interaction as equals. That is, the source of the lack of recognition is not in the disrespectful attitudes of individuals, but in social institutions, and therefore the adequate scale of struggle is changing these institutions. She calls this the status model of recognition, as opposed to the identity model (Fraser, 2000). It is especially important to highlight Fraser's thoughts today, when the perspective that one's privileged position in a particular group determines what they think and whether they are allowed to speak up in particular cases is getting more and more leverage: as if being member of an affected group could override all other considerations. This is what German scholar Paula Villa rightly criticizes as 'positional fundamentalism'; that is, equating individuals with their positions within social structures (their race, their sex, their sexual preference) and making them personally responsible for oppressive societal structures.²⁰

5.2 No economism, no culturalism, no adding up

Following the election of Trump in 2016, there were many wake-up calls on the Left, demanding a return to really important issues in order to fight economic inequalities. Some of these voices even urged the Left to drop 'such marginal cultural issues as feminism, racism or the representation of LGBT rights', because, they held, once we

²⁰ <https://www.zeit.de/kultur/2017-02/milo-yiannopoulos-populismus-usa-donald-trump-breitbart-10nach8/komplettansicht>

get rid of economic inequalities, all inequalities will vanish. Fraser, who has labeled this approach ‘economism’, believes – correctly – that it is mistaken.

However, she also rejects the other extreme, culturalism, represented among others by her sparring partner of decades, German philosopher Axel Honneth. This approach contends that economic inequalities have either been already dealt with, or, if not, they are actually due to a lack of cultural recognition (Fraser and Honneth, 2003). The starting point for Fraser’s entire theory is criticism of the over-proliferation of cultural framing. For instance, when feminists focus on the phenomenon of so-called ‘body shaming’ or when politicians make suggestions for improving the situation of women in the symbolic space (for example, representing women on paper money or banning sexist ads), they either neglect the sphere of redistribution altogether or disconnect it from recognition issues.

Fraser rejects the third solution as well; i.e., that economic and cultural issues should *also* be addressed. Central to her argument is the claim that any such substantive dualism must be rejected as the injustices experienced in these two areas cannot be regarded as separable in essence. Looking at the structure of the labor market would make it a question of distribution, while looking at the objectification of women in the media, for example, would make it an issue of recognition; Fraser rejects this view.

5.3 Correlation instead of either/or

Instead of these three approaches (either one or the other, or both), she proposes *perspectival dualism*, by which issues of justice are considered in terms of their connections, since almost all issues have both economic and cultural implications, even though it may seem at a certain point that these issues are purely economic or purely cultural.

Consider the example of a widely publicized demand put forward by women’s organizations: namely, that men should do a greater share of housework and providing care. The difficulty with this is easier to understand when looking beyond the cultural framework; that is, the attitudes that essentially regard these tasks as being menial and the duty of women. Women typically work in underpaid sectors, and their responsibilities as caregivers make it less likely that they will be promoted. Furthermore, if they live in a heterosexual relationship, there is a good chance that they earn less than their partner. In fact, market competition pushes employers to regard male parental leave as a nuisance and works against it. Moreover, the ethos of the ‘reliable employee’ is a person who is always available, has no care giving responsibilities (no sick child or elderly parent), who is taken care of by others. As described by social reproduction theoreticians, the market has an interest in keeping up the structure that treats care work, and more broadly, social reproduction, as an economic externality. In light of this, it is pointless to try and convince men to do more at home or for women to consciously overcome their socialization which acts as a restraint if the systemic conditions for a more just division of labor at home are missing. The problem has no solution at this individual level, and gender equality remains as distant as ever, but the patronizing and to some extent moralizing attitude of activists may trigger an adverse response in those whose material reality is not compliant with this kind of sensitization, and this provides fertile ground for

exclusionary discourses. We must, therefore, consider the issues of redistribution and recognition as an interconnected network that goes beyond mere cultural interpretation. It is then easy to see that the desired development will not come about as a result of changes in the attitudes of individuals.

Fraser argues that the spheres of culture and economy cannot be separated in this respect. The market, for example, relies on cultural patterns that maintain the subjection of certain social groups, such as women. The damaging effects of the porn industry or the market model of sugar daddy/sugar baby websites cannot be explained only through the cultural patterns of contempt towards women. The role of economic processes is also evident. Regarding the latter, for instance, in more and more countries the state is increasingly withdrawing from paying for participation in higher education, thus this option, imported from the United States, is offered as a model (see the sites *richmeetsbeautiful* or *seekingarrangement*). On the other hand, the wage gap between the sexes cannot be eliminated until the cultural patterns which render the activities assigned to women less worthy are changed.

6. The limits of human rights vocabulary²¹

The human rights consensus which formed the basis of the post-World War II order in the West is among those things questioned by the forces mobilizing against ‘gender ideology’ (Pető, 2016), while in the Hungarian context, the term ‘human rights fundamentalism’ is widespread in the right-wing media. This makes it all the more difficult to address the limits of human rights language, as it can be easily conflated with generally present fear-mongering propaganda. However, human rights as a framework for addressing inequalities and assessing current processes is being criticized from other angles, too.

Fraser situates the human rights paradigm within the recognition shift. As she noted in 2001 (in English translation, 2013), ‘struggles for recognition have exploded everywhere – witness battles over multiculturalism, human rights, and national autonomy’ (Fraser, 2013: 160). Based on the previous sections, I argue that the human rights paradigm in itself is suitable neither for assessing the nature of gender inequality and injustices faced by women, nor for explaining the phenomenon that the Right regularly questions gender and LGBT equality (e.g. that they would be anti-feminist or homophobic, and against human rights).

A growing body of scholarly literature is criticizing the focus on individual rights²² and discussing whether human rights and human-rights-committed actors share the responsibility for neoliberalism (e.g. in the form of unholy alliances with capital; Fraser, 2017) or have simply been a ‘powerless companion’ to market

²¹ This section is adapted from Kováts (2018).

²² And further: ‘Whatever its potential in theory, the human rights movement adapted in practice to the new ambience. For one thing, the idea of human rights followed the transformation of political economy to a global outlook. Further, activists no longer gave priority to the agency of states to launch and manage national welfare, but rather to the rights of individuals to be free from harm and to enjoy a rudimentary government that averts disaster and abjection. In the economic realm, social equality was forsaken as an ideal. In exchange for its cosmopolitanism, and in spite of some initial uncertainty, the new human rights movement foreswore any relationship to post-war egalitarianism in both theory and practice’ (Moyn 2017: 5).

fundamentalism (e.g. Moyn, 2014).²³ What seems to be clear is that the human rights framework does not allow for the addressing of systemic questions, including global power inequalities, or as Moyn puts it, ‘human rights, even perfectly realized human rights, are compatible with inequality, even radical inequality’ (Moyn, 2017: 2). This obviously does not mean that human rights are not essential for justice, but rather that they are not enough, they are non-exhaustive, and need to be complemented. Also, it must be noted that just because certain actors abuse human rights by making some problematic claims referring to them, this is not a shortcoming of the human rights approach, but rather the problem is with those specific claims and actors who put them forward. Still, I would like to highlight three limitations of the human rights vocabulary in assessing current injustices and right-wing mobilizations.

First, as widely discussed in the literature, the universalistic framework of human rights covers up the embeddedness of the agenda in the global context. In East-Central Europe, for instance, the arrival of the human rights approach coincided (in time and partly in terms of actors) with a time of democratic transformations and with the call for ‘catching up with the developed West,’ i.e., with what adhesion to global capitalism from a semi-peripheric, inferior position required (Gregor and Grzebalska, 2016), while the focus of human rights NGOs is currently strongly influenced by the agenda of Western donors.

Second, the paradigm of human rights focuses on individual rights and treats the economic order as an independent social sub-system and equality between men and women as a cultural issue, severed from its connections with the economic axes. This is in line with Fraser’s critique of the recognition turn, and partly explains why the Right often accuses the ‘human rights fundamentalism’ of neo-liberal individualism.

That the actors mobilizing against ‘gender ideology’ often identify a connection between the term ‘gender’ and individualism/neoliberalism, too, is based, as described above, on their idea of gender as freely chosen, not constrained by norms, nature, and biological sex. What makes this right-wing critique more complicated is the fact that the same criticism is raised by feminist and leftist perspectives as well, especially in the Anglo-Saxon countries where the above-mentioned trans/queer identity politics is an important strand of feminist and LGBTQ activism. These critics argue that the identity politics approach turns emancipatory movements into terrains of individual claims for recognition, and that by adopting the logic of neoliberalism instead of collectively addressing systemic problems, this strand fosters individual adaptation. To provide an example, it is convincingly argued that queer politics encourages individuals to reject the categories themselves (man or woman) instead of fighting the narrowly defined gender roles expected of men and women and the system which

²³ ‘The real trouble about human rights when historically correlated with market fundamentalism is not that they promote it but that they are unambitious in theory and ineffectual in practice in the face of its success. Neoliberalism has changed the world, while the human rights movement has posed no threat to it. The tragedy of human rights is that they have occupied the global imagination but have so far contributed little of note, merely nipping at the heels of the neoliberal giant whose path goes unaltered and unresisted. And the critical reason that human rights have been a powerless companion of market fundamentalism is that they simply have nothing to say about material inequality.’ (ibid.)

sustains them, and that if one does not comply with the expected gender roles, then one does not belong to that sex (Reilly-Cooper, 2016).²⁴

Third, human rights language hides the fact – for example, in the form of the popular call among activists for a ‘rainbow coalition’ – that there might be a conflict of interest between the different claims formulated in human rights language. More and more claims are finding a place under the umbrella of human rights – and if they get there, they become morally non-negotiable.

This is exemplified by the prostitution/sex work debate. The sex-worker approach, anything but uncontested among feminists, also attempts to delegitimize the abolitionist position from a human rights position. The sex work position states that it is a human right to choose your occupation, and that prostitution is nothing more than regular wage work (albeit indeed among the exploitative types). This approach separates the phenomenon of prostitution from the patriarchy and the context of economic and sexual exploitation in which it is embedded. The sex work approach posits that the core problem is that sex work is stigmatized and the objective of the struggle for justice is to eliminate this stigma and legalize the sex trade (a cultural recognition position that takes the economic axis either as irrelevant or as a given, impossible to change). In contrast, the abolitionist approach regards prostitution as the economic exploitation of the female body and therefore seeks to eradicate it (a position uniting the cultural and economic axis in the sense of the Fraserian perspectivic dualism).

For example, Hungary is not just a transit and destination country, but also one of the significant supply countries, serving regional demand in terms of human trafficking. Many Hungarian women are sold to Germany, Switzerland and the Netherlands where there is no local supply to meet the growing demand promoted by legalization, therefore human trafficking from the (semi-)peripheries is growing. Also, there is such extreme poverty in certain parts of Hungary that there are many women who see no other option than prostitution to provide for themselves or their families. So, framing the fact that these trafficked or extremely poor women are selling their bodies *as a choice* and their human right ignores the lived reality of these people (Katona, 2016). Instead of asking questions such as why the demand for prostitution is embedded in the patriarchy, how capitalism is profiting from this, and how the state is failing to effectively address the root causes, some people devote their resources to mitigating the surface and stick to recognition regarding the claim of ‘destigmatizing sex work.’

Yet another example illustrates another aspect of this tension: the example of surrogacy.²⁵ As the development of technology is interlinked with the interests of those in possession of economic resources, the body of the most vulnerable women may be exploited by wealthy heterosexual or homosexual couples as regards the ‘right to a

²⁴ There are plenty of analyses like this, partly by scholars, partly by activists; see, for example, <http://bennorton.com/adolph-reed-identity-politics-is-neoliberalism/>, <http://www.feministcurrent.com/2016/09/27/need-braver-feminists-challenge-silencing/>, and <https://fairplayforwomen.com/gender-new-youth-tribe>

²⁵ For an overview of the legal and ethical dilemmas involving transnational commercial surrogacy, see Sándor (2018).

child’.²⁶ This needs to be addressed in a perspectival dualistic way: by addressing patriarchy and economic exploitation at the same time. If we treat it only as a recognition issue (e.g. the recognition of infertile or gay couples’ love as having the same value as that of heterosexual fertile couples), then we fall into the trap of discussing it in terms of openness vs. closedness, progressives vs. the Right. Therefore, there are plenty of challenges for those who stand up for human rights and the equality of all humans, irrespective of their sex, sexual orientation, ethnicity, race, etc. Because of the above-mentioned dilemmas and contradictions that have emerged in recent years and decades, human-rights-committed actors sometimes (unwittingly) contribute to the individualization of structural problems. In this age of culture wars, it is time to take stock of what originally emancipative concepts such as human rights, intersectionality, empowerment, and choice have become (Budgeon, 2015) in order to better understand why the interpretation of a ‘conservative backlash’ is insufficient for grasping what we now face.

7. Conclusion

Conceptual and strategic debates are, of course, nothing new in activism that strives for more social justice. However, in the case of the (desired) ‘human rights consensus’, certain political positions are labeled illegitimate (exclusionary or phobic) on the basis of moral judgments. The same is true of the inflation of the terms ‘racist’, ‘sexist’, ‘misogynist’, and ‘homophobic’. This labeling renders understanding more difficult and obfuscates the debates within progressive movements, including those about the recognition shift.

The strengthening of the demand for populism and anti-politically-correct language occurs in connection with political claims easily labeled and stigmatized. Obviously, human rights are not apolitical in the sense that it is a substantive political claim that there are undeniable rights that cannot be put to the plenum of majority rule. However, it requires a more accurate analysis to decide which rights and how these can become a part of this framework, and what should be put up for debate instead. Also, the disconnectedness of human rights from economic claims should be remedied in order to better understand the structural root causes of injustices, including in the field of recognition, and to better meet people’s lived reality and justice claims (Moyn, 2018).

‘None of this is to say that human rights activism is irrelevant, any more than it would indict a hammer to say it is useless when another tool is needed’ (Moyn, 2017: 6). Moyn also attributes the rise of populist rage to the downplaying of economic

²⁶ ‘People who seek a surrogate have a very specific desire. It is not enough for them to get to know a child or to help to raise a child who is already alive. Nor is it enough to adopt an orphaned child or to have a child with a woman who also wants a child. No, it has to be their own genetic offspring, a newborn baby of whom the buyer has sole custody. This is always concealed in discussions about surrogacy—that it is not only a desire to raise a child, but also a demand that the mother be absent. The surrogacy story follows a slippery logic. It begins by stating that this desire exists and when the people in question have money, it becomes a demand. This demand is reformulated according to suitable argumentation and thus lands in the realm of being a “right”. (...) the need becomes a right: suddenly, we are talking about “everyone’s right to have a child”—this very specific desire has thus been transformed into a human right.’ (Ekman, 2013: 151-152)

inequalities. And, he claims, doubling down on efforts to defend human rights against growing populism is just denouncing the symptoms and ignoring the disease (ibid: 7).

By narrowing the debate around human rights to cultural values, we fail to consider the broader economic and political processes in which they are embedded. Even within the ranks of researchers of social movements, critical voices have begun to appear, saying that there are more than two camps and that the current debates cannot be interpreted simply as a clash between movement and counter-movement, or groups that are *for* and *against* progressive social change (Roggeband, 2018). The antagonism is not between progressives and conservatives, open and closed-minded people, libertarians and authoritarians, those who are tolerant and those who are oppressive, racists and anti-racists, populists and democrats – and all this does not even add up to a spectrum. As long as the issues of recognition are separated from the context of economic justice, this binary thinking about human rights issues – the claim that one must be either for or against equality – is inevitably reproduced. The same is true of the interpretation of a one-dimensional backlash with respect to understanding attacks against human rights. Moreover, by claiming the former we actively contribute to the rhetoric of a culture war and cannot offer an emancipatory option for gender equality that is in contact with the material reality of the people of East-Central Europe, while becoming a popular alternative to the hegemony of the Right.

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